



PINOLE PLANNING COMMISSION MEETING AGENDA

September 9, 2024

7:00 PM

**Attend in Person: PINOLE CITY COUNCIL CHAMBERS - 2131 PEAR STREET
OR**

Attend VIA ZOOM TELECONFERENCE – Details provided below

How to Submit Public Comments:

In Person:

Attend meeting at the Pinole City Council Chambers, fill out a yellow public comment card and submit it to the City Clerk.

Via Zoom:

Members of the public may submit a live remote public comment via Zoom video conferencing. Download the Zoom mobile app from the Apple Appstore or Google Play. If you are using a desktop computer, you can test your connection to Zoom by clicking [here](https://us02web.zoom.us/j/86505375301). Zoom also allows you to join the meeting by phone.

From a PC, Mac, iPad, iPhone or Android:

<https://us02web.zoom.us/j/86505375301>

Webinar ID: 865 0537 5301

By phone: +1 (669) 900-6833 or +1 (253) 215-8782 or +1 (346) 248-7799

- Speakers will be asked to provide their name and city of residence, although providing this is not required for participation.
- Each speaker will be afforded up to 5 minutes to speak
- Speakers will be muted until their opportunity to provide public comment.

When the Chair opens the comment period for the item you wish to speak on, please use the “raise hand” feature (or press *9 if connecting via telephone) which will alert staff that you have a comment to provide and press *6 to unmute. To comment with your video enabled, please let the City Clerk know you would like to turn your camera on once you are called to speak.

Written Comments:

Please submit public comments to Planning Staff before the meeting via email to ghanham@pinole.gov. Please include your full name, city of residence and agenda item you are commenting on.

OTHER WAYS TO WATCH THE MEETING

LIVE ON CHANNEL 26. They are retelecast the following week. The Community TV Channel 26 schedule is published on the city's website at www.pinole.gov.

VIDEO-STREAMED LIVE ON THE CITY'S WEBSITE, www.pinole.gov/departments/pinole-tv/, 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@pinole.gov.

Americans With Disabilities Act: 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 City Clerk's Office at (510) 724-8928. Notification 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.

Note: Staff reports are available for inspection on the City Website at www.pinole.gov. You may also contact the City Clerk via e-mail at hbell@pinole.gov.

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.

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.

Ralph M. Brown Act. Gov. Code § 54950. In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly. The people of this State do not yield their sovereignty to the agencies, which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. LAND ACKNOWLEDGMENT

Before we begin, we would like to acknowledge the Ohlone people, who are the traditional custodians of this land. We pay our respects to the Ohlone elders, past, present, and future, who call this place, Ohlone Land, the land that Pinole sits upon, their home. We are proud to continue their tradition of coming together and growing as a community. We thank the Ohlone community for their stewardship and support, and we look forward to strengthening our ties as we continue our relationship of mutual respect and understanding.

D. ROLL CALL

E. 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.

F. MEETING MINUTES:

1. Planning Commission Meeting Minutes for August 12, 2024

G. 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. PA24-01 Municipal Code and Specific Plan Amendments for Housing Element Implementation and Regulatory Consistency
2. Modification of Conditional Use Permit 10-06 for the addition of Live Music and the approval of Administrative Use Permit for permanent outdoor dining at 2300 San Pablo Ave [Continue to Oct. 28, 2024]

H. OLD BUSINESS

I. NEW BUSINESS

J. CITY PLANNER'S/COMMISSIONER'S REPORT

K. COMMUNICATIONS

L. NEXT MEETING(S)

1. Planning Commission Regular Meeting, September 23, 2024, at 7:00PM

M. ADJOURNMENT

I hereby certify under the laws of the State of California that the foregoing Agenda was posted on the bulletin board at the main entrance of Pinole City Hall, 2131 Pear Street Pinole, CA, and on the City's website, not less than 72 hours prior to the meeting date set forth on this agenda.

David Hanham
Planning Manager
POSTED: _____ pm

DRAFT

MINUTES OF THE REGULAR MEETING
PINOLE PLANNING COMMISSION

August 12, 2024

THIS MEETING WAS HELD IN A HYBRID FORMAT
BOTH IN-PERSON AND ZOOM TELECONFERENCE

A. **CALL TO ORDER:** 7:03 p.m.

B. **PLEDGE OF ALLEGIANCE**

C. **LAND ACKNOWLEDGEMENT:** *Before we begin, we would like to acknowledge the Ohlone people, who are the traditional custodians of this land. We pay our respects to the Ohlone elders, past, present and future, who call this place, Ohlone Land, the land that Pinole sits upon, their home. We are proud to continue their tradition of coming together and growing as a community. We thank the Ohlone community for their stewardship and support, and we look forward to strengthening our ties as we continue our relationship of mutual respect and understanding.*

D. **ROLL CALL**

Commissioners Present: Bender, Huey, Lam-Julian*, Sandoval, Uch, Chairperson Menis
*Arrived after Roll Call

Commissioners Absent: Vice-Chairperson Martinez

Staff Present: David Hanham, Planning Manager
Justin Shiu, Contract Planner

Chairperson Menis reported he had received ex parte communications from Vice-Chairperson Martinez who was unable to attend the meeting.

E. **CITIZENS TO BE HEARD**

Anthony Vossbrink, Pinole, reported he had previously inquired about the status of trees that were being cut down, particularly in the middle of Pinole Valley Road along the sidewalk frontage where Ellerhorst Elementary School was located and across from Fire Station 74. The trees that had been removed were a combination of 50 years+ in age and consisted of redwoods and pines. While at times some trees had been trimmed from telephone lines, they had recently been removed entirely contrary to the desire to reduce carbon emissions in high traffic areas. He asked whether the removal of the trees had been done absent permits by the West Contra Costa Unified School District (WCCUSD) in violation of Section 17.96 of the City's Tree Ordinance.

1 Mr. Vossbrink also understood the City had established an unwritten policy or reputation
2 if something was broken there was no replacement, and he detailed the number of street
3 light outages and broken signs along Appian Way and Pinole Valley Road along with over
4 a dozen lights out along Pinole Valley Road, San Pablo Avenue and in the City's public
5 parking lots. In particular, the public parking lot behind the Police Department where
6 cyclone fencing had been proposed needed replacement light bulbs. He urged the City to
7 not only emphasize the importance of the proposed sales tax measure in November but the
8 basic housekeeping needs of the entire City.
9

10 Planning Manager David Hanham responded to the concerns with the removal of trees
11 and explained that if trees had been removed by the WCCUSD and if the trees were
12 located on WCCUSD property, the City had no grounds to cite. If the trees were within a
13 PG&E easement, a tree removal permit would be required. He would have to check with
14 the Public Works Director on the trees that had been removed and who had taken them
15 down. He confirmed, when asked by the Chair, that he could provide an update to the
16 Planning Commission at a future meeting.
17

18 **F. MEETING MINUTES**

19
20 1. Planning Commission Meeting Minutes for June 10, 2024
21

22 Chairperson Menis requested a revision to Lines 20 through 27 of Page 10 of the June 10,
23 2024 minutes, as follows:
24

25 *Chairperson Menis offered a motion, seconded by Commissioner Bender, that all*
26 *projects listed under the CIP were in conformity with the General Plan, as listed under*
27 *staff notes, except for #FA2302, Plum Street Parking Lot Improvements, because it*
28 *did not meet Goal CE.5 due to the reductions it causes in parking, causing it to fall*
29 *below the necessary level of parking to meet that element and that it failed to meet,*
30 *and did not fall within the action item under Policy CS2.6, due to the design of the*
31 *item not being able to provide the necessary public safety improvements, and it did*
32 *not, in fact, meet Goal CS.2 and therefore could not fall under Policy CS2.6 or the*
33 *actions associated with said policy.*
34

35 Chairperson Menis also referenced Page 12 and the bullet on Line 33 and commented he
36 would not have noted *Conditions 114, 115, 116, and 117, as titled were correct as shown,*
37 unless there was an issue and he was unsure why the bullet statement had been included
38 in the meeting minutes.
39

40 **MOTION** with a Roll Call vote to approve the Planning Commission Meeting Minutes for June
41 10, 2024, as amended.
42

43 **MOTION: Bender**

SECONDED: Sandoval

APPROVED: 5-0-2

ABSENT: Lam-Julian, Martinez

44
45
46 **G. PUBLIC HEARINGS**

47
48 1. Subdivision Map (SM24-01) Appian Professional Plaza Subdivision
49

1 Planning Manager Hanham presented a PowerPoint presentation for Subdivision Map
2 (SM24-01) Appian Professional Plaza Subdivision. He recommended the Planning
3 Commission adopt Resolution 24-03 (Exhibit A) approving the subdivision of one lot into
4 two lots located at 1310-1330 and 1410-1420 Tara Hills Drive and 2150 and 2160 Appian
5 Way (SM24-01) consistent with Exhibit B (Tentative Map).
6

7 Responding to questions from the Planning Commission, Mr. Hanham clarified:
8

- 9 • The parcel was located in the Office Professional Mixed-Use (OPMU) Zoning
10 District, which would allow 20 to 25 units per acre if housing were proposed.
11 (Sandoval)
12
- 13 • Any residential development proposal on the OPMU parcel would have to come
14 back to the Planning Commission with any conversion of the existing buildings
15 requiring Planning Commission review and approval of a Comprehensive Design
16 Review application. (Lam-Julian)
17
- 18 • No residential had been planned as part of the subdivision of the parcel. The
19 zoning designation of OPMU would allow for residential development depending
20 on the description of the project. The project, as proposed, would maintain the
21 existing uses of professional offices, and as part of the Subdivision Map the
22 applicant would be allowed to take the Parcel Map to the Department of Real
23 Estate (DRE) for a Condominium Map as part of that process. (Huey)
24
- 25 • The drive between proposed Lot 2 and Tara Hills Drive was part of Lot 2. (Bender)
26
- 27 • No changes had been proposed to the existing land uses of the property at this
28 time. Any change of use to the property would require Comprehensive Design
29 Review. (Menis)
30
- 31 • Typographical errors in the first sentence of Condition 5, Site Parking and in the
32 last sentence of Condition 8, Covenants, Conditions and Restrictions (CC&R's) of
33 Exhibit A, Planning Commission Resolution 24-03, Conditions of Approval, would
34 be corrected. (Menis)
35
- 36 • Condition 9, Homeowner's Association (HOA), had been imposed as part of the
37 avenue used besides CC&Rs, with an HOA/business owner association to be used
38 as the governing body for the condominiums. (Menis)
39

40 PUBLIC HEARING OPENED 41

42 Mark Heavey, Appian Associates, explained that there would be no physical
43 improvements other than enhancements to the buildings and work on the interiors, with
44 the Subdivision Map commercial condominium map allowing the tenants to become
45 owners. The property was currently owned by a group of doctors who had built it decades
46 ago, were retiring, with some heirs taking over and the project would allow those tenants
47 to have the benefit of pride of ownership, maintain the HOA, ensure landscaping was done
48 and the tenants and current owners were behaving pursuant to the CC&Rs.

1 The project offered an excellent opportunity to bring fresh light and air into an existing
2 stale project, tenants were excited about this opportunity and liked the control of
3 ownership, ability to get 90 percent Senate Bill (SB) 8 financing, lock in costs of ownership
4 and not have landlords change rules and knock the buildings down for housing. The
5 applicant had worked with staff throughout the process and was in agreement with the
6 recommended conditions of approval.
7

8 PUBLIC HEARING CLOSED 9

10 Commissioner Sandoval asked whether there were any plans to redevelop the lot, and
11 Mr. Heavey reiterated there were no plans to redevelop the lot. The goal was to sell the
12 condominium map to the doctors and establish the HOA where the tenants would become
13 the owners, as described.
14

15 Commissioner Lam-Julian asked about the vacancy rate for the Appian Way Professional
16 Plaza and was informed by the applicant there was a 50 percent vacancy rate. Some of
17 the current tenants had tenant allowances, which allowed some tenants to move out and
18 not re-tenant the spaces and allow those spaces to be sold. The applicant was scheduled
19 to purchase the property in the next month, start to refresh the units and start the sales
20 campaign for the doctors to move in right way. Typically, from start to finish once they
21 had the map, it would take one to two years to sell out all units. There were also some
22 leases in place and everyone would be offered the opportunity to purchase and existing
23 tenants would be offered a discount. Refreshing the units would involve painting,
24 carpeting or repair of some ceiling tiles. As to whether the units would include green
25 building improvements, the applicant would do what they could to provide state-of-the-art
26 construction.
27

28 Commissioner Uch understood no physical changes had been proposed for the lots but
29 since the sellers were professionals, he asked whether it would be possible to have infill
30 development on the lots.
31

32 Mr. Hanham advised the lots had been built out and unless development was a higher
33 density and the entire site demolished with new buildings that would not be possible. As
34 the applicant stated, the buildings would be refreshed.
35

36 Commissioner Huey asked whether any tenants had leases that wanted to continue
37 leasing.
38

39 Mr. Heavey advised that those with leases could remain. He described the development
40 as commercial condos with a small niche and the applicant found it a win for the doctors.
41 The applicant had seen people purchase similar buildings such as in Southern California
42 and knock them down to build high-rise residential development. In this case, the
43 applicant was purchasing the property allowing most of the buyers to control their real
44 estate.
45

46 Chairperson Menis understood the building had initially been built with shared ownership
47 but was now comprised of leases, and he asked whether things had changed or the
48 situation was fundamentally based on a different ownership structure.
49

1 Mr. Heavey reiterated a small group of doctors had built the project, added to it over time,
2 and there had been a board of doctors involved, none of whom were still practicing,
3 although there were heirs on the board. As described, this project would allow a
4 restructure of the ownership of the building so that the individual units could be sold, with
5 the new owners subject to the CC&Rs.
6

7 **MOTION** with a Roll Call vote to adopt Resolution 24-03 with Exhibit A: Conditions of
8 Approval, a Resolution of the Planning Commission of the City of Pinole, County of Contra
9 Costa, State of California, Approving a Tentative Parcel Map (SM24-01) to Establish a Two
10 Lot Subdivision at 2150 and 2160 Appian Way, 1310, 1320, 1330, 1410, 1420 Tara Hills
11 Drive, APN: 402-281-005, and subject to the typographical corrections to Conditions 5 and
12 8.
13

14 **MOTION: Menis**

SECONDED: Bender

APPROVED: 6-0-1

ABSENT: Martinez

15
16
17 Chairperson Menis detailed the 10-day appeal process in writing to the City Clerk.
18

19 **H. OLD BUSINESS:** None

20
21 **I. NEW BUSINESS:** None

22
23 **J. CITY PLANNER'S/COMMISSIONER'S REPORT**

24
25 Mr. Hanham reported staff was moving forward with an extension request for Pinole Vista to
26 be considered by the City Council at its August 20, 2024 regular meeting; continued to work
27 on the Parklet Ordinance to be presented to the Planning Commission by the end of the year;
28 with zoning text amendments in response to state housing laws and objective development
29 design standards, which would be presented to the Planning Commission in October.
30

31 In terms of existing projects, Appian Village was continuing with rough grading and utilities
32 with 11 of the 26 buildings working on a Final Map; SAHA was moving forward; Vista Woods
33 was close to occupancy; staff was working with BCRC on the submittal of a grading plan; the
34 Pinole Shores II map had been finalized, to be recorded soon, with building plans to be
35 submitted by the end of the year; and the affordable housing agreement had been approved
36 for Pinole Vista.
37

38 Contract Planner Justin Shiu reported the City's website had recently been updated and the
39 new online permitting and tracking system was now live.
40

41 **PUBLIC COMMENTS OPENED**

42
43 Anthony Vossbrink, Pinole, asked the Planning Manager about the status of the Union/76
44 Gas Station/Convenience Store project on Fitzgerald Drive and Appian Way, which property
45 was an eyesore having been fenced off and the business not open. He also asked about the
46 status of the empty lot on Pinole Valley Road across from the storage units and library, the
47 vacant City-owned caretaker's property on Adobe Road adjacent to the dog park and the
48 barbeque grove which he suggested should be considered for a multiuse or be sold by the
49 City, and the former Animal Shelter property commenting that the City was paying for animal
50 services to Contra Costa County, but West County was not receiving adequate services.

