



CITY COUNCIL
Maureen Toms, Mayor
Cameron Sasai, Mayor Pro Tem
Anthony Tave, Council Member
Norma Martinez-Rubin, Council Member
Devin T. Murphy, Council Member

PINOLE CITY COUNCIL MEETING AGENDA

December 3, 2024

5:00 PM

**Attend in Person: PINOLE CITY COUNCIL CHAMBERS - 2131 PEAR STREET
OR 1250 South Hayes Street Arlington, Virginia 22202 (TELECONFERENCE - VICE MAYOR,
SASAI)**

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](#). Zoom also allows you to join the meeting by phone.

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

<https://us02web.zoom.us/j/89335000272>

Webinar ID: 893 3500 0272

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 3 minutes to speak (subject to modification by the Mayor)
- Speakers will be muted until their opportunity to provide public comment.

When the Mayor 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:

All comments received **before 3:00 pm the day of the meeting** will be posted on the City’s website on the agenda page (Agenda Page Link) and provided to the City Council prior to the meeting. Written comments will not be read aloud during the meeting. Email comments to comment@pinole.gov Please indicate which item on the

agenda you are commenting on in the subject line of your email.

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.pinoles.gov.

VIDEO-STREAMED LIVE ON THE CITY'S WEBSITE, www.pinoles.gov 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 the City Clerk, Heather Bell at (510) 724-8928 or hbelle@pinoles.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.pinoles.gov. You may also contact the City Clerk via e-mail at hbelle@pinoles.gov.

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.

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE IN HONOR OF THE US MILITARY TROOPS

2. 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.

3. ROLL CALL, CITY CLERK'S REPORT & STATEMENT OF CONFLICT

An official who has a conflict must, prior to consideration of the decision: (1) publicly identify in detail the financial interest that causes the conflict; (2) recuse himself /herself from discussing and voting on the matter; and (3) leave the room until after the decision has been made, Cal. Gov't Code § 87105.

4. CONVENE TO A CLOSED SESSION

Citizens may address the Council regarding a Closed Session item prior to the Council adjourning into the Closed Session, by first providing a speaker card to the City Clerk.

None

5. RECONVENE IN OPEN SESSION TO ANNOUNCE RESULTS OF CLOSED SESSION

6. CITIZENS TO BE HEARD (Public Comments)

Citizens may speak under any item not listed on the Agenda. The time limit is 3 minutes and is subject to modification by the Mayor. Individuals may not share or offer time to another speaker. Pursuant to provisions of the Brown Act, no action may be taken on a matter unless it is listed on the agenda, or unless certain emergency or special circumstances exist. The City Council may direct staff to investigate and/or schedule certain matters for consideration at a future Council meeting. PLEASE SEE THE COVERSHEET OF THE AGENDA FOR INSTRUCTIONS ON HOW TO SUBMIT PUBLIC COMMENTS

7. REPORTS & COMMUNICATIONS

A. Mayor Report

1. Announcements

B. Mayoral & Council Appointments

C. City Council Committee Reports & Communications

D. Council Requests for Future Agenda Items

E. City Manager Report / Department Staff

F. City Attorney Report

8. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

A. Proclamations

1. Remembering Robert Walker
2. Honoring First Responders for their Exemplary Life-Saving Efforts on October 8, 2024
3. Honoring Matt Avery on His Retirement

B. Presentations

9. CONSENT CALENDAR

All matters under the Consent Calendar are considered to be routine and noncontroversial. These items will be enacted by one motion and without discussion. If, however, any interested party or Council member(s) wishes to comment on an item, they may do so before action is taken on the Consent Calendar. Following comments, if a Council member wishes to discuss an item, it will be removed from the Consent Calendar and taken up in order after adoption of the Consent Calendar.

- A. Receive the November 16, 2024– November 29, 2024 – List of Warrants in the Amount of \$346,118.49 and the November 22, 2024 Payroll in the Amount of \$533,181.83.
- B. Adopt a Resolution to Increase Minimum Wage Pay Rates and Master Salary Schedule Updates **Action: Adopt Resolution per Staff Recommendation (Charlene Davis, Stacy Shell)**
- C. Second Reading and Adoption of Pinole Municipal Code and Specific Plan Amendments related to Housing Element Programs No. 10, 12 and 15, and Regulatory Consistency **Action: Adopt Ordinance on Second Reading (David Hanham, Justin Shiu)**