1 PUBLIC COMMENTS CLOSED

2
3 Mr. Hanham reported the Union 76/Gas Station project had issues with PG&E, which must
4 be resolved before the business could open with the applicant and property owner working
5 with PG&E to resolve the issues. He was uncertain of the status of the former caretaker's
6 home and would have to refer the issue to the Community Services Director, but a future
7 presentation was anticipated to be provided to the City Council from Contra Costa County
8 Animal Services. Also, there had been some interest in the vacant lot at the corner of
9 Ramona Street and San Pablo Avenue but the proposed uses (which were highlighted) had
10 not been compatible in the designated zoning district.

11
12 **K. COMMUNICATIONS**

13
14 Chairperson Menis and the Planning Commission expressed its appreciation to former
15 Commissioner Tim Banuelos for his service to the City of Pinole and in recognition of his
16 tenure on the Planning Commission and his background as an architect. They wished
17 him the best on his future endeavors.

18
19 PUBLIC COMMENTS OPENED

20
21 Anthony Vossbrink, Pinole, also extended his gratitude to Commissioner Banuelos for his
22 service and tenure on the Planning Commission. He was disappointed that Commissioner
23 Banuelos, who had asked to continue on the Planning Commission, had ultimately not
24 been reappointed. He emphasized Commissioner Banuelos' architectural and design
25 background and hoped he could reapply in the future.

26
27 PUBLIC COMMENTS CLOSED

28
29 Chairperson Menis reported the low-income food distribution would be held at the Senior
30 Center on August 13, 2024; Coffee with the City would be held on August 14, 2024 from
31 8:00 to 10:00 a.m., and a Traffic and Pedestrian Safety Committee (TAPS) meeting had
32 been scheduled for August 14, 2024 at 6:00 p.m.

33
34 **L. NEXT MEETING(S)**

35
36 The next meeting of the Planning Commission to be a Regular Planning Commission
37 Meeting scheduled for August 26, 2024 at 7:00 p.m.

38
39 **M. ADJOURNMENT: 8:18 p.m.**

40
41 Transcribed by:

Reviewed and Edited by:

42
43 Sherri D. Lewis
44 Transcriber

City Staff



PLANNING COMMISSION REPORT

G.1.

DATE: SEPTEMBER 9, 2024
TO: PLANNING COMMISSION
FROM: JUSTIN SHIU, CONSULTANT PLANNER
SUBJECT: PA24-01 MUNICIPAL CODE AND SPECIFIC PLAN AMENDMENTS FOR HOUSING ELEMENT IMPLEMENTATION AND REGULATORY CONSISTENCY

RECOMMENDATION

Adopt Resolution 24-05 recommending to City Council the adoption of proposed Municipal Code and Specific Plan amendments as provided in Resolution 24-05 Attachment A, Exhibit A, or with additional recommendations for revisions provided by Planning Commission.

BACKGROUND

The 2023-2031 Housing Element contains programs identifying amendments to the municipal code in order to implement the Housing Element. The Housing Element identifies certain provisions in the existing zoning ordinance that need to be updated to be consistent with current text and regulatory procedures in State law related to housing legislation. Although the City abides by requirements under State and federal law where there are inconsistencies and provides information about current regulations when inquiries are received, proposed revisions to the municipal code and City policy documents would minimize potential confusion and provide greater clarity on requirements. Additionally, the adoption of proposed revisions would further the implementation of the Housing Element programs.

General zoning regulations are found in Title 17 Zoning of the Pinole Municipal Code (i.e., Zoning Code), where most regulations related to land use and zoning standards are contained. Most revisions identified in the Housing Element programs relate to this portion of the municipal code.

The Three Corridors Specific Plan establishes allowed land uses and development standards for several defined areas along the San Pablo Avenue, Pinole Valley Road, and Appian Way corridors. The Specific Plan supersedes the requirements in the Zoning Code where there are any conflicts. Revisions to the Specific Plan would be required in some cases to ensure proposed changes are appropriately reflected in the Specific Plan, to facilitate greater consistency with the Zoning Code, and to bring more clarity to requirements.

In addition to the Zoning Code and Specific Plan, other sections of the Pinole Municipal Code may address issues associated with revisions addressed in the Zoning Code and Specific Plan and compliance with State law. Although the Planning Commission does not act on these other sections per se, proposed changes to these sections are included in the compilation of changes as they are related to proposed revisions. Ultimately, the adoption of all revisions in

the Zoning Code, Specific Plan, or other sections in the Municipal Code will be taken by City Council, and the role of the Planning Commission is to provide a recommendation to the City Council.

Additional minor clean up revisions have been included to improve consistency in internal municipal code references and with State and federal regulations.

REVIEW AND ANALYSIS

The proposed revisions in the Zoning Code and Specific Plan are provided in **Attachment A, Exhibit A**. The changes under the proposed revisions relate to Housing Element Programs 10, 12, and 15. The Housing Element program text and portions addressed by the revisions are highlighted in **Attachment B**. Program text that was not addressed in the proposed revisions will be addressed in separate revisions that would be brought to Planning Commission at a subsequent meeting. The target timeline to complete the revisions is within two years of Housing Element adoption, which is April 2025.

Proposed revisions are summarized below:

Chapter 5.12 Exemptions (Business License)

1. Added new Section 5.12.060 for exemption of family day care homes from a business license, fee, or tax, as required by Health & Safety Code Sections 1597.45(a) and 1597.45(b).

Chapter 17.20 Allowed Land Use and Requirements

1. Dwelling, Multifamily – Updated required entitlements for OPMU (from N to P) and OIMU (from N to CUP) to align with entitlement types in the Specific Plan. [Clean Up]
2. Family Day Care Home, Large – Updated required entitlements so that large family daycare homes are treated the same as small family daycare homes. Both are considered residential uses permitted by right in residential zones per Health & Safety Code (HSC) sections 1597.42, 1597.43(a), and 1597.45(a). [Housing Element Program 12]
3. Group Residential – Updated to also include another common name, “Group Home”. Updated to permit the use in the “R” district. Changed to a permitted use (“P”) for RMU and CMU zoning districts, consistent with similar types of uses also permitted by right such as “Family Day Care Homes” and “Residential Care Facilities”. [Housing Element Program 12]
4. Residential Care Facility – Updated for greater clarity to allow for residential care facilities where “family dwellings” are permitted. Changes Residential Care Facilities to permitted (“P”) in R, OPMU and OIMU zoning districts, per HSC 1569.85(e) and (g). Other residential uses are permitted by right in those zoning districts. The Specific Plan was also updated to change permitting status from CUP to P where “family dwellings” are permitted by right in the same zoning. [Housing Element Program 12]
5. Low Barrier Navigation Center – Added the new land use type and identified it as a permitted use in mixed use and nonresidential districts that permit multifamily uses. [Housing Element Program 12]
6. Manufactured Home – Changed to permitted (“P”) for RMU. [Housing Element Program 12]

7. Religious Institutions –Updated required entitlements for PQI (from N to C) and SPBCA (from N to C) to align with the same entitlement types for “Clubs, Lodges, and Private Meeting Halls” in the same zoning districts. [Consistency with Federal law RLUIPA, 42 U.S.C. §§ 2000cc(b)(1)]

Chapter 17.22 Allowed Use Definitions

1. Family Day Care Home – Incorporated the definition from Chapter 3.6 Family Day Care Homes of the Health and Safety Code, 1597.45(f): “small family daycare home or large family daycare home includes a detached single-family dwelling, a townhouse, a dwelling unit within a dwelling, or a dwelling unit within a covered multifamily dwelling in which the underlying zoning allows for residential uses. A small family daycare home or large family daycare home is where the family daycare provider resides, and includes a dwelling or dwelling unit that is rented, leased, or owned.”
2. Group Residential/Group Home – Added the land use definition, drawn from HCD’s Group Home Technical Advisory 2022 and California Code of Regulations Title 22, Section 84001, Subdivision (g)(3). [Housing Element Program 12]
3. Low Barrier Navigation Center – Added a new land use definition based on California Government Code Section 65660. [Housing Element Program 12]
4. Supportive Housing – Updated the definition consistent with California Government Code Section 65582(g) and Section 65583(c)(3). [Housing Element Program 12]
5. Target Population – Updated the definition consistent with California Government Code Section 65582(i). [Housing Element Program 12]
6. Transitional Housing – Updated the definition consistent with California Government Code Section 65583(c)(3). [Housing Element Program 12]

Chapter 17.38 Density Bonus

1. Proposed chapter replaces the existing chapter. The proposed chapter has a different structure based on incorporating State Density Bonus Law by reference and adding other supplemental local procedures and provisions. The change aims to minimize inconsistencies due to frequent updates that have occurred in State Density Bonus Law. [Housing Element Program 12]
2. Additional modification in 17.38.060B sets the required level of approval of all density bonus entitlements to the approval level of the project entitlements, which generally would be Planning Commission unless otherwise required by State law. [Housing Element Program 15]
3. Additional modification in 17.38.030B adds density bonus beyond the standard State law provisions. [Housing Element Program 10]

Chapter 17.61 Low Barrier Navigation Center

1. New chapter. No current chapter for low barrier navigation center. Standards based on low barrier navigation center requirements in California Government Code 65660-65668. [Housing Element Program 12]

Chapter 17.62 Emergency Shelters

1. Updates per requirements of AB 139 (California Government Code 65583(a)(4)(B)). Review needs to be based on objective standards; subjective criteria cannot be required. [Housing Element Program 12]

Chapter 17.98 Glossary of Terms

1. Revised the “Household” definition which is referenced by the “Family” definition to remove references to single lease and rental agreements. [Housing Element Program 12]
2. Revised the “Family” definition to add common characteristics from family definitions, while maintaining the reference to the household definition. [Housing Element Program 12]

Specific Plan Use Tables and Definitions (Tables 6.2, 6.8, 6.14)

1. ADU/JADU naming. Revised name from “Second Dwelling Unit” to “Accessory Dwelling Unit/Junior Accessory Dwelling Unit” to reflect the zoning code.
2. ADU/JADU Permitting updated. They are allowed in residential and mixed-use districts with single family or multifamily residences.
3. Family Day Care Home. Updated permitting for "Large Family Day Care" to match those of "Small Family Day Care" consistent with zoning code updates and State Law. Updated permitting to change “CUP” to “P”. Deleted footnote “a” references, which applied to the “Home Occupation” use and not “Family Day Care Homes”.
4. Corrected footnote for "Home Occupation", which referenced “d” rather than “a” in some cases. Footnote “a” is relevant to home occupations; footnote “d” is not.
5. Residential Care Facilities were changed to permitted (“P”) wherever other dwelling types are permitted by right in the same zoning.
6. Group Residential/Home is added consistent with proposed changes in the Zoning Code.
7. Low Barrier Navigation Center is added, consistent with proposed changes in the Zoning Code.
8. Changed “Religious Institutions” from a CUP to a permitted use, where “Clubs, Lodges, and Private Meeting Halls” are also a permitted use in the same zoning district. [Federal Law]

FISCAL IMPACT

ATTACHMENTS

- A. Attachment A. Resolution 24-05 with Exhibit A
- B. Attachment B. Housing Element Programs Associated with Revisions

**PLANNING COMMISSION RESOLUTION 24-05
WITH EXHIBIT A: MUNICIPAL CODE AND SPECIFIC PLAN AMENDMENTS**

RESOLUTION OF THE CITY OF PINOLE PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING CHAPTERS 5.12, 17.20, 17.22, 17.38, 17.62, AND 17.98 OF THE PINOLE MUNICIPAL CODE, ADDING CHAPTER 17.61 TO THE PINOLE MUNICIPAL CODE, AND AMENDING TABLES 6.2, 6.8, AND 6.14 OF THE THREE CORRIDORS SPECIFIC PLAN.

WHEREAS, Pinole Municipal Code (“PMC”) Title 17 Zoning Code establishes general regulations on land uses and development standards within the City; and

WHEREAS, The Three Corridors Specific Plan (“Specific Plan”) establish specific regulations on land uses and development standards for defined areas within the City identified in the Specific Plan and supersede requirements in the Zoning Code where there is a conflict; and

WHEREAS, the City of Pinole 2023-2031 Housing Element contains programs identifying various zoning ordinance amendments; and

WHEREAS, implementation of Housing Element programs requires amendments revising text in the PMC and Specific Plan; and

WHEREAS, in addition to the Housing Element programs, other revisions to text in the PMC and Specific Plan are required to enhance clarity and update the text of local regulations to reflect and be consistent with current State and Federal regulations; and

WHEREAS, the proposed revisions to amend the Zoning Code and Specific Plan are attached hereto as Exhibit A; and

WHEREAS, the Planning Commission held a duly noticed public hearing related to the proposed Zoning Code amendment on September 9, 2024; and

WHEREAS, after close of the public hearing, the Planning Commission considered all public comments received both before and during the public hearing, the presentation by city staff, the staff report, and all other pertinent documents regarding the proposed zoning code amendment; and

WHEREAS, the proposed ordinance amendments are exempt from the California Environmental Quality Act (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.

NOW THEREFORE, BE IT RESOLVED, that the above recitals are true and correct and made part of this Resolution.

BE IT FURTHER RESOLVED, that the Planning Commission of the City of Pinole hereby recommends that the City Council adopt an ordinance amending Chapters 5.12, 17.20, 17.22, 17.38, 17.62, and 17.98 of the Pinole Municipal Code, adding Chapter 17.61 to the Pinole Municipal Code, and amending Tables 6.2, 6.8, and 6.14 of the three corridors specific plan, as set forth in Exhibit A, attached hereto and incorporated herein.

PASSED AND ADOPTED by the Planning Commission of the City of Pinole on this 9th day of September, 2024, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Rafael Menis, Chair, 2024-2025

ATTEST:

David Hanham, Planning Manager

ATTACHMENT A, EXHIBIT A. MUNICIPAL CODE AND SPECIFIC PLAN AMENDMENTS

- 1. Pinole Municipal Code Chapter 5.12 Exemptions** [Amendment]
- 2. Pinole Municipal Code Chapter 17.20 Allowed Land Use and Requirements** [Amendment]
- 3. Pinole Municipal Code Chapter 17.22 Allowed Use Definitions** [Amendment]
- 4. Pinole Municipal Code Chapter 17.38 Density Bonus** [Replacement of Existing Chapter with Comprehensive Revision]

 Reference 4R. Pinole Municipal Code Chapter 17.38 Density Bonus [Existing Chapter Reference]
- 5. Pinole Municipal Code Chapter 17.61 Low Barrier Navigation Centers** [New Chapter]
- 6. Pinole Municipal Code Chapter 17.62 Emergency Shelters** [Amendment]
- 7. Pinole Municipal Chapter 17.98 Glossary of Terms** [Amendment]
- 8. Three Corridors Specific Plan Table 6.2 Permitted Use Table for San Pablo Avenue** [Amendment]
- 9. Three Corridors Specific Plan Table 6.8 Permitted Use Table for Pinole Valley Road** [Amendment]
- 10. Three Corridors Specific Plan Table 6.14 Permitted Use Table for Appian Way** [Amendment]

1. Pinole Municipal Code Chapter 5.12 Exemptions [Amendment]

Full Chapter included.

Text to be removed shown in ~~strikeout text~~.

Text to be added shown in **bold and underline**.

Chapter 5.12

EXEMPTIONS*

* For statutory provisions which provide exemptions from municipal licensing of businesses, see Bus. and Prof. Code §§ 16000.5, 16001, 16001.5, 16002 and 16002.1.

Sections:

- 5.12.010 Charitable purposes.
- 5.12.020 Nonprofit activities.
- 5.12.030 Disabled or handicapped persons.
- 5.12.040 Federal and state exemptions.
- 5.12.050 Liability for payment in absence of statement.

5.12.010 CHARITABLE PURPOSES.

The provisions of this article shall not require the payment of a license tax to conduct, manage, or carry on any business, occupation, or activity from any institution or organization which is conducted, managed or carried on wholly for the benefit of charitable purposes and from which profit is not derived, either directly or indirectly, by any individual. (Ord. 338 § 7(a), 1975).

5.12.020 NONPROFIT ACTIVITIES.

The provisions of this article shall not require the payment of a license tax for the conducting of any entertainment, dance, concert, exhibition, lecture, or other activity by any benevolent, religious, fraternal, educational, military, state, county, or municipal organization or association whenever the receipts of any such entertainment, dance, concert, exhibition, lecture, or activity are to be appropriated for the purpose and objects for which such organization or association was formed and from which profit is not derived, either directly or indirectly, by an individual. (Ord. 338 § 7(b), 1975).

5.12.030 DISABLED OR HANDICAPPED PERSONS.

The license administrator, without payment to the city of any consideration, may grant to any disabled war veteran or to any indigent person or to any person who by reason of the infirmities of age, loss of limb, or other disabling cause is unable to obtain a livelihood by other means, any license provided by this title. (Ord. 338 § 7(c), 1975).

5.12.040 FEDERAL AND STATE EXEMPTIONS.

Nothing in this article shall be deemed or construed to apply to any person transacting and carrying on any business exempt by virtue of the Constitution or applicable statutes of the United States or of the state of California from the payment of such taxes as are prescribed in this article. A fee of twenty-five dollars shall be paid to cover the cost of registration under this section. (Ord. 338 § 7(d), 1975).

5.12.050 LIABILITY FOR PAYMENT IN ABSENCE OF STATEMENT.

A. Any person claiming an exemption pursuant to this chapter shall, upon request of the license administrator, file a sworn statement with the license administrator stating the facts upon which exemption is claimed, and in the absence of such statement substantiating the claim, such person shall be liable for the payment of the taxes imposed by this article.

B. The license administrator shall, upon a proper showing contained in the sworn statement, issue a license to such person claiming exemption under this chapter without payment to the city of the license tax. (Ord. 338 § 7(e), 1975).

5.12.060 FAMILY DAY CARE HOME EXEMPTION.

A. A business license, fee, or tax shall not be imposed on operating a small or large family daycare home, per California Health and Safety Code Section 1597.45.

B. As defined under California Health and Safety Code Section 1597.45, a small family daycare home or large family daycare home includes a detached single-family dwelling, a townhouse, a dwelling unit within a dwelling, or a dwelling unit within a covered multifamily dwelling in which the underlying zoning allows for residential uses. A small family daycare home or large family daycare home is where the family daycare provider resides, and includes a dwelling or dwelling unit that is rented, leased, or owned. The use of a home as a small or large family daycare home shall be considered a residential use of property.

C. Family day care homes are permitted in zoning districts as established in Title 17 of the Municipal Code.

2. Pinole Municipal Code Chapter 17.20 Allowed Land Use and Requirements [Amendment]

Full Chapter included.

Text to be removed shown in ~~strikeout text~~.

Text to be added shown in **bold and underline**.

CHAPTER 17.20

ALLOWED LAND USES AND REQUIREMENTS

Sections:

17.20.010 Purpose.

17.20.020 Allowed uses and required entitlements.

17.20.010 PURPOSE.

The purpose of this chapter is to establish allowed land uses and requirements for planning entitlements for each of the city's base zoning districts. Allowed uses herein are consistent with and implement the city's general plan corresponding land use designations as shown in Table 17.18.020-1 (Zoning Districts).

(Ord. 2016-03 § 2 (part), 2016; Ord. 2010-02 § 1 (part), 2010)

17.20.020 ALLOWED USES AND REQUIRED ENTITLEMENTS.

Table 17.20.030-1 below identifies allowed uses and corresponding requirements for planning entitlements for all base zoning districts within the city. Definitions for the land uses listed herein (use classifications) are provided in Chapter 17.22 (Allowed Use Definitions). See additional use requirements in Article IV (Special Use Standards). In the table below, any land use shown with a "P" indicates that the land use is permitted by right, a "C" indicates that the land use is permitted in the designated zoning district upon issuance of a conditional use permit (pursuant to Section 17.12.140 (Conditional Use Permit), a "~~A~~P" indicates that the land use is permitted in the designated zoning district upon issuance of an administrative use permit (pursuant to Section 17.12.060 (Administrative Use Permit)), and an "N" indicates that the use is not allowed. Except as otherwise provided for in this title, uses not shown in the table are not permitted. Zoning district names for the zoning district symbols used in the table are as follows:

- LDR = Low Density Residential Zoning District
- R-1 = Suburban Residential Zoning District
- R-2 = Medium Density Zoning District
- R-3 = High Density Zoning District
- R-4 = Very High Density Zoning District
- R = Rural Zoning District
- RC = Regional Commercial Zoning District
- RMU = Residential Mixed Use Zoning District
- CMU = Commercial Mixed Use Zoning District
- OPMU = Office Professional Mixed Use Zoning District
- OIMU = Office Industrial Mixed Use Zoning District
- OS = Open Space Zoning District
- PR = Parks and Recreation Zoning District
- PQI = Public Quasi-Public Institutional Zoning District
- SPBCA = San Pablo Bay Conservation Zoning District

TABLE 17.20.030-1:

ALLOWED USES AND REQUIRED ENTITLEMENTS FOR CITY OF PINOLE BASE ZONING DISTRICTS

<i>Land Use \ Zoning District</i>	<i>LDR</i>	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>R-4</i>	<i>R</i>	<i>RC</i>	<i>RMU</i>	<i>CMU</i>	<i>OPMU</i>	<i>OIMU</i>	<i>OS</i>	<i>PR</i>	<i>PQI</i>	<i>SPBCA</i>
Residential Uses															
Adult Day Care Home	P	P	P	P	P	P	N	P	P	P	P	N	N	N	N
Caretaker Housing	N	N	N	N	N	N	P	N	N	N	N	N	N	N	N
Dwelling, Accessory/ Junior Accessory ⁽¹⁾	P	P	P	P	P	P	N	P	P	P	P	N	N	N	N
Dwelling, Multifamily	N	N	P	P	P	N	N	P	P	PN	CN	N	N	N	N
Dwelling, Single Family	P	P	P	P	N	P	N	P	N	N	N	N	N	N	N
Dwelling, Two-Family	N	N	P	P	N	N	N	N	N	P	P	N	N	N	N

Dwelling, Three- and Four-Family	N	N	P	P	P	N	N	P	P	N	N	N	N	N	N
Emergency Shelter (2)	N	N	N	N	N	N	N	N	N	N	P	N	N	N	N
Family Day Care Home, Large	<u>PG</u>	<u>PG</u>	<u>PG</u>	<u>PG</u>	<u>PG</u>	<u>PG</u>	N	<u>PG</u>	<u>PG</u>	N	N	N	N	N	N
Family Day Care Home, Small	P	P	P	P	P	P	N	P	P	N	N	N	N	N	N
Group Residential/ <u>Home</u>	P	P	P	P	P	<u>PN</u>	N	<u>PG</u>	<u>PG</u>	N	N	N	N	N	N
Home Occupations (3)	P	P	P	P	P	P	N	P	P	P	P	N	N	N	N
<u>Low Barrier Navigation Center</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
Manufactured Home	P	P	P	P	P	P	N	<u>PN</u>	N	N	N	N	N	N	N
Mobile Home Park	C	C	C	C	C	C	N	N	N	N	N	N	N	N	N
Residential Care Facilities	P	P	P	P	P	P	<u>PN</u>	P	P	<u>PN</u>	<u>PN</u>	N	N	N	N
Single Room Occupancy Facilities	N	N	C	C	C	N	N	C	C	N	N	N	N	N	N
Supportive Housing (located in housing of a type permitted in the zone)	P	P	P	P	P	P	P	P	P	P	P	N	N	N	N
Transitional Housing (2) (located in housing of a type permitted in the zone)	P	P	P	P	P	N	P	P	P	P	P	N	N	N	N
Agriculture, Resource, and Open Space Uses															
Animal Keeping, Domestic Pets (4)	P	P	P	P	P	P	N	P	P	N	N	N	N	N	N
Animal Keeping, Exotic Animals (4)	P	P	P	P	P	P	N	P	P	N	N	N	N	N	N
Animal Keeping, Livestock (4)	N	N	N	N	N	P	N	N	N	N	N	N	N	N	N
Animal Keeping, Poultry, Rabbits (4)	P	P	C	C	C	P	N	N	N	N	N	N	N	N	N
Equestrian Facility, Commercial	N	N	N	N	N	C	N	N	N	N	N	N	C	N	N
Equestrian Facility, Hobby	N	N	N	N	N	P	N	N	N	N	N	N	C	N	N
Kennels, Hobby	N	N	N	N	N	C	N	N	N	N	N	N	N	N	N
Recreation, Education, and Public Assembly Uses															
Cemeteries, Mausoleums	C	C	C	C	C	C	N	N	N	N	N	N	N	N	N
Clubs, Lodges, and Private Meeting Halls	C	C	C	C	N	N	N	N	C	C	C	N	N	C	C
Community Centers/Civic Uses	C	C	C	C	C	C	N	C	C	C	N	N	P	P	C
Community Garden	P	P	P	P	P	P	N	P	P	P	P	P	P	P	N
Indoor Amusement/Entertainment Facility	N	N	N	N	N	N	C	N	C	N	N	N	N	N	N
Indoor Fitness and Sports Facility	N	N	N	N	N	N	P	C	N	C	C	N	N	P	N
Libraries and Museums	C	C	C	C	N	N	N	C	C	C	C	N	N	C	C
Outdoor Commercial Recreation	C	C	C	C	N	N	N	N	N	N	N	N	P	P	C
Parks and Public Plazas	P	P	P	P	P	P	N	P	P	P	P	N	P	P	P
Public Safety Facility	P	P	P	P	P	P	P	C	C	C	C	N	C	P	C
Recreational Vehicle Parks	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Religious Institutions	C	C	C	C	C	C	N	N	C	C	C	N	N	<u>CN</u>	<u>CN</u>

Resource Protection and Restoration	P	P	P	P	P	P	C	N	N	N	N	P	P	P	P
Resource-Related Recreation	P	P	P	P	P	P	N	N	N	N	N	P	P	P	P
Schools, Private and Special/Studios	N	N	N	N	N	N	P	N	C	C	C	N	N	N	N
Schools, Public	P	P	P	P	P	P	N	P	P	P	P	N	N	P	N
Theaters and Auditoriums	N	N	N	N	N	N	P	N	N	N	N	N	N	N	N
Utility, Transportation, and Communication Uses															
Broadcasting and Recording Studios	N	N	N	N	N	N	P	N	N	N	N	N	N	P	N
Bus and Transit Shelters	N	P	P	P	P	N	P	P	P	P	P	N	P	P	P
Bus and Truck Terminal and Parking	N	N	N	N	N	N	N	N	N	N	C	N	N	N	N
Heliports	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Park and Ride Facility	N	N	C	C	N	N	P	C	C	C	C	N	N	P	N
Parking Facility	N	N	P	P	P	N	P	P	P	P	P	N	N	P	N
Small Cell Wireless Facilities (14)	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	N	P/C	P/C	N
Wireless Communication Facility, Freestanding Tower (5)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Wireless Communication Facility, co-location, antenna, satellite (5)	C	C	P	P	P	P	P	P	P	P	P	P	P	P	P
Transit Facilities	N	N	N	N	N	N	P	N	N	C	C	N	N	P	C
Utility Facility and Infrastructure (6)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Retail, Service, and Office Uses															
Adult Oriented Business (7)	N	N	N	N	N	N	N	N	N	N	C	N	N	N	N
Adult Day Care Facility	C	C	C	C	P	N	N	P	C	N	N	N	N	N	C
Alcoholic Beverage Sales	N	N	N	N	N	N	C	C	C	C	C	N	N	N	N
Ambulance Service	N	N	N	N	N	N	N	C	N	N	P	N	N	N	N
Animal Sales and Grooming	N	N	N	N	N	N	P	C	C	P	P	N	N	N	N
Art, antique, collectable	N	N	N	N	N	N	P	P	P	C	C	N	N	N	N
Artisan Shops	N	N	N	N	N	N	P	P	P	P	C	N	N	N	N
Artist Studio	N	N	P	P	P	P	N	C	C	C	P	N	N	N	N
Banks and Financial Services	N	N	N	N	N	N	P	P	P	P	C	N	N	N	N
Bars and Nightclubs	N	N	N	N	N	N	C	C	C	C	N	N	N	N	N
Bed and Breakfast Inns	N	N	N	N	N	N	N	C	C	N	N	N	N	N	N
Building Materials Store and Yard	N	N	N	N	N	N	P	N	C	N	C	N	N	N	N
Business Support Services	N	N	N	N	N	N	P	P	P	P	P	N	N	N	N
Call Centers	N	N	N	N	N	N	N	C	C	P	P	N	N	N	N
Card Room	N	N	N	N	N	N	C	C	C	N	N	N	N	N	N
Check Cashing Business	N	N	N	N	N	N	N	N	C	C	C	N	N	N	N
Child Day Care Facility	C	C	C	C	C	N	C	P	P	P	C	N	N	N	N
Commercial Marijuana Cultivation ⁽¹¹⁾	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Convenience Stores	N	N	N	N	N	N	P	P	P	P	P	N	N	N	N