10. PUBLIC HEARINGS

Citizens wishing to speak regarding a Public Hearing item should fill out a speaker card prior to the completion of the presentation, by first providing a speaker card to the City Clerk. **An official who engaged in an ex parte communication that is the subject of a Public Hearing must disclose the communication on the record prior to the start of the Public Hearing.**

- A. First Reading Of An Ordinance Amending Chapter 10.56 "Speed Zones" Of The Pinole Municipal Code **Action: Introduce and Waive First reading of an Ordinance and adopt a Resolution per Staff Recommendation (Eric Casher, Faby Guillen)**

11. OLD BUSINESS

None

12. NEW BUSINESS

None

13. CITIZENS TO BE HEARD (Continued from Item 6) (Public Comments)

Open only to members of the public who did not speak under the first Citizens to Be Heard, Agenda Item 6 **Citizens may speak under any item not listed on the Agenda.** The time limit is 3 minutes for City Council items and is subject to modification by the Mayor. Individuals may not share or offer time to another speaker. Pursuant to provisions of the Brown Act, no action may be taken on a matter unless it is listed on the agenda, or unless certain emergency or special circumstances exist. The City Council may direct staff to investigate and/or schedule certain matters for consideration at a future meeting.

14. **ADJOURNMENT** to the Regular City Council Meeting of December 17, 2024 in Remembrance of Amber Swartz.

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.

Heather Bell, CMC

City Clerk

POSTED: Tuesday, November 26, 2024 at 2:30 pm



Proclamation

REMEMBERING ROBERT WALKER AND HIS LIFELONG DEDICATION TO SERVICE

***WHEREAS**, Robert Walker's commitment to serve began in the California Army National Guard, where he served 20 years before retiring as a Staff Sergeant; and*

***WHEREAS**, from December 1974 – June 1978, Robert joined Pinole's neighboring agency, the City of Richmond, as a Maintenance Worker; and*

***WHEREAS**, on October 9, 1979, Robert started his career serving the City of Pinole by working in the Public Work's Department as a Maintenance Worker; and*

***WHEREAS**, in 2002, Robert temporarily assisted the Recreation Department as a Drop-In Gym Attendant; and*

***WHEREAS**, on October 9, 2024, Robert celebrated 45 years of service with the City of Pinole, the City's most tenured employee; and*

***WHEREAS**, on October 13, 2024, the City of Pinole grieved the loss of Robert Walker, after 45 years and 4 days of dedicated service.*

***NOW, THEREFORE, I, MAUREEN TOMS**, Mayor of the City of Pinole, County of Contra Costa, State of California, on behalf of the City Council and the entire City of Pinole, do hereby remember **ROBERT WALKER** for his exemplary service to the City of Pinole.*

MAUREEN TOMS
MAYOR of the City of Pinole

Dated: December 3, 2024





Proclamation

HONORING FIRST RESPONDERS FOR THEIR EXEMPLARY LIFE-SAVING EFFORTS ON OCTOBER 8, 2024

On this day, we extend our heartfelt gratitude and recognition to the first responders who displayed courage, professionalism, and unwavering dedication in providing critical aid.

WHEREAS, on October 8, 2024, first responders answered the call to provide critical aid and assistance, demonstrating extraordinary bravery, skill, and compassion during a time of need; and

WHEREAS, their swift and skillful intervention ensured the safety and well-being of an individual in need; and

WHEREAS, their efforts directly benefited City of Pinole employee Robert Walker, whose well-being was preserved through their expertise and compassion; and

WHEREAS, their swift actions and unwavering commitment exemplify the highest standards of service and sacrifice, embodying the values of honor, integrity, and resilience in times of crisis.

NOW, THEREFORE, I, MAUREEN TOMS, Mayor of the City of Pinole, County of Contra Costa, State of California, on behalf of the City Council and the entire City of Pinole, present this proclamation as a testament to our enduring appreciation and respect for the first responders who stand ready to serve, protect, and support our community.

MAUREEN TOMS
MAYOR of the City of Pinole

Dated: December 3, 2024





Proclamation

**HONORING
MATT AVERY
UPON HIS RETIREMENT AS
PINOLE'S ACTING POLICE CHIEF**

WHEREAS, Police Chief Matt Avery graduated from Campolindo High School in 1990 and went on to attend Diablo Valley College (DVC) and California State University, earning an AA in Liberal Arts and a Certificate in Administration of Justice; and

WHEREAS, Chief Avery began his law enforcement career as a volunteer with the Moraga Police Department, serving as an Explorer and Community Services Officer from 1990 to 1994; and

WHEREAS, he was hired by the Pinole Police Department as a Community Service Officer in May 1995, serving until July 1997, when he resigned to attend the Los Medanos College Basic Police Academy, graduating in 1997; and

WHEREAS, he was hired as a police officer in October 1999; and

WHEREAS, Matt was appointed Detective in April 2005, serving until December 2007, during which time he was a member of the Internet Crimes Against Children Taskforce; and

WHEREAS, in 2008, he completed the South Bay Regional Training Center CA POST Supervisory Course; and

WHEREAS, he was promoted to Lieutenant in 2017 and to Commander in 2023. His assignments included Report Writing Instructor, Field Training Officer, Field Training Supervisor, Bicycle Patrol, Crime Scene Investigator, Fleet Manager, and Public Information Officer; and

WHEREAS, Matt has been recognized with the Police Officer of the Year Award in 2001, Supervisor of the Year in 2014 and 2016, and the Fallen Heroes Award in 2018; and

WHEREAS, he has been involved in the Special Olympics Law Enforcement Torch Run since 2003 and has served as the West Contra Costa County agency coordinator since 2012. He was named the 2022 Special Olympics Northern California Law Enforcement Volunteer of the Year; and

NOW, THEREFORE, I, MAUREEN TOMS, Mayor of the City of Pinole, on behalf of the City Council and the entire City of Pinole, commend Matt Avery for his exemplary service and wish him the best in his retirement.

MAUREEN TOMS
MAYOR of the City of Pinole



Dated: December 3, 2024



City of Pinole, CA

9B WARRANT LISTING By Vendor Name

Payment Dates 11/16/2024 - 11/29/2024

Payable Number	Payment Number	Payment Date	Account Number	Description (Payable)	Amount
Vendor: 4LE00 - 4LEAF, INC.					
J1909-05F	106091	11/22/2024	212-462-42101	CODE ENFORCEMENT TECHNICIAN	5,680.40
				Vendor 4LE00 - 4LEAF, INC. Total:	5,680.40
Vendor: 2699 - AAA BUSINESS SUPPLIES & INTERIORS					
2389820-0	106146	11/29/2024	500-641-42201	OFFICE SUPPLIES WPCP	366.21
				Vendor 2699 - AAA BUSINESS SUPPLIES & INTERIORS Total:	366.21
Vendor: ALH01 - ALHAMBRA & SIERRA SPRINGS					
5025519 110624	106147	11/29/2024	500-641-42201	WATER FOR WPCP	195.86
				Vendor ALH01 - ALHAMBRA & SIERRA SPRINGS Total:	195.86
Vendor: 2463 - AMANDA VASQUEZ					
10012024	106092	11/22/2024	100-221-42302	WOMEN IN COMMAND TRAINING REIMBURSEMENT	52.12
10012024	106092	11/22/2024	100-221-42303	WOMEN IN COMMAND TRAINING REIMBURSEMENT	190.00
				Vendor 2463 - AMANDA VASQUEZ Total:	242.12
Vendor: AME41 - AMERICAN LEGAL PUBLISHING					
35804	106093	11/22/2024	100-112-42101	INTERNET RENEWAL 9/20/24- 9/20/2025	550.00
				Vendor AME41 - AMERICAN LEGAL PUBLISHING Total:	550.00
Vendor: ATT01 - AT&T					
000022269443	106148	11/29/2024	525-118-43101	RECREATION DEPT. PHONE	1,005.39
000022563166	106148	11/29/2024	525-118-43101	MIS PHONE	994.20
				Vendor ATT01 - AT&T Total:	1,999.59
Vendor: BAY01 - BAY AREA AIR QUALITY					
T178529	106094	11/22/2024	500-641-44304	PERMIT TO OPERATE WPCP	288.00
				Vendor BAY01 - BAY AREA AIR QUALITY Total:	288.00
Vendor: BAY34 - BAY AREA NEWS GROUP- EAST BAY					
0001429014	106095	11/22/2024	100-112-42514	LEGAL ADS OCTOBER 2024	70.81
0001429014	106095	11/22/2024	100-112-42514	LEGAL ADS OCTOBER 2024	68.87
				Vendor BAY34 - BAY AREA NEWS GROUP- EAST BAY Total:	139.68
Vendor: 2944 - BLUEBEAM INC.					
2069899	106149	11/29/2024	212-462-42106	SUBSCRIPTION RENEWAL PDF AND DRAWING	1,820.00
				Vendor 2944 - BLUEBEAM INC. Total:	1,820.00
Vendor: 2941 - BRADY INDUSTRIES NORCAL, LLC.					
9346229	106096	11/22/2024	500-642-42514	FLO-OUT DRIAN OPENER DRAIN CANNON CY SEWER	224.42
				Vendor 2941 - BRADY INDUSTRIES NORCAL, LLC. Total:	224.42
Vendor: CAL74 - CALIFORNIA MUNICIPAL STATISTICS, INC.					
24111416	106150	11/29/2024	100-115-42101	PROFESSIONAL SERVICES FINANCE	550.00
				Vendor CAL74 - CALIFORNIA MUNICIPAL STATISTICS, INC. Total:	550.00
Vendor: CAL01 - CALTEST ANALYTICAL LAB					
724463	106151	11/29/2024	500-641-44305	LAB SUPPLIES WPCP	155.80
				Vendor CAL01 - CALTEST ANALYTICAL LAB Total:	155.80
Vendor: 2814 - CAMERON SASAI					
11142024	106097	11/22/2024	100-110-42302	REIMBURSEMENT FOR CALCITIES EXPENSES	141.40