Drive-in and Drive-through Sales and Service (8)	N	N	N	N	N	N	P	N	C	C	C	N	N	N	N
Equipment Sales and Rental	N	N	N	N	N	N	C	N	P	C	P	N	N	N	N
Firearm or Firearm Ammunition Sales	N	N	N	N	N	N	C	N	C	N	C	N	N	N	N
Furniture, Furnishings, and Appliance Stores	N	N	N	N	N	N	P	C	P	C	C	N	N	N	N
Garden Center/Plant Nursery	N	N	N	N	N	N	C	N	C	C	P	N	N	N	N
Grocery Stores/Supermarket	N	N	N	N	N	N	P	P	P	C	N	N	N	N	N
Home Improvement Supplies	N	N	N	N	N	N	P	C	C	C	C	N	N	N	N
Hotels and Motels	N	N	N	N	N	N	P	C	C	C	N	N	N	N	N
Hotels and Motels, Extended Stay	N	N	N	N	N	N	P	C	C	C	N	N	N	N	N
Kennels, Commercial	N	N	N	N	N	C	N	N	C	N	C	N	N	N	N
Maintenance and Repair, Small Equipment	N	N	N	N	N	N	P	C	C	C	P	N	N	N	N
Marijuana Delivery ⁽¹²⁾	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Marijuana Dispensary ⁽¹⁰⁾	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Massage Therapy Establishment ⁽⁹⁾	N	N	N	N	N	N	C	P	P	P	C	N	N	N	N
Medical Services, General	N	N	N	N	N	N	P	C	C	P	P	N	N	N	N
Medical Services, Extended Care	N	N	N	N	N	N	N	C	C	C	N	N	N	N	N
Medical Services, Hospitals	N	N	N	N	N	N	N	N	C	P	N	N	N	N	N
Mortuaries and Funeral Homes	N	N	N	N	N	N	N	N	C	C	P	N	N	N	N
Neighborhood Market	N	N	N	N	N	N	N	P	P	C	C	N	N	N	N
Office, Temporary	N	N	N	N	N	N	N	N	C	P	P	N	N	N	N
Offices, Business and Professional	N	N	N	N	N	N	P	P	P	P	P	N	N	N	N
Offices, Accessory	N	N	N	N	N	N	P	P	P	C	P	N	N	N	N
Pawn Shop	N	N	N	N	N	N	C	N	C	C	C	N	N	N	N
Personal Marijuana Cultivation ⁽¹³⁾	P	P	P	P	P	P	N	P	P	P	P	N	N	N	N
Personal Services	N	N	N	N	N	N	P	P	P	C	N	N	N	N	N
Restaurants	N	N	N	N	N	N	P	C	P	P	P	N	N	N	N
Retail, Accessory	N	N	N	N	N	N	P	P	P	P	P	N	N	N	N
Retail, General	N	N	N	N	N	N	P	P	P	P	C	N	N	N	N
Retail, Warehouse Club	N	N	N	N	N	N	P	N	C	N	N	N	N	N	N
Smoke Shop	N	N	N	N	N	N	N	N	C	N	N	N	N	N	N
Temporary Real Estate	C	C	C	C	C	C	C	C	C	C	C	N	N	N	N
Thrift Store	N	N	N	N	N	N	C	C	C	N	N	N	N	N	N
Veterinary Facility	N	N	N	N	N	N	C	C	C	C	C	N	N	N	N
Automobile and Vehicle Uses															
Auto and Vehicle Sales and Rental	N	N	N	N	N	N	C	N	C	C	C	N	N	N	N
Auto and Vehicle Sales, Wholesale	N	N	N	N	N	N	N	N	N	N	C	N	N	N	N
Auto and Vehicle Storage	N	N	N	N	N	N	N	N	N	N	C	N	N	N	N
Auto Parts Sales	N	N	N	N	N	N	P	N	N	N	P	N	N	N	N

Car Washing and Detailing	N	N	N	N	N	N	C	N	C	C	C	N	N	N	N
Service Stations	N	N	N	N	N	N	C	N	C	C	C	N	N	N	N
Vehicle Services, Major	N	N	N	N	N	N	C	N	C	N	C	N	N	N	N
Vehicle Services, Minor	N	N	N	N	N	N	C	N	C	N	C	N	N	N	N
Industrial, Manufacturing, and Processing Uses															
Manufacturing, Major	N	N	N	N	N	N	N	N	N	C	C	N	N	N	N
Manufacturing, Minor	N	N	N	N	N	N	N	N	C	C	P	N	N	N	N
Manufacturing, Small Scale	N	N	N	N	N	N	N	C	C	P	P	N	N	N	N
Printing and Publishing	N	N	N	N	N	N	N	N	C	C	P	N	N	N	N
Recycling Facility, Collection	N	N	N	N	N	N	C	C	C	C	C	N	N	N	N
Recycling Facility, Processing	N	N	N	N	N	N	N	N	N	C	C	N	N	N	N
Recycling Facility, Scrap and Dismantling Facility	N	N	N	N	N	N	N	N	N	N	C	N	N	N	N
Research and Development	N	N	N	N	N	N	N	C	P	P	P	N	N	N	N
Storage, Personal Storage Facility	N	N	N	N	N	N	C	N	C	N	P	N	N	N	N
Storage, Warehouse	N	N	N	N	N	N	N	N	N	C	P	N	N	N	N
Storage, Yards	N	N	N	N	N	N	N	N	N	N	C	N	N	N	N
Wholesaling and Distribution	N	N	N	N	N	N	N	N	N	N	C	N	N	N	N

Notes:

- (1) See additional regulations for Accessory Dwelling Units and Junior Accessory Dwelling Units in Chapter 17.70.
- (2) See additional regulations for Emergency Shelters in Chapter 17.62.
- (3) See additional regulations for Home Occupations in Chapter 17.64.
- (4) Additional regulations applicable to animal keeping where permitted are as follows and within Title 6:
 - a. Domestic Pets. Keeping of any combination of five (5) or more cats and dogs is considered a kennel for the purposes of this title.
 - b. Exotic Animals. All exotic animals shall be kept and maintained a minimum distance of 40 feet from any property line, unless contained within the dwelling.
 - c. Livestock. One (1) livestock animal may be permitted for each twenty thousand (20,000) square feet. All livestock animals shall be kept and maintained a minimum distance of twenty (20) feet from any property line and a minimum distance of fifty (50) feet from any residential dwelling.
 - d. Poultry and Rabbits. All poultry animals shall be kept and maintained a minimum distance of twenty (20) feet from any property line.
- (5) See additional regulations for wireless communication facilities in Chapter 17.76.
- (6) Utility facilities and infrastructure involving hazardous or volatile gas and/or liquid pipeline development require approval of a conditional use permit.
- (7) See additional regulations for adult entertainment businesses in Chapter 17.58
- (8) See additional regulations for drive-in and drive-through facilities in Chapter 17.40.
- (9) See additional regulations for massage therapy in Chapter 17.66 and Chapter 8.32
- (10) Marijuana dispensaries are not permitted in any zoning district. See also, Chapter 5.64 and Chapter 8.33.
- (11) Commercial Marijuana Cultivation is not permitted in any zoning district. See also, Chapter 5.64 and Chapter 8.33.
- (12) Marijuana Delivery is not permitted in any zoning district. See also, Chapter 5.64 and Chapter 8.33.

(13) Personal Marijuana Cultivation is limited to up to six plants per residence, grown indoors within a locked area, by adults 21 years of age or older. See also, Chapter 8.33.

(14) Facilities meeting all specified requirements in Chapter 17.77 are permitted as noted above except in the Open Space (OS) and San Pablo Bay Conservation Area (SPBCA) District, otherwise a conditional use permit is required. See additional regulations for small cell wireless facilities in Chapter 17.77.

(Ord. 2020-04 § 2, 2020; Ord. 2019-03 § 4, 2019; Ord. 2017-14 § 2 (part), 2017; Ord. 2017-11 § 2, 2017; Ord. 2017-08 § 2 (part), 2017; Ord. 2016-04 § 6, 2016; Ord. 2016-03 § 2 (part), 2016; Ord. 2014-02 § 4, 2014; Ord. 2012-05 § 2, 2012; Ord. 2011-02: Ord. 2010-02 § 1 (part), 2010)

3. Pinole Municipal Code Chapter 17.22 Allowed Use Definitions [Amendment]

Sections 17.22.010 through 17.22.020(B) included.

Text to be removed shown in ~~strikeout text~~.

Text to be added shown in **bold and underline**.

ALLOWED USE DEFINITIONS

Sections:

17.22.010 Purpose.

17.22.020 Allowed use definitions.

17.22.010 PURPOSE.

The purpose of this chapter is to define use classifications listed in Chapter 17.20 (Allowed Land Uses and Required entitlements) and throughout this title. Use classifications are land uses that have been grouped into general categories on the basis of common function, product, or compatibility characteristics. This chapter should be used as a reference to Additional definitions for specialized terms used in the Zoning Code can be found in Article VI (Glossary). (Ord. 2010-02 § 1 (part), 2010)

17.22.020 ALLOWED USE DEFINITIONS.

A. The following list represents the complete list of allowed uses and corresponding definitions as used in Table 17.20.030-1 and throughout this title. Individual use classifications describe one (1) or more uses having similar characteristics, but do not list every use or activity that may appropriately be within the classification. Additional definitions are found in Article VI (Glossary). Allowed uses are organized into the following seven (7) use categories as follows:

1. Residential uses.
2. Agriculture, resource, and open space uses.
3. Recreation, education, and public assembly uses.
4. Utility, transportation, and communication uses.
5. Retail, service, and office uses.
6. Automobile and vehicle uses.
7. Industrial, manufacturing, and processing uses.

B. Residential Uses.

1. **ADULT DAY CARE HOME.** Defined by state law as the provision of non-medical care to six (6) or fewer adults, including seniors, in the provider's own home, for a period of less than twenty-four (24) hours at a time. Homes serving more than six (6) adults are included in "Adult Day Care Facility."

2. **CARETAKER HOUSING.** A residence that is accessory to a site with a non-residential primary use and that is needed for security, twenty-four (24)-hour care or supervision, or monitoring of facilities, equipment, or other conditions on the site.

3. **DWELLING, ACCESSORY/JUNIOR ACCESSORY.**

a. **ACCESSORY DWELLING UNIT.** An attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multi-family dwelling is or will be situated. An accessory dwelling unit also includes the following:

- i. An efficiency unit.
- ii. A manufactured home, as defined in Section 18007 of the Health and Safety Code.

b. **JUNIOR ACCESSORY DWELLING UNIT.** A unit that is no more than five hundred (500) square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

4. **DWELLING, MULTI-FAMILY.** A building designed and intended for occupancy by three (3) or more households living independently of each other, each in a separate dwelling unit, which may be owned individually or by a single landlord (e.g., apartment, apartment house, townhouse, condominium).

5. **DWELLING, SINGLE-FAMILY.** A building designed exclusively for occupancy by one (1) household on a single lot. This classification includes manufactured homes (defined in California Health and Safety Code Section 18007) and model homes for the first sale of homes within the subdivision.

6. **DWELLING, TWO-FAMILY.** An attached building (e.g., duplex) designed for occupancy by two (2) households living independently of each other, where both dwellings are located on a single lot. For the purposes of this title, this definition also includes half-plexes (two (2) attached units, each with a separate lot). Does not include accessory dwelling units (see

“Dwelling, Accessory/Junior Accessory”).

7. **DWELLING, THREE (3) - AND FOUR (4) -FAMILY.** An attached building (e.g., triplex) designed for occupancy by three (3) or four (4) households living independently of each other, where each dwelling is located on a single lot. Does not include accessory dwelling units (see “Dwelling, Accessory/Junior Accessory”).

8. **EMERGENCY SHELTER.** Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person, as defined by § 50801(e) of the California Health and Safety Code. No individual or household may be denied emergency shelter because of an inability to pay.

9. **EMPLOYEE HOUSING.** As described in Section 17021.5 of the Health and Safety Code, employee housing means housing providing accommodations for six or fewer employees. Employee housing shall not be included within the definition of a boarding house, rooming house, hotel, dormitory, or other similar term that implies that the employee housing is a business run for profit or differs in any other way from a family dwelling. Housing meeting these conditions shall be deemed a single-family structure and no conditional use permit, zoning variance, or other zoning clearance shall be required of employee housing that is not required of a family dwelling of the same type in the same zone.

10. **FAMILY DAY CARE HOME.** Facilities that provide care, protection, and supervision of children, in the caregiver's home, for periods of less than twenty-four (24) hours per day, while the parents or authorized representatives are away.

Family day care homes. These facilities include the following, all of which are required to be licensed by the State of California Department of Social Services. ~~These capacities include children under age ten (10) who live in the licensee's home.~~ As defined in Section 1597.45(f) of the California Health and Safety Code, family day care homes include a detached single-family dwelling, a townhouse, a dwelling unit within a dwelling, or a dwelling unit within a covered multifamily dwelling in which the underlying zoning allows for residential uses. A family daycare home is where the family daycare provider resides, and includes a dwelling or dwelling unit that is rented, leased, or owned. The use of a home as a family daycare home is considered a residential use of property and does not constitute a change of occupancy for purposes of Part 1.5 (commencing with Section 17910) of Division 13 (State Housing Law) or for purposes of local building codes. Family day care homes are categorized as small family day care homes, providing child care for up to eight (8) children, and large family day care homes, providing child care for nine (9) to fourteen (14) children.