WARRANT LISTING

Payment Dates: 11/16/2024 - 11/29/2024

Payable Number	Payment Number	Payment Date	Account Number	Description (Payable)	Amount
11142024	106097	11/22/2024	100-110-42303	REIMBURSEMENT FOR CALCITIES EXPENSES	87.00
Vendor 2814 - CAMERON SASAI Total:					228.40
Vendor: 2060 - CENTRAL CONCRETE SUPPLY CO., INC.					
2411-180007	106098	11/22/2024	100-342-42514	3/4 DRIAN ROCK CRUSHED	88.03
Vendor 2060 - CENTRAL CONCRETE SUPPLY CO., INC. Total:					88.03
Vendor: 2410 - CENTRALSQUARE TECHNOLOGIES, LLC.					
398960-1	106099	11/22/2024	525-118-42106	TRACK IT SOFTWARE SOLUTION	63,081.52
Vendor 2410 - CENTRALSQUARE TECHNOLOGIES, LLC. Total:					63,081.52
Vendor: CIT08 - CITY MECHANICAL, INC					
108776	106100	11/22/2024	209-557-42108	HVAC SWIM CENTER	1,701.52
108832	106100	11/22/2024	209-554-42108	SERVICE CALL PYC	1,190.38
Vendor CIT08 - CITY MECHANICAL, INC Total:					2,891.90
Vendor: 2405 - CLIENTFIRST CONSULTING GROUP, LLC.					
17003	106101	11/22/2024	525-118-42101	SYSTEM ADMINSTRATION FY25	17,730.00
17374	106101	11/22/2024	525-118-42101	LAND MANAGEMENT GIS MAINT FY25	1,173.75
17402	106101	11/22/2024	525-118-42101	LAND MGMT SYTEM ADMINISTRATION FY25	7,383.75
Vendor 2405 - CLIENTFIRST CONSULTING GROUP, LLC. Total:					26,287.50
Vendor: COM20 - COMCAST					
0419492-08022024	106152	11/29/2024	525-118-43101	INTERNET SWIM CENTER SERVICE 08072024-09062024	175.18
0419492-11022024	106152	11/29/2024	525-118-43106	INTERNET SWIM CENTER SERVICE 110724-120624	185.18
222335699	106153	11/29/2024	525-118-43101	INTERNET PD	901.74
Vendor COM20 - COMCAST Total:					1,262.10
Vendor: CON54 - CONTRA COSTA COUNTY TAX COLLECTOR					
24 294956	106154	11/29/2024	209-554-43201	PROPERTY TAXES PARCEL 401- 141-014-1 635 TENNENT	794.15
24 294956	106154	11/29/2024	505-119-43201	PROPERTY TAXES PARCEL 401- 141-014-1 635 TENNENT	794.15
24 294989	106102	11/22/2024	100-343-43201	PROPERTY TAX FY24-25 A[M 401163004	2,978.60
Vendor CON54 - CONTRA COSTA COUNTY TAX COLLECTOR Total:					4,566.90
Vendor: COR12 - CORELOGIC SOLUTIONS LLC					
82228630	106155	11/29/2024	525-118-42510	CITYWIDE REALQUEST SOFTWARE	668.41
Vendor COR12 - CORELOGIC SOLUTIONS LLC Total:					668.41
Vendor: 1445 - CORTEZ TIRES AND AUTO REPAIR					
26250	106103	11/22/2024	100-221-42107	SHIFTER CABLE AND TRANSMISSION PD	346.56
26388	106103	11/22/2024	100-221-42107	TIRES PACKAGE	1,294.45
Vendor 1445 - CORTEZ TIRES AND AUTO REPAIR Total:					1,641.01
Vendor: 2220 - CRESCO EQUIPMENT RENTALS					
5981038-0015	106104	11/22/2024	100-345-42511	12" BRUSH CHIPPER	3,658.50
Vendor 2220 - CRESCO EQUIPMENT RENTALS Total:					3,658.50
Vendor: 2424 - CROCKETT AWARD & TROPHY SERVICES					
7051770	106105	11/22/2024	100-111-42201	NAME PLATE AND FRAME	9.86
7051770	106105	11/22/2024	212-461-42201	NAME PLATE AND FRAME	37.00
Vendor 2424 - CROCKETT AWARD & TROPHY SERVICES Total:					46.86
Vendor: 2080 - CSW-STUBER-STROEH ENGINEERING GROUP INC					
2410113	106106	11/22/2024	106-343-42101	BROADBAND OPPORTUNITIES ASSESSMENT	2,849.00
Vendor 2080 - CSW-STUBER-STROEH ENGINEERING GROUP INC Total:					2,849.00