~~a. Large family. A home that provides family child care for nine (9) children to fourteen (14) children. These capacities include children under age ten (10) who live in the licensee's home and the assistant provider's children under age ten (10).—
A large family day care home is required to comply with the requirements of Section 7.060.~~

~~b. Small family. A home that provides family child care for up to eight (8) children.~~

11. GROUP RESIDENTIAL/HOME. Group Residential or Group Home, refers to various types of housing for populations covered by State and Federal regulatory procedures and laws, which typically consist of residences that are shared by unrelated persons 24-hours a day and include supervision, care, or services provided for the residents as required by State and Federal regulations. Group residential or group homes may include, but are not limited to:

a. Shared Living Residences – housing shared by unrelated persons such as recovery residences, boarding houses, dormitories, etc.

b. Group Homes for Persons with Disabilities – housing shared by unrelated persons with disabilities that provide peer and other support for their residents' disability-related needs and in which residents share cooking, dining, and living areas.

c. Licensed Group Homes – group homes that provide services requiring licenses under State law.

d. Unlicensed Group Homes – group homes that may provide some supportive services for their residents but not services that require licenses under State law.

e. Recovery Residences and Sober Living Homes - group homes for persons recovering from alcoholism or drug addiction in which the residents mutually support each other's recovery and sobriety and that do not require licenses from California Department of Health Care Services because they do not provide alcoholism or drug addiction recovery and treatment services.

f. Alcohol or Other Drug (AOD) Facilities – residential facilities licensed by the California Department of Health Care Services to provide addiction recovery and treatment services.

g. Community Care Facilities – facilities licensed by the Community Care Licensing Division of the State Department of Social Services to provide 24-hour non-medical residential care to children and adults with developmental disabilities who are in need of personal services, supervision, and/or assistance essential for self-protection or sustaining the activities of daily living.

h. Group Homes for Children – As defined in California Code of Regulations Title 22, Section 84001, Subdivision (g)(3), a facility which provides 24-hour care and supervision to children, provides services specified in this chapter to a specific client group, and maintains a structured environment, with such services provided at least in part by staff employed by the licensee. The care and supervision provided by a group home shall be nonmedical except as permitted by Welfare and Institutions Code Section 17736(b). Since small family and foster family homes, by definition, care for six or fewer children only, any facility providing 24-hour care for seven or more children must be licensed as a group home.

For the purposes of determining allowed land uses and required entitlements under Title 17, the use does not include “Residential Care Facilities”, “Supportive Housing”, and “Transitional Housing”, which are defined separately.

1211. HOME OCCUPATION. The conduct of a business within a dwelling unit or residential site, employing occupants of the dwelling, with the business activity being subordinate to the residential use of the property. Examples include, but are not limited to, accountants and financial advisors, architects, artists, attorneys, offices for construction businesses (no equipment or material storage), and real estate sales.

13. LOW BARRIER NAVIGATION CENTER. Consistent with California Government Code Section 65660, Low Barrier Navigation Center means a Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. “Low Barrier” means best practices to reduce barriers to entry, and may include, but is not limited to, the following:

a. The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth.

b. Pets.

c. The storage of possessions.

d. Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.

1412. MANUFACTURED HOME. The California Health and Safety Code, Section 18007, defines a manufactured home as a structure that meets the following criteria:

a. Transportable in one (1) or more sections;

b. When in the traveling mode, is eight (8) body feet or more in width, or forty (40) body feet or more in length, or, when erected on-site, is three hundred and twenty (320) or more square feet;

c. Built on a permanent chassis;

d. Designed to be used as a residential dwelling;

e. Erected with or without a permanent foundation when connected to the required utilities;

f. Includes the plumbing, heating, air conditioning, and electrical systems contained therein.

g. This term shall include any structure which meets all the requirements of this paragraph except the size requirements so long as the manufacturer voluntarily files a certification and complies with the standards established under this part. Manufactured home includes a mobile home subject to the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C., Sec. 5401 et seq.).

1513. MOBILE HOME PARK. Consistent with definitions of state law (Welfare and Institution Code Section 18214), a mobile home park is any site that is planned and improved to accommodate two (2) or more mobile homes used for residential purposes, or on which two (2) or more mobile home lots are rented, leased, or held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate mobile homes used for residential purposes.

1614. RESIDENTIAL CARE FACILITIES. Residential facilities consistent ~~Consistent with the definitions of state law that provide assistance with living and include;~~ ~~residential care facilities provide twenty-four (24)-hour non-medical care for six (6) or fewer persons eighteen (18) years of age or older emancipated minors, with chronic, life-threatening illness in need of personal services, protection, supervision, assistance, guidance, or training essential for sustaining the activities of daily living or for the protection of the individual includes, but is not limited to, rest homes, residential care facilities for the elderly, adult residential facilities, wards of the juvenile court, and other facilities licensed by the State of California.~~

a. Residential care facilities for the elderly (RCFE) – Per California Code of Regulations Title 22, Division 6, a housing arrangement chosen voluntarily by the resident, the resident's guardian, conservator or other responsible person; where 75 percent of the residents are sixty years of age or older and where varying levels of care and supervision are provided, as agreed to at time of admission or as determined necessary at subsequent times of reappraisal. Any younger residents must have needs compatible with other residents.

b. Residential care facilities for the chronically ill – Per California Code of Regulations Title 22, Division 6, any place, building, or housing arrangement which is maintained and operated to provide care and supervision to all or any of the following: 1) Adults with HIV disease or AIDS, 2) Emancipated minors with HIV disease or AIDS, or 3) Family units as defined in Section 87801(f)(1) with adults or children or both with HIV disease or AIDS.

c. Adult residential facilities (ARF) – facilities that provide assistance with living as defined and regulated by the California Department of Health Care Services and California Department of Social Services.

d. Other similar facilities not listed defined as residential care facilities by the State of California.

Convalescent homes, nursing homes, and similar facilities providing medical care are included under the definition of “Medical Services, Extended Care.”

1715. SINGLE ROOM OCCUPANCY (SRO) FACILITIES. Multi-unit housing for very low-income persons that typically consists of a single room and shared bath and also may include a shared common kitchen and common activity area. SROs may be restricted to seniors or be available to persons of all ages. Subsidized versions may be supervised by a government housing agency.

1816. SUPPORTIVE HOUSING. Supportive housing is consistent with the definition in California Government Code Section 65582(g), which is defined as housing ~~Housing~~ with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Consistent with Section 65583 ~~(a)~~ **5(c)(3)** of the California Government Code, supportive housing shall be considered a residential use of property and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone ~~supportive housing will be permitted, conditionally permitted or prohibited in the same manner as other residential dwellings of the same type in the same zone under this code and applicable state law.~~

1917. TARGET POPULATION. Target population is consistent with the definition in California Government Code Section 65582(i), which is defined as ~~As defined in Section 65582(i) of the Government Code, target population is defined as~~ persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individual eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipate minors, families with children, elderly persons, young adults aging of the foster care system, individuals ~~exiting~~ **existing** from institutional settings, veterans, and homeless people.

2018. TRANSITIONAL HOUSING. Buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time that shall be no less than six months from the beginning of the assistance. Consistent with Section 65583 ~~(a)~~ **5(c)(3)** of the California Government Code, transitional housing shall be considered a residential use of property and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone ~~transitional housing shall be permitted, conditionally permitted or prohibited in the same manner as other residential dwellings of the same type in the same zone under this code and applicable state law.~~

...

4. Pinole Municipal Code Chapter 17.38 Density Bonus [Replacement of Existing Chapter with Comprehensive Revision]

Full Chapter included.

All text is new text, shown in **bold and underline**.

CHAPTER 17.38

DENSITY BONUS

Sections:

17.38.010 Purpose.

17.38.020 Applicability.

17.38.030 Density Increase.

17.38.040 Modifications of Standards, Concessions and Incentives.

17.38.050 Affordable Units.

17.38.060 Application Procedure and Review.

17.38.010 PURPOSE.

The purpose of this chapter is to establish a program for density bonuses and other incentives in accordance with California Government Code Section 65915 et seq. to encourage the creation of housing affordable to moderate-, low-, and very low-income households, seniors, and other qualifying households under State law.

17.38.020 APPLICABILITY.

A. General. All proposed housing developments that qualify under California Government Code Section 65915 for a density increase and other incentives, and any qualified land transfer under California Government Code Section 65915 shall be eligible to apply for a density bonus (including incentives and/or concessions) consistent with the requirements, provisions and obligations set forth in California Government Code Section 65915, as it may be amended from time to time.

1. Density bonus, as defined in California Government Code Section 65915, means a density increase over the otherwise maximum allowable gross residential density as of the date of application by the applicant to the city, or, if elected by the applicant, a lesser percentage of density increase, including, but not limited to, no increase in density.

B. Compliance. The applicant shall comply with all requirements stated in California Government Code Sections 65915 through 65918. The requirements of California Government Code Sections 65915 through 65918, and any amendments thereto, shall prevail over any conflicting provision of this Code.

C. Excluded Development. An applicant shall not receive a density bonus or any other incentive or concession if the housing development would be excluded under California Government Code Section 65915.

D. Interpretation. The provisions of this chapter shall be interpreted to implement and be consistent with the requirements of California Government Code Section 65915. Any changes to California Government Code Section 65915 shall be deemed to supersede and govern over any conflicting provisions contained herein. If any portion of this chapter conflicts with State Density Bonus Law or other applicable State law and such conflict results in a density bonus that is less than what would otherwise be allowed through State law, State law shall supersede the conflicting provision in this chapter. Any ambiguities in this chapter shall be interpreted to be consistent with State Density Bonus Law.

E. Replacement Housing Requirement. Pursuant to California Government Code Section 65915(c)(3), an applicant will be ineligible for a density bonus or other incentives unless the applicant complies with the replacement housing requirements therein.

17.38.030 DENSITY INCREASE.

A. General. If a qualifying affordable housing project or land transfer/cash payment meets the criteria of California Government Code Section 65915 et seq., the project shall be granted a density bonus, the amount of which shall be as specified in California Government Code Section 65915 et seq.

B. Local Density Bonus Enhancement. The following projects may request density bonuses and incentives beyond those provided California Government Code Section 65915 as established below:

1. Senior Housing Project. Senior housing projects may request density bonus of at least ten (10) percent above the density bonus provided under State Density Bonus Provisions. For example, a senior housing project that is eligible for a thirty percent (30%) density bonus under State Density Bonus Provisions would be eligible for a forty percent (40%) density bonus with application of the Local Density Bonus Enhancement.

C. Density Bonus Units. Except as otherwise required by California Government Code § 65915, the density bonus units shall not be included when calculating the total number of housing units that qualifies the housing development for a density bonus.

17.38.040 MODIFICATION OF STANDARDS, CONCESSIONS AND INCENTIVES.

A. Requested Modifications. In accordance with the provisions and restrictions established by California Government Code Section 65915, the applicant for a density bonus may submit a request for the waiver or reduction of development standards; concessions or incentives; and parking reductions.

B. Waiver or Reduction of Standards. The City shall grant a waiver or reduction of development standards that have the effect of physically precluding the construction of a housing development incorporating the density bonus and any incentives or concessions granted to the applicant, unless it finds any of the following:

1. The application of the development standard does not have the effect of physically precluding the construction of a housing development at the density allowed by the density bonus and with the incentives or concessions granted to the applicant;

2. The waiver or reduction of the development standard would have a specific, adverse impact, as defined in Government Code Section 65589.5(d)(2), upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact;

3. The waiver or reduction of the development standard would have an adverse impact on any real property that is listed in the California Register of Historical Resources; or

4. The waiver or reduction of the development standard would be contrary to state or federal law.

C. Concessions or Incentives. The City shall grant concessions or incentives requested by the applicant, the number of which is established by California Government Code Section 65915(d), unless the City makes a written finding, based upon substantial evidence, of any of the following:

1. The concession or incentive does not result in identifiable and actual cost reductions as defined in California Government Code Section 65915, to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5, or for rents for the targeted units to be set as specified in Government Code Section 65915(c).

2. The concession or incentive would have a specific, adverse impact, as defined in Government Code Section 65589.5(d)(2), upon public health and safety or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households.

3. The concession or incentive would be contrary to state or federal law.

D. Parking Reductions. The applicant may request, and the City shall grant, a reduction in parking requirements in accordance with California Government Code Section 65915(p).

17.38.050 AFFORDABLE UNITS.

A. Affordable Housing Agreement. The applicant shall complete an affordable housing agreement to establish terms of affordability for affordable units within the proposed project, per Chapter 17.32 Affordable Housing Requirements.

B. Design. Affordable units shall have the same exterior appearance and quality of construction as the market-rate units. Appliances and finishes in the affordable units shall be the same as in the market rate units with the same number of bedrooms.

C. Size. The size of affordable units shall be the same size as the market rate units in the development. For the purposes of this section, "same size" shall mean that the affordable units shall satisfy all of the following requirements:

1. The number of bedrooms in affordable units shall be the same as the number of bedrooms in the market rate units. If the market rate units have varied numbers of bedrooms, the distribution of the number of bedrooms in the affordable units shall be the same percentages as in the market rate units;

2. The square footage of an affordable unit shall be no less than ninety percent (90%) of the median square footage of the market rate units with the same number of bedrooms;

3. If the affordable unit is alienable separate from the title to any other dwelling unit, the parcel on which the affordable unit is located shall be no less than ninety percent (90%) of the median square footage of the parcels on which market rate units with the same number of bedrooms are located.

D. Distribution. In a mixed-income development, affordable units shall be dispersed throughout the development. Without limiting the foregoing, in no event shall an affordable unit be adjacent to more than one other affordable unit (unless the adjacent affordable unit is located on a different floor in a multi-floor building). Residents of affordable units shall be entitled to use all of the same amenities and facilities of the residential development as residents of market rate units within the residential development.

E. For Sale Units. Projects consisting of for-sale units shall meet conditions for sale and re-sale, including equity sharing agreements, established in California Government Code Section 65915, et seq.

F. Local Preference. Except when prohibited by state or federal law, preference shall be given to households that live or work in Pinole when selling or leasing affordable units within a density bonus development.

17.38.060 APPLICATION PROCEDURE AND REVIEW.

A. Application Requirements. An application for a density increase or other incentives under this chapter shall be submitted in writing to the Planning Division to be processed concurrently with all other entitlements of the proposed housing development. The application for a housing development shall contain information sufficient to fully evaluate the request under the requirements of this chapter, and in connection with the project for which the request is made, including, but not limited to, the following:

1. A brief description of the proposed housing development;

2. The total number of housing units and/or shared housing units (as defined in California Government Code Section 65915(o)(6)) proposed in the development project, including unit sizes and number of bedrooms;

3. The total number of units proposed to be granted through the density increase and incentive program over and above the otherwise maximum density for the project site;

4. The total number of units to be made affordable for sale or rental to very low-, low- or moderate-income households, or senior citizens, or other qualifying residents;

5. The zoning, general plan designations, and assessor's parcel number(s) of the project site;

6. A vicinity map and preliminary site plan, drawn to scale, including building footprints, driveways, and parking layout;

7. A list of any concession(s) or incentive(s) being requested to facilitate the development of the project, and a description of why the concession(s) or incentive(s) is needed.

B. Application Review. The application shall be considered as follows:

1. Review of density bonus applications shall be in conjunction with the requested entitlements to develop the project. The approving authority for the requested entitlements shall also be the approving authority to approve, conditionally approve, or deny project entitlements and density bonus requests.

2. If the project or aspect of the project is not to be otherwise considered by the Planning Commission or the City Council, the request being made under this chapter shall be considered by the Community Development Director or designee. The request shall be approved if the applicant complies with the provisions of California Government Code Section 65915 et seq.

Reference 4R. Pinole Municipal Code Chapter 17.38 Density Bonus
[Existing Chapter Reference]

Full Chapter included.

Existing chapter and text for reference. To be replaced by **4. Pinole Municipal Code Chapter 17.38 Density Bonus** [Replacement of Existing Chapter with Comprehensive Revision]

CHAPTER 17.38

DENSITY BONUS

Sections:

- 17.38.010 Purpose.
- 17.38.020 Eligibility for density bonus and incentives and concessions.
- 17.38.030 General requirements.
- 17.38.040 Number and types of density bonuses and incentives and concessions allowed.
- 17.38.050 Location of density bonus units.
- 17.38.060 Continued availability.
- 17.38.070 Requirement to replace affordable housing to qualify for density bonus, incentive, or concession.
- 17.38.080 Process for approval or denial.
- 17.38.090 Administrative fee.

17.38.010 PURPOSE.

The purpose of this chapter is to provide incentives for the production of housing for very low income, lower income, moderate income, special needs, and senior households in the city and to establish procedures for carrying out the legislative requirements and complying with California Government Code Section 65915, *et seq.* In enacting this chapter, it is the intent of the city to facilitate the development of affordable housing by positively impacting the economic feasibility of providing lower income housing and implementing the goals, objectives, and policies of the city's housing element. (Ord. 2010-02 § 1 (part), 2010)

17.38.020 ELIGIBILITY FOR DENSITY BONUS AND INCENTIVES AND CONCESSIONS.

The city shall grant one (1) density bonus, with concessions or incentives, as specified in Section 17.38.040 (number and types of density bonuses and incentives and concessions allowed), when the applicant for the residential development seeks and agrees to construct a residential development, excluding any units permitted by the density bonus awarded pursuant to this chapter, that will contain at least one (1) of the following:

- A. Ten percent (10%) of the total units of a housing development for lower income households;
- B. Five percent (5%) of the total units of a housing development for very low income households;
- C. A senior citizen housing development or age-restricted mobile home park; or
- D. Ten percent (10%) of the total dwelling units in a common interest development as defined in California Civil Code Section 1351 for persons and families of moderate income, provided that all units in the development are offered to the public for purchase. The above units qualifying a development for a density bonus shall be referred to as "target units." The applicant shall specify which of the above paragraphs the basis for the density bonus is. The percentage of total units proposed to qualify the development for a density bonus shall not be rounded up. Example: for a two hundred (200)-unit project that proposes twenty-one (21) lower income units (or 10.5%), the allowed density bonus would be based on ten percent (10%) lower income units, not eleven (11%).

(Ord. 2016-04 § 8 (part), 2016; Ord. 2010-02 § 1 (part), 2010)

17.38.030 GENERAL REQUIREMENTS.

The following general requirements apply to the application and determination of all incentives and bonuses:

- A. Rounding. All density calculations resulting in fractional units shall be rounded up to the next whole number.
- B. Relation to General Plan, Zoning. The granting of a density bonus, or a concession or incentive, shall not be interpreted, in and of itself, to require a general plan amendment, zoning change, or other discretionary approval.
- C. Density Bonus Excluded in Calculation. The density bonus shall not be included when calculating the total number of housing units that qualifies the housing development for a density bonus.
- D. Parking. Upon request by the applicant, the city shall not require that a housing development meeting the requirements of Section 17.38.020 (Eligibility for Density Bonus and Incentives and Concessions) provide a vehicular parking ratio, inclusive of handicapped and guest parking, that exceeds the following:
 - 1. Zero (studio) to one (1) bedroom: one (1) on-site parking space per unit;
 - 2. Two (2) to three (3) bedrooms: two (2) on-site parking spaces per unit;

3. Four (4) or more bedrooms: two and one-half (2 1/2) parking spaces per unit;

4. If the total of parking spaces required for a housing development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subsection, a development may provide "on-site parking" through tandem parking or uncovered parking, but not through on-street parking.

E. Waived or Reduced Development Standards.

1. The city shall not apply any development standard that would have the effect of physically precluding the construction of a housing development meeting the requirements of Section 17.38.020 (Eligibility for Density Bonus and Incentives and Concessions) at the densities or with the incentives or concessions permitted by this chapter.

2. An applicant may submit to the city a proposal for the waiver or reduction of development standards, when standards would have the effect of physically precluding the proposed development, and may request a meeting with the city. Nothing in this section, however, shall be interpreted to require the city to waive or reduce development standards if:

a. The waiver or reduction would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5 of the California Government Code, upon health and safety or the physical environment and for which the city determines there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact; or

b. This would have an adverse impact on any real property that is listed in the California Register of Historical Resources.

c. The waiver or reduction would be contrary to state or federal law.

3. A proposed waiver or reduction of development standards shall neither reduce nor increase the number of allowable incentives or concessions under Section 17.38.040.

F. Multiple Zoning Districts. If the site of a development proposal is located in two (2) or more zoning districts, the number of dwelling units permitted in the development is the sum of the dwelling units permitted in each of the zoning districts based on the site acreage within each zoning district. The permitted number of dwelling units may be distributed within the development without regard to the zone boundaries.

G. Affordable Housing Requirements. For projects subject to Chapter 17.32 (Affordable Housing Requirements) of this title, the affordable housing units required by that chapter may be counted toward the affordable units required to qualify for a density bonus per Section 17.38.020.

H. Nothing in this chapter shall be construed to enlarge or diminish the authority of the city to require a developer to donate land as a condition of development.

I. Agreement Required.

1. Prior to the award of a density bonus and any related incentives or concessions, the applicant shall enter into an agreement with the city to ensure the continued affordability of all target units.

2. For all target units, the agreement shall specify the household-income classification, number, location, size and construction scheduling and shall require target units in a project and phases of a project to be constructed concurrently with the construction of non-target units. The agreement shall include such other provisions as necessary to establish compliance with the requirements of this chapter.

J. Reports. The applicant shall submit financial or other reports along with the application for the project to establish compliance with this chapter. The city may retain a consultant to review any financial report (pro forma). The cost of the consultant shall be borne by the applicant except if the applicant is a non-profit organization, the cost of the consultant may be paid by the city upon prior approval of the City Council.

K. CEQA Review. Any residential development that qualifies for a density bonus shall not be exempt from compliance with the California Environmental Quality Act.

(Ord. 2016-04 § 8 (part), 2016: Ord. 2010-02 § 1 (part), 2010)

17.38.040 NUMBER AND TYPES OF DENSITY BONUS AND INCENTIVES AND CONCESSIONS ALLOWED.

A. Density Bonus. A housing development that satisfies the eligibility requirements in Section 17.38.020 of this chapter shall be entitled to the following density bonus:

1. For developments providing ten percent (10%) lower income target units, the city shall provide a twenty percent (20%) increase above the otherwise maximum allowable residential density as of the date of application, plus a one-and-a-half percent (1 1/2%) supplemental increase over that base for every one percent (1%) increase in low income target units above ten percent (10%). The maximum density bonus allowed including supplemental increases is thirty-five percent (35%).

2. For developments providing five percent (5%) very low income target units, the city shall provide a twenty percent (20%) increase above the otherwise maximum allowable residential density as of the date of application, plus a two and a half percent (2 1/2%) supplemental increase over that base for every one percent (1%) increase in very low income target units above five percent (5%). The maximum density bonus allowed including supplemental increases is thirty-five percent (35%).

3. For senior citizen housing developments, a flat twenty percent (20%) of the number of senior units.

4. For common interest developments providing ten percent (10%) moderate income target units, the city shall provide a five percent (5%) increase above the otherwise maximum allowable residential density as of the date of application, plus a one percent (1%) increase in moderate income units above ten percent (10%). The maximum density bonus allowed including supplemental increases is thirty-five percent (35%).

B. Number of Incentives or Concessions. In addition to the density bonus described in this section, an applicant may request specific incentives or concessions. The applicant shall receive the following number of incentives or concessions.

1. One (1) incentive or concession for projects that include at least ten percent (10%) of the total units for lower income households, at least five percent (5%) for very low income households, or at least ten percent (10%) for persons and families of moderate income in a common interest development.

2. Two (2) incentives or concessions for projects that include at least twenty percent (20%) of the total units for lower income households, at least ten percent (10%) for very low income households, or at least twenty percent (20%) for persons and families of moderate income in a common interest development.

3. Three (3) incentives or concessions for projects that include at least thirty percent (30%) of the total units for lower income households, at least fifteen percent (15%) for very low income households, or at least thirty percent (30%) for persons and families of moderate income in a common interest development.

4. The city shall grant the concession or incentive requested by the applicant unless it makes a written finding of either of the following:

a. The concession or incentive is not required in order to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).

b. The concession or incentive would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.

c. The concession or incentive would be contrary to state or federal law.

C. Available Incentives and Concessions.

1. A reduction in the site development standards or a modification of this title requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 Section (commencing with 18901) of Division 13 of the Health and Safety Code, including but not limited to a reduction in setback and square footage requirements and in the ratio of vehicle parking spaces that would otherwise be required and that results in identifiable, financially sufficient, and actual cost reductions.

2. Approval of mixed-use zoning in conjunction with the housing development if the non-residential land uses will reduce the cost of the housing development and the non-residential land uses are compatible with the housing development and existing or planned development in the area in which the housing development will be located.

3. Other regulatory incentives or concessions proposed by the applicant or the city that result in identifiable, financially sufficient, and actual cost reductions.

4. Priority processing of a housing development that qualifies for a density bonus based on income restricted units.

D. Additional Density Bonus and Incentives and Concessions for Donation of Land to the city.

1. When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to the city and agrees to include a minimum of ten percent (10%) of the total units before the density bonus for very low income households, the applicant shall be entitled to a fifteen percent (15%) increase above the otherwise maximum allowable residential density, plus a one percent (1%) supplemental increase for each additional percentage of very low income units to a maximum density bonus of thirty-five percent (35%) for the entire development.

2. The density bonus provided in this subsection shall be in addition to any other density bonus provided by this chapter up to a maximum combined density bonus of thirty- five percent (35%).

3. The applicant shall be eligible for the increased density bonus described in this subsection if all of the following conditions are met:

a. The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application;

b. The developable acreage and zoning designation of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount not less than ten percent (10%) of the number of residential units of the proposed development;

c. The transferred land is at least one (1) acre in size or of sufficient size to permit development of at least forty (40) units, has the appropriate general plan designation, is appropriately zoned with appropriate development standards for development at the density described in paragraph (3) of subdivision (c) of Section 65583.2 of the Government Code, and is

or will be served by adequate public facilities and infrastructure.

d. The transferred land shall have all of the entitlements and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land, not later than the date of approval of the final subdivision map, parcel map, or residential development application, except that the city may subject the proposed development to subsequent design review to the extent authorized by subdivision (i) of Section 65583.2 of Government Code if the design is not reviewed by the city prior to the time of transfer;

e. The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with the requirements of this chapter which shall be recorded on the property at the time of the transfer;

f. The land is transferred to the city or to a housing developer approved by the city;

g. The transferred land shall be within the boundary of the proposed development or, if the city agrees, within 1/4 mile of the boundary of the proposed development; and

h. A proposed source of funding for the very low income units shall be identified not later than the date of approval of the final subdivision map, parcel map, or residential development application.

4. Nothing in this subsection shall be construed to enlarge or diminish the authority of the city to require a developer to donate land as a condition of development.

E. Additional density bonus or incentives and concessions for development of child care facility.

1. Housing developments meeting the requirements of Section 17.38.020 (Eligibility for Density Bonus and Incentives and Concessions) and including a child care facility that will be located on the premises of, as part of, or adjacent to the housing development shall receive either of the following:

a. An additional density bonus that is an amount of square footage of residential space that is equal to or greater than the amount of square footage in the child care facility.

b. An additional incentive or concession that contributes significantly to the economic feasibility of the construction of the child care facility.

2. The city shall require the following as conditions of approving the housing development.

a. The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the target units are required to remain affordable, pursuant to Subdivision (c) of Section 65915 of the Government Code; and

b. Of the children who attend the child care facility, the children of very low income households, lower income households, or persons or families of moderate income shall equal a percentage that is equal to or greater than the percentage of target units that are required pursuant to Section 17.38.020 (Eligibility for Density Bonus and Incentives and Concessions).

3. Notwithstanding any other requirements of this section, the city shall not be required to provide a density bonus or incentive or concession for a child care facility if it makes a written finding, based upon substantial evidence, that the community has adequate child care facilities.

F. Condominium Conversion Incentives for Low Income Housing Development.

1. An applicant for approval to convert apartments to a condominium project may submit to the city a preliminary proposal pursuant to this subsection prior to the submittal of any formal requests for subdivision map approvals. The city shall, within ninety (90) days of receipt of a written proposal, notify the applicant in writing of the manner in which it will comply with this subsection.

2. When an applicant for approval to convert apartments to a condominium project agrees to the following, the city shall grant either a density bonus of twenty-five percent (25%) over the number of apartments, to be provided within the existing structure or structures proposed for conversion, or provide other incentives of equivalent financial value.

a. Provide at least thirty-three percent (33%) of the total units of the proposed condominium project to persons and families of low or moderate income, or provide at least fifteen percent (15%) of the total units of the proposed condominium project to lower income households; and

b. Agree to pay for the reasonably necessary administrative costs incurred by the city.

3. For purposes of this division, "other incentives of equivalent financial value" shall not be construed to require the city to provide cash transfer payments or other monetary compensation but may include the reduction or waiver of requirements which the city might otherwise apply as conditions of conversion approval.

4. The City may place such reasonable conditions on the granting of a density bonus or other incentives of equivalent financial value as the City finds appropriate, including but not limited to, conditions which assure continued affordability of units to subsequent purchasers who are persons and families of low and moderate income or lower income households.

5. Nothing in this subsection shall be construed to require the city to approve a proposal to convert apartments to

condominiums.

6. An applicant shall be ineligible for a density bonus or other incentives under this subsection if the apartments proposed for conversion constitute a housing development for which a density bonus or other incentive was previously provided under Government Code Section 65915.