WARRANT LISTING

Payment Dates: 11/16/2024 - 11/29/2024

Payable Number	Payment Number	Payment Date	Account Number	Description (Payable)	Amount
Vendor: 2777 - DETAIL ORIENTED					
DO0107	106107	11/22/2024	100-221-42107	DETAIL CARS SERVICE DATES 0522-052324 PD	660.00
DO0108	106107	11/22/2024	100-221-42107	DETAIL CARS SERVICE DATES 612-61524 PD	660.00
DO0109	106107	11/22/2024	100-221-42107	DETAIL CARS SERVICE DATES 0703-07242024 PD	660.00
DO0110	106107	11/22/2024	100-221-42107	DETAIL CARS SERVICE DATES 0821-082824 PD	660.00
DO0111	106107	11/22/2024	100-221-42107	DETAIL CARS SERVICE DATES 0911-0918-092924 PD	660.00
DO0112	106107	11/22/2024	100-221-42107	DETAIL CARS SERVICE DATES 10-16-10-23-24 PD	660.00
Vendor 2777 - DETAIL ORIENTED Total:					3,960.00
Vendor: 1443 - DIESEL DIRECT WEST, INC.					
86137113	106108	11/22/2024	100-10601	GASOLINE UNL CY	3,036.72
86184958	106108	11/22/2024	100-10601	GASOLINE UNL CY	1,830.47
86191359	106108	11/22/2024	500-10601	DIESEL FUEL RENEWABLE WPCP	4,452.02
Vendor 1443 - DIESEL DIRECT WEST, INC. Total:					9,319.21
Vendor: 2480 - DTS LANGUAGE SERVICES, INC.					
I-0017327	106109	11/22/2024	100-465-42101	INTERPRETATION SPANISH SERVICES CE	16.36
Vendor 2480 - DTS LANGUAGE SERVICES, INC. Total:					16.36
Vendor: 2853 - EVERON, LLC					
156931939	106110	11/22/2024	100-343-42108	ALARM SYSTEM MONITORING CH	870.00
156981888	106156	11/29/2024	209-552-42108	ALARM SERVICES AT PSC	158.85
NOVEMBER 2024	106110	11/22/2024	209-553-42108	MONITORING ALARM 2454 SIMAS	110.73
Vendor 2853 - EVERON, LLC Total:					1,139.58
Vendor: FIS01 - FISHER SCIENTIFIC					
6663259	106157	11/29/2024	500-641-44305	LAB SUPPLIES WPCP	156.95
Vendor FIS01 - FISHER SCIENTIFIC Total:					156.95
Vendor: 2389 - GOLDEN PERFORMACE MANAGEMENT					
10142024	106111	11/22/2024	100-221-42301	LEADING PROFESSIONAL STAFF TRAINING PD	375.00
Vendor 2389 - GOLDEN PERFORMACE MANAGEMENT Total:					375.00
Vendor: 1653 - GOT POWER, INC.					
01-103362	106112	11/22/2024	100-222-42108	GENERATOR SERVICES	1,825.00
01-103459	106112	11/22/2024	100-231-42108	GENERATOR SERVICE	1,650.00
Vendor 1653 - GOT POWER, INC. Total:					3,475.00
Vendor: 2724 - GOVERNMENT FINANCE RESEARCH GROUP, LLC					
PI-1124-01	106113	11/22/2024	100-115-42510	IMPLEMENTATION AND SUPPORT MUNICAST	1,995.00
Vendor 2724 - GOVERNMENT FINANCE RESEARCH GROUP, LLC Total:					1,995.00
Vendor: GRA03 - GRAINGER					
9150696681	106114	11/22/2024	100-345-44306	SOAP DISP SLVR	228.53
9150696699	106114	11/22/2024	100-345-44306	SOAP DISP SLVR	57.13
Vendor GRA03 - GRAINGER Total:					285.66
Vendor: 2371 - GREEN HALO SYSTEMS INC					
5174	106115	11/22/2024	212-462-42106	HOST AND ACCESS SEPTEMBER 2024	175.00
Vendor 2371 - GREEN HALO SYSTEMS INC Total:					175.00
Vendor: HAC01 - HACH COMPANY					
14237240	106116	11/22/2024	500-641-44303	CHEMICALS WPCP	1,147.29
14240825	106116	11/22/2024	500-641-44305	CHEMICALS FOR LAB WPCP	318.16

WARRANT LISTING

Payment Dates: 11/16/2024 - 11/29/2024

Payable Number	Payment Number	Payment Date	Account Number	Description (Payable)	Amount
14250675	106116	11/22/2024	500-641-44305	TOP ENCLOSURE WITH KEYPAD AWRS WPCP	311.69
Vendor HAC01 - HACH COMPANY Total:					1,777.14
Vendor: 2460 - INFOSEND, INC.					
248976	106158	11/29/2024	100-111-42201	MAILER AND PRINTING	9,182.41
249207	106158	11/29/2024	100-111-42201	MAILERS AND PRINTING	1,329.73
Vendor 2460 - INFOSEND, INC. Total:					10,512.14
Vendor: JWE01 - J. W. ENTERPRISES - NORTH					
262466	106159	11/29/2024	100-551-42511	PORTALBE TOILET RENTAL	144.77
Vendor JWE01 - J. W. ENTERPRISES - NORTH Total:					144.77
Vendor: 1630 - JOHN AND CLAIRE INVESTIGATIONS					
1642	106117	11/22/2024	100-223-42101	DISPATCHER APPLICANT PD	510.00
1649	106117	11/22/2024	100-221-42101	BACKGROUND CHECKS OFFICER PD	2,025.00
Vendor 1630 - JOHN AND CLAIRE INVESTIGATIONS Total:					2,535.00
Vendor: 1549 - JONATHAN PORTER					
10212024	106118	11/22/2024	100-221-42303	REIMBURSEMENT RIFLE ARMORER'S TRAINING PD	225.00
Vendor 1549 - JONATHAN PORTER Total:					225.00
Vendor: KEL09 - KELLER CANYON LANDFILL					
4212-000033611	106160	11/29/2024	500-641-44302	SLUDGE REMOVAL WPCP	4,533.08
Vendor KEL09 - KELLER CANYON LANDFILL Total:					4,533.08
Vendor: 2943 - LIBERTY PLUMBING					
11212024	106161	11/29/2024	100-000-31510	OVERPAYMENT FOR BL 21- 10034	163.00
Vendor 2943 - LIBERTY PLUMBING Total:					163.00
Vendor: 1253 - LIL' FROG CREATIONS					
1142	106162	11/29/2024	209-551-42515	PRINTED PINOLE GLOW A FRAMES SIGNS	403.46
Vendor 1253 - LIL' FROG CREATIONS Total:					403.46
Vendor: MAN01 - MANNA FOODS, INC.					
1034880	106163	11/29/2024	209-552-43804	MEAT FOR FOOD PROGRAM PSC	208.80
Vendor MAN01 - MANNA FOODS, INC. Total:					208.80
Vendor: 1311 - M-GROUP					
2004773	106119	11/22/2024	212-461-42101	PROFESSIONAL SERVICES ON CALL THROUGH 10/31/24	19,643.75
Vendor 1311 - M-GROUP Total:					19,643.75
Vendor: 2378 - MTS TRAINING ACADEMY, INC.					
5121-CT	106120	11/22/2024	500-641-42301	CLASS B TRUCK DRIVER BEHIND THE WHEEL WPCP	6,900.00
Vendor 2378 - MTS TRAINING