7. An applicant shall be ineligible for a density bonus or any other incentives or concessions under this Section if the condominium project is proposed on any property that includes a parcel or parcels on which rental dwelling units are or, if the dwelling units have been vacated or demolished in the five-year period preceding the application, have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject to any other form of rent or price control through the City's valid exercise of its police power; or occupied by lower or very low income households, unless the proposed condominium project replaces those units, as defined in Government Code Section 65915(c)(3)(B), and either of the following applies:

a. The proposed condominium project, inclusive of the units replaced pursuant to Government Code Section 65915(c)(3)(B), contains affordable units at the percentages set forth in Subsection (a) above.

b. Each unit in the development, exclusive of a manager's unit or units, is affordable to, and occupied by, either a lower or very low income household.

(Ord. 2016-04 § 8 (part), 2016: Ord. 2010-02 § 1 (part), 2010)

17.38.050 LOCATION OF DENSITY BONUS UNITS.

The location of density bonus units within the housing development may be at the discretion of the developer. However, the target units shall be dispersed throughout the housing development and when feasible shall contain, on average, the same number of bedrooms as the non-target units in the development, and shall be compatible with the design or use of the remaining units in terms of appearance, materials, and quality finish.

(Ord. 2016-04 § 7 (part), 2016: Ord. 2010-02 § 1 (part), 2010)

17.38.060 CONTINUED AVAILABILITY.

A. If a housing development provides low or very low income target rental units to qualify for a density bonus, the target units must remain restricted to lower or very low income households for a minimum of fifty-five (55) years from the date of issuance of the certificate of occupancy by the Building Official, or longer if required by the project financing.

B. In the case of all for-sale units that qualified the applicant for the award of the density bonus, the initial occupant shall be persons and families of very low, low, or moderate income households, as required. The applicant shall enter into and the City shall enforce an equity sharing agreement, unless it is in conflict with the requirements of another public funding source or law. The following requirements shall apply to the equity sharing agreement:

1. Upon resale, the seller of the target units shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. The city shall recapture any initial subsidy and its proportionate share of appreciation which shall then be used within five (5) years for any of the purposes described in subdivision (e) of Section 33334.2 of the California Health and Safety Code that promote homeownership.

2. The city's initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the moderate income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value.

3. The city's "proportionate share" shall be equal to the ratio of the local government's initial subsidy to the fair market value of the home at the time of the initial sale.

C. Sales price for for-sale affordable very low, low, and moderate income units shall be set at affordable housing cost. Rents for affordable low and very low income rental units shall be set at an affordable rent.

D. Unless otherwise governed by other funding sources, first priority for the affordable units will be given to individuals who reside, work, go to school, or have family in the City of Pinole.

E. The developer shall submit a project financial report (pro forma) demonstrating that the requested incentives or concessions are required to provide for affordable rents or affordable housing costs, as applicable. The City may retain a consultant to review the financial report. The cost of the consultant shall be borne by the developer with the following exception:

1. If the applicant is a nonprofit organization, the cost of the consultant may be paid by the City upon prior approval of the City Council.

F. All affordable units shall be occupied by the household type specified in the written agreement required under Section 17.38.030 I. The developer's obligation to maintain these units as affordable housing shall be evidenced by the master regulatory agreement which shall be recorded as deed restriction running with the land.

G. Prior to the rental or sale of any affordable unit, the City or its designee, shall verify the eligibility of the prospective tenant or buyer.

H. The City may establish fees associated with the setting up and monitoring of affordable units.

I. For rental affordable very low and low income units:

1. The owner shall obtain and maintain on file certifications by each household. Certification shall be obtained immediately prior to initial occupancy by each household and annually thereafter, in the form provided by the City or its designee. The owner shall obtain updated forms for each household on request by the City, but in no event less frequently than once a year. The owner shall maintain complete, accurate and current records pertaining to the housing development, and shall permit any duly authorized representative of the City to inspect the records pertaining to the affordable units and occupants of these units.

2. The owner shall submit an annual report to the City, on a form provided by the City. The report shall include for each affordable unit the rent, income, and family size of the household occupying the unit.

3. The owner shall provide to the City any additional information required by the City to insure the long-term affordability of the affordable units by eligible households.

(Ord. 2016-04 § 8 (part), 2016: Ord. 2010-02 § 1 (part), 2010)

17.38.070 REQUIREMENT TO REPLACE AFFORDABLE HOUSING TO QUALIFY FOR DENSITY BONUS, INCENTIVE, OR CONCESSION.

A. An applicant shall be ineligible for a density bonus or any other incentives or concessions under this Chapter if the housing development is proposed on any property that includes a parcel or parcels on which rental dwelling units are or, if the dwelling units have been vacated or demolished in the five-year period preceding the application, have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject to any other form of rent or price control through the City's valid exercise of its police power; or occupied by lower or very low income households, unless the proposed housing development replaces those units, and either of the following applies:

1. The proposed housing development, inclusive of the units replaced pursuant to this paragraph, contains affordable units at the percentages set forth in Section 17.38.040 A.

2. Each unit in the development, exclusive of a manager's unit or units, is affordable to, and occupied by, either a lower or very low income household.

B. For the purposes of this Section, "replace" shall mean either of the following:

1. If any dwelling units described in Subsection (A) above are occupied on the date that the application is submitted to the City, the proposed housing development shall provide at least the same number of units of equivalent size, or type, or both, to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those households in occupancy. For unoccupied dwelling units described in Subsection (a) above in a development with occupied units, the proposed housing development shall provide units of equivalent size or type, or both, to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category in the same proportion of affordability as the occupied units. All replacement calculations resulting in fractional units shall be rounded up to the next whole number. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years. If the proposed development is for-sale units, the units replaced shall be subject to Subsection (B)(2) below.

2. If all dwelling units described in Subsection (A) above have been vacated or demolished within the five-year period preceding the application, the proposed housing development shall provide at least the same number of units of equivalent size or type, or both, as existed at the highpoint of those units in the five-year period preceding the application to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those persons and families in occupancy at that time, if known. If the incomes of the persons and families in occupancy at the highpoint is not known, then one-half of the required units shall be made available at affordable rent or affordable housing cost to, and occupied by, very low income persons and families and one-half of the required units shall be made available for rent at affordable housing costs to, and occupied by, low-income persons and families. All replacement calculations resulting in fractional units shall be rounded up to the next whole number. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years. If the proposed development is for-sale units, the units replaced shall be subject to Section 17.38.060 B.

(Ord. 2016-04 § 8 (part), 2016)

17.38.080 PROCESS FOR APPROVAL OR DENIAL.

A. Process for Approval. The density bonus and incentive(s) and concession(s) request shall be considered in conjunction with any necessary development entitlements for the project. The designated approving authority for density bonuses, incentives, and concessions shall be the City Council. In approving the density bonus and any related incentives or concessions, the city and applicant shall enter into a density bonus agreement.

B. Approval of Density Bonus Required. The city shall grant the density bonus requested by the applicant provided it is consistent with the requirements of this chapter and state law.

C. Approval of Incentives or Concessions Required Unless Findings Made. The city shall grant the incentive(s) and

concession(s) requested by the applicant unless the city makes a written finding, based upon substantial evidence, of any of the following:

1. The incentive or concession is not required in order to provide for affordable housing costs or affordable rent for the target units.
2. The incentive or concession would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5 of the California Government Code, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which the city determines there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate income households.
3. The concession or incentive would be contrary to state or federal law.

(Ord. 2016-04 § 8 (part), 2016: Ord. 2010-02 § 1 (part), 2010)

17.38.090 ADMINISTRATIVE FEE.

The city shall charge applicants an administrative fee to cover the city's cost to review all materials submitted in accordance with this chapter and for ongoing enforcement of this chapter. The amount of the administrative fee shall be established by City Council resolution and updated as required. Fees will be charged for staff time and materials associated with:

- A. Review and approval of applications for the proposed development;
- B. Project marketing and lease-up; and
- C. Long-term compliance of the applicant and successors-in-interest to the applicant, with respect to the affordable housing units.

(Ord. 2016-04 § 8 (part), 2016: Ord. 2010-02 § 1 (part), 2010)

5. Pinole Municipal Code Chapter 17.61 Low Barrier Navigation Centers [New Chapter]

Full Chapter included.

All text is new text, shown in **bold and underline**.

CHAPTER 17.61

LOW BARRIER NAVIGATION CENTERS

Sections:

17.61.010 Purpose.

17.61.020 Permit requirements.

17.61.030 Facility requirements.

17.61.040 Application review.

17.61.010 PURPOSE.

The purpose of this chapter is to establish regulations governing establishment of low barrier navigation centers that provide service-enriched shelter focused on moving people into permanent housing consistent with California Government Code Section 65660.

17.61.020 PERMIT REQUIREMENTS.

A. Allowable Use Requirements. Low barrier navigation centers are uses allowed by right as established in Article II. (Zoning Districts, Allowed Uses, and Development Standards), including in the land use tables within Title 17 or within the City's specific plan as applicable, where such uses meet all requirements outlined in this Chapter, consistent with the provisions of Government Code Section 65660, et sq.

B. Application Review.

1. New Development. Applications for low barrier navigation centers requiring new construction or additions to existing structures shall be subject to approval of applicable entitlements under Chapter 17.12.

2. No New Development or Interior Renovations. Applications for low barrier navigation centers that do not involve new construction or involve only interior renovations of existing facilities shall be reviewed through permits required to establish the business and operations. Information and materials that address facility requirements established in this Chapter shall be included with such permits.

17.61.030 FACILITY REQUIREMENTS.

A. Service. The facility offers services to connect people to permanent housing through a services plan that identifies services staffing.

B. Coordinated Entry System. The facility is linked to a coordinated entry system, so that staff in the interim facility or staff who colocate in the facility may conduct assessments and provide services to connect people to permanent housing.

1. "Coordinated entry system" means a centralized or coordinated assessment system developed pursuant to Section 576.400(d) or Section 578.7(a)(8), as applicable, of Title 24 of the Code of Federal Regulations, as those sections read on January 1, 2020, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.

C. Welfare and Institutions Code. The facility complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.

D. Information System. The facility has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.

E. Development. New development shall meet all applicable development standards of the underlying zoning district.

17.61.040 APPLICATION REVIEW.

A. Completeness Review. The City will notify the applicant on whether the application is complete within 30 days of receipt of an application for a Low Barrier Navigation Center development and identify items required to complete an incomplete application.

B. Action on Complete Application. Within 60 days of receipt of a completed application for a Low Barrier Navigation Center development, the City will act upon its review of the application.

C. Entitlements and Permits. Nothing in this chapter shall preclude the need to obtain approval of entitlements or permits required to construct or renovate the facilities.

6. Pinole Municipal Code Chapter 17.62 Emergency Shelters [Amendment]

Full Chapter included.

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CHAPTER 17.62

EMERGENCY SHELTERS

Sections:

- 17.62.010 Purpose.
- 17.62.020 Permit requirements and exceptions.
- 17.62.030 Development requirements.
- 17.62.040 Operational requirements.

17.62.010 PURPOSE.

The purpose of this chapter is to establish regulations governing the erection, operation, and occupancy of emergency shelters to allow for the adequate requirement of emergency housing services for vulnerable members of the community while protecting and upholding the general public health, safety, and welfare.

(Ord. 2016-04 § 7 (part), 2016: Ord. 2010-02 § 1 (part), 2010)

17.62.020 PERMIT REQUIREMENTS AND EXCEPTIONS.

A. Permit Requirements. Emergency shelters are conditionally allowed or allowed by right as established in Article II. (Zoning Districts, Allowed Uses, and Development Standards), including in the land use tables within Title 17 or within the City's specific plan as applicable. In addition to satisfying the requirements listed below, emergency shelters shall comply with all federal and California licensing requirements and all applicable Uniform Building and Fire Codes, including maximum occupancy restrictions.

B. Exceptions to Permit Requirements.

1. Emergency Shelters may exceed the maximum thirty (30)-bed limitation below through a conditional use permit subject to approval by the designated approving authority, in accordance with Government Code Section 65589.5(d).

(Ord. 2016-04 § 7 (part), 2016: Ord. 2010-02 § 1 (part), 2010)

17.62.030 DEVELOPMENT REQUIREMENTS.

A. Location and Separation. Emergency shelters of more than ten (10) persons shall be situated more than three hundred (300) feet from any other emergency shelter.

B. Physical Characteristics.

1. The maximum number of beds for emergency shelters shall be thirty (30) unless a conditional use permit is applied for and approved. The maximum number of beds and requirement to obtain a conditional use permit does not apply in situations of city- or statewide designated disasters or catastrophic conditions.

2. Smoke detectors, approved by the Fire Department, shall be provided in all sleeping and food preparation areas for emergency shelters.

3. The size of an emergency shelter ~~should~~shall be in character with the surrounding neighborhood. However, character shall not be a basis for denial, if an emergency shelter meets all objective standards.

4. The emergency shelter shall have an interior, onsite waiting and client intake area that is a minimum of two-hundred (200) square feet. The emergency shelter shall include a landscaped exterior waiting area that is a minimum of one hundred (100) square feet, so that clients waiting for services are not required to use the public sidewalk for queuing.

5. The emergency shelter shall have on-site parking that provides at least one space per staff member working in the shelter, except the minimum parking requirement of another type of residential or commercial use permitted in the same zoning district may be applied if it results in fewer required spaces, consistent with the requirements of California Government Code Section 65583(a)(4)(ii), provided at the rate of:

- ~~a. One (1) space per three (3) beds plus;~~
- ~~b. One (1) space per employee;~~
- ~~c. Off-street parking may only be required based on demonstrated need, provided that the same requirements applied are those for residential or commercial uses within the same zone.~~

6. The emergency shelter shall have exterior lighting consistent with Chapter 17.46 (Lighting).

7. New development shall meet all applicable objective development standards of the underlying zoning district, such as height limits and setback requirements, except as otherwise established by this chapter.

(Ord. 2016-04 § 7 (part), 2016: Ord. 2010-02 § 1 (part), 2010)

17.62.40 OPERATIONAL REQUIREMENTS.

A. Emergency shelters shall provide on-site management and support staff at all times during shelter use.

B. Emergency shelters shall have on-site security during the hours that the emergency shelter is in operation.

(Ord. 2016-04 § 7 (part), 2016: Ord. 2010-02 § 1 (part), 2010)

7. Pinole Municipal Code Chapter 17.98 Glossary of Terms [Amendment]

Section 17.98.010, 17.98.020 "Family" definition, 17.98.020 "Household" definition included.

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ARTICLE VI

GLOSSARY

CHAPTER 17.98

GLOSSARY OF TERMS

Sections:

17.98.010 Purpose.

17.98.020 General definition

17.98.010 PURPOSE.

The purpose of this chapter is to provide general definitions of the terms and phrases used in the code that are technical or specialized in an effort to ensure consistency in the interpretation of the Zoning Code. Definitions are organized alphabetically.

(Ord. 2016-03 § 3 (part), 2016; Ord. 2012-05 § 6 (part), 2012; Ord. 2010-02 § 1 (part), 2010)

17.98.020 GENERAL DEFINITIONS.

...

FAMILY. ~~See "Household."~~ All persons living in a household who are related by blood, marriage or adoption.

...

HOUSEHOLD. One (1) or more persons, ~~whether or not related by blood, marriage, or adoption,~~ sharing a dwelling unit in a living arrangement ~~usually characterized by~~ that may include shared facilities, resources, and sharing living expenses, such as rent or mortgage payments, food costs, and utilities, ~~as well as maintaining a single lease or rental agreement for all members of the household and other similar characteristics indicative of a single household.~~

...

8. Three Corridors Specific Plan Table 6.2 Permitted Use Table for San Pablo Avenue [Amendment]

Pages 6.0-17 to 6.0-18 included.

Text to be removed shown in ~~strikeout text~~.

Text to be added shown in **bold and underline**.

LAND USE AND DEVELOPMENT STANDARDS

Table 6.2

Permitted ~~Use Table~~Land-uses for San Pablo Avenue

Permitted Use provisions are symbolized in the table as follows:

P = Land Use permitted by right

CUP = Land Use permitted with approval of Conditional Use Permit

N = Land Use not permitted

N/A = Not Applicable

LAND USE CLASSIFICATIONS	Old Town Sub-Area					Service Sub-Area					Mixed-Use Sub-Area				
	MDR	RMU	CMU	OPMU	PQI	CMU	OPMU	OIMU	PQI	VHDR	RMU	CMU	OPMU	PQI	
Residential Use Listings															
Adult Day Care Home	P		P	P	P	N	P	P	P	N	P	P	P	P	P
Child Day Care Facility	CUP		CUP	CUP	CUP	CUP	CUP	CUP	N	CUP	CUP	CUP	CUP	CUP	CUP
Dwelling, Multifamily	P		P	p ^b	p ^b	N	p ^b	p ^b	CUP	N	P	P	p ^b	p ^b	N
Accessory Dwelling Unit/ Junior Accessory Dwelling Unit- Dwelling, Second Unit	PCUP		PN/A^e	PN/A^e	PN/A^e	N	PN/A^e	PN/A^e	PN/A^e	N	PN/A^e	PN/A^e	PN/A^e	PN/A^e	N
Dwelling, Single-family	P		P	N	N	N	N	N	N	N	N	N	N	N	N
Dwelling, Two-family	p ^d		p ^d	N ^d	N	N	N	N	N	N	N	N	N	N	N
Family Day Care Home, Small (6- children or less)	P		P	P	P	P	p ^d	p ^d	N	PN	P	P	p ^d	P	N
Family Day Care Home, Large (7—24 children)	p ^a		p ^a	p ^a	p ^a	PN	P	P	N	P	P	P	P	PN	N
Home Occupation	P		P	P	P	N	p ^a	p ^a	p ^a	P	p ^{da}	p ^{da}	p ^a	P	N
Live-Work Facility	P		P	P	P	P	P	P	P	P	N	P	P	P	P
Low Barrier Navigation Center	N		P	P	P	N	P	P	P	N	N	P	P	P	N
Residential Care Home Facility	PCUP		P	P	P	PCUP	PCUP^b	PCUP^b	PCUP	PCUP	PCUP	p ^a	PCUP^b	PCUP^b	PN
Group Residential/ Home	P		P	P	P	P	P	P	P	P	P	P	P	P	P
Emergency Shelter/ Temporary Home	N		N	N	N	N	CUP ^b	CUP ^b	P	CUP	CUP	N	CUP ^b	CUP ^b	N

LAND USE AND DEVELOPMENT STANDARDS

LAND USE CLASSIFICATIONS	Old Town Sub-Area						Service Sub-Area				Mixed-Use Sub-Area				
	MDR		RMU	CMU	OPMU	PQI	CMU	OPMU	OIMU	PQI	VHDR	RMU	CMU	OPMU	PQI
Community Service Use Listings															
Clubs, Lodges, Private Meeting Halls	N		P	P	P	P	P	P	P	P	N	P	P	P	P
Indoor Amusement/ Entertainment	N		CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	N	CUP	CUP	CUP	CUP
Indoor Fitness and Sports Facilities	N		CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	N	CUP	CUP	CUP	CUP
Libraries and Museums	P		P	P	P	P	P	P	P	P	N	N	P	P	P
Outdoor Commercial Recreation	N		N	P	P	P	P	P	P	P	N	N	P	P	P
Parks and Public Plazas	P		P	P	P	P	P	P	P	P	P	P	P	P	P
Public Safety Facility	CUP		P	P	P	P	P	P	P	P	CUP	P	P	P	P
Religious Institutions	CUP		<u>PCUP</u>	<u>PCUP</u>	<u>PCUP</u>	<u>PCUP</u>	<u>PCUP</u>	<u>PCUP</u>	<u>PCUP</u>	<u>PCUP</u>	CUP	<u>PCUP</u>	<u>PCUP</u>	<u>PCUP</u>	<u>PCUP</u>
Schools – Public	CUP		P	P	P	P	P	P	P	P	CUP	P	P	P	P
Schools – Private, Special/Studio	N		P	P	P	P	P	P	P	P	N	P	P	P	P
Theatres and Auditoriums	N		P	P	P	P	P	P	P	P	N	P	P	P	P
Utility, Transportation, and Communication Use Listings															
Bus and Truck Terminal Parking	N		N	N	N	N	N	N	CUP	N	N	N	N	N	N
Heliports	N		N	N	N	N	N	N	N	N	N	N	N	N	N
Park and Ride Facility	N		N	N	CUP	CUP	N	CUP	CUP	CUP	N	N	CUP	CUP	CUP
Public Parking	P		P	P	P	P	P	P	P	P	P	P	P	P	P
Telecommunications Facility	CUP		CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	N	CUP	CUP	CUP	CUP
Transit Stations and Terminals	CUP		CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP

9. Three Corridors Specific Plan Table 6.8 Permitted Use Table for Pinole Valley Road [Amendment]

Page 6.0-33 included.

Text to be removed shown in ~~strikeout text~~.

Text to be added shown in **bold and underline**.

LAND USE AND DEVELOPMENT STANDARDS

Table 6.8

Permitted Use Table for Pinole Valley Road

Permitted Use provisions are symbolized in the table as follows:

P = Land Use permitted by right

CUP = Land Use permitted with approval of Conditions Use Permit

N = Land Use not permitted

N/A = Not Applicable

Land Use Classifications	Old Town Sub-Area				Service Sub-Area		
	MDR	HDR	CMU	PQI	CMU	OPMU	PQI
Residential Use Listings							
Adult Day Care Home	P	P	P	N	P	P	N
Child Day Care Facility	CUP	CUP	CUP	N	CUP	CUP	N
Dwelling, Multifamily	P	P	p ^b	N	p ^b	p ^b	N
Accessory Dwelling Unit/ Junior Accessory Dwelling Unit Dwelling, Second Unit	PN/A^e	PN/A^e	PN/A^e	N	PN/A^e	PN/A^e	N
Dwelling, Single-family	P	N	N	N	N	N	N
Dwelling, Two-family	N/A ^e	N/A ^e	N/A ^e	N	N/A ^e	N/A ^e	N
Family Day Care Home, Small (6 children or less)	PN	P	P	P	p ^d	p ^d	PN
Family Day Care Home, Large (7—24 children)	PCUP^a	PCUP^a	PCUP^a	PN	P	P	P
Home Occupation	PN	P	P	N	p ^a	p ^a	P
Low Barrier Navigation Center	N	N	P	N	P	P	N
Live-Work Facility	P	P	P	P	P	P	P
Residential Care Home Facility	PCUP	P	P	PCUP	PCUP^b	PCUP^b	PCUP
Group Residential/Home	P	P	P	P	P	P	P
Emergency Shelter/ Temporary Home	N	N	N	N	CUP ^b	CUP ^b	CUP

10. Three Corridors Specific Plan Table 6.14 Permitted Use Table for Appian Way [Amendment]

Page 6.0-51 included.

Text to be removed shown in ~~strikeout text~~.

Text to be added shown in **bold and underline**.

LAND USE AND DEVELOPMENT STANDARDS

Table 6.14
Permitted Use Table for Appian Way

Permitted Use provisions are symbolized in the table as follows:

P = Land Use permitted by right

CUP = Land Use permitted with approval of Conditions Use Permit

N = Land Use not permitted

N/A = Not Applicable

Land Use Classifications	Service Sub-Area					Mixed-Use Sub-Area		
	RMU	CMU	OPMU	PQI	HDR	RMU	CMU	PQI
Residential Use Listings								
Adult Day Care Home	P	P	P	N	P	P	P	N
Child Day Care Facility	CUP	CUP	CUP	N	CUP	CUP	CUP	CUP
Dwelling, Multifamily	P	P	P ^b	N	P	P	P ^b	N
Accessory Dwelling Unit/ Junior Accessory Dwelling Unit Dwelling, Second Unit	PN/A^e	PN/A^e	PN/A^e	N	PN/A^e	PN/A^e	PN/A^e	N
Dwelling, Single-family	N	N	N	N	N	N	N	N
Dwelling, Two-family	N/A ^e	N/A ^e	N/A ^e	N	N/A ^e	N/A ^e	N/A ^e	N
Family Day Care Home, Small (6 children or less)	P ^d	P ^d	P ^d	N	P ^d	P ^d	P ^d	PN
Family Day Care Home, Large (7 – 24 children)	PCUP	PCUP	PCUP	PCUP	PN	PCUP	PCUP	PCUP
Home Occupation	P ^a	P ^a	P ^a	P	P ^a	P ^a	P ^a	P
Live-Work Facility	P	P	P	P	P	P	P	P
Low Barrier Navigation Center	P	P	P	N	N	P	P	N
Residential Care Home Facility	PCUP	PCUP^b	PCUP^b	PCUP	PCUP	PCUP	PCUP^b	PCUP
Group Residential/Home	P	P	P	P	P	P	P	P
Emergency Shelter/ Temporary Home	N	N	N	N	N	N	N	N

Attachment B. Housing Element Programs Associated with Proposed Revisions

[Highlighted text was addressed in the revisions]

Program 10. Senior Housing Incentives

The needs analysis identified a special need for the development of housing for seniors in Pinole. In response to this need, the City will develop a set of incentives to encourage the development of housing for seniors. Specific incentives include:

- Reducing parking requirements for senior housing development.
- Permit fee waivers for elderly residents for adaptation and modifications of households to accommodate universal design and aging in place (per Program 9).
- Enhanced rebate incentives for homeowners to make it financially feasible to undertake energy efficient and weatherization projects (per Program 19).
- Promote home match shared housing programs (per Program 11), such as Front Porch's Home Match, for homeowners to turn an available room into an opportunity to earn income, save money, age-in place, provide affordable housing and create new social connections.
- Participation in regional programs to provide assistance to seniors. Continue the partnership with the Contra Costa and Solano Food Bank to provide food resources to the community and seniors.

Additional incentives the City shall investigate include but are not limited to:

- Investigate Density Bonus beyond state law.
- Allow smaller senior units via an equivalent density unit

Program 12. Zoning Amendments

The City is including a number of zoning amendments as identified in the constraints section to ensure compliance with state law and remove constraints to development. Amendments to the zoning ordinance are as follows.

- Amend the Emergency Shelter ordinance to comply with AB 139 and to ensure that standards for emergency shelters are subject to the same standards as other uses in the same zone and parking requirements are based on staffing levels only.
- Amend the zoning ordinance pursuant to Government Code Section 65583 to allow for Low Barrier Navigation Centers by right in areas zoned for mixed uses and nonresidential zones that permit multifamily uses.
- Amend the zoning ordinance in RMU to permit manufactured homes on permanent foundations as if they were single-family homes.
- Amend the zoning ordinance to comply with SB 9 standards (California Government Code section 65852.21).
- Review and revise standards and definitions for both group homes and residential care facilities to ensure that they are fully compliant with all appropriate state laws

and that there are no constraints on group homes in the Zoning Code. This includes an amendment to allow group homes in the R zone as a permitted use by right as is allowed in all other residential zones and adding a definition of group residential to the Zoning Code.

- Review the definition of family and revise as appropriate to ensure that the definition does not require, or imply that it requires a single lease or rental agreement.
- Amend the zoning ordinance to comply with state density bonus law (California Government Code section 65915). Specifically the update will increase the maximum density bonus from 35 to 50 percent, add student housing as a housing type that is eligible for density bonus incentives, reduce parking from 2 to 1.5 spaces for two and three bedroom units and from 2.5 to 2 spaces for four or more bedroom units. The City is complying with state density bonus law though the code is not yet updated.
- The City will reduce the level of approval for a parking reduction or shared parking agreement from a conditional use permit to an administrative use permit, which approval by the Zoning Administrator. The City will review the four criteria for a parking reduction to evaluate additional criteria or/and reduce the minimum number of required criteria.
- The City will further study parking requirements and reduce them so they do not post a constraint on development. Specifically, the City will do one or more of the following: remove or reduce guest parking, remove covered parking requirements, allow tandem parking, or reduce minimum parking requirements. The City is pursuing assistance with parking evaluation and reduction through MTC-ABAG's parking policy technical assistance.

Program 15. Permit Streamlining

The City is including multiple efforts to expedite the permitting and review process through reducing the necessary levels of approval. This is a response to public outreach, constraints, and needs analyses.

Specifically, the City will:

- Lower the approval authority of entitlements for all Density Bonus projects from City Council to Planning Commission.
- Process lot consolidations ministerially.
- Adopt a priority permitting process for developments with affordable units beyond the inclusionary requirement (Program 8)

The City is in the process of implementing an electronic permitting application and tracking system. The online permitting process will help to expedite permitting procedures and will make permitting submittals and subsequent reviews easier for applicants, including allowing applicants to review items needed for submittals, check current project status, and digitally submit materials.



PLANNING COMMISSION REPORT

G.2.

DATE: SEPTEMBER 9, 2024
TO: PLANNING COMMISSION
FROM: DAVID HANHAM, PLANNING MANAGER
SUBJECT: MODIFICATION OF CONDITIONAL USE PERMIT 10-06 FOR THE ADDITION OF LIVE MUSIC AND THE APPROVAL OF ADMINISTRATIVE USE PERMIT FOR PERMANENT OUTDOOR DINING AT 2300 SAN PABLO AVE
[CONTINUE TO OCT. 28, 2024]

RECOMMENDATION

Continue this item to the regular meeting of October 28, 2024.

BACKGROUND

This item was noticed for the September 9, 2024 Planning Commission meeting. Review of the proposal remains ongoing. The item is recommended to be continued to the Planning Commission meeting on a date certain of October 28, 2024.

REVIEW AND ANALYSIS

This item, originally noticed for the September 9, 2024, Planning Commission meeting, is recommended to be continued to the October 28, 2024 meeting due to ongoing review of the application by City staff.

FISCAL IMPACT

ATTACHMENTS

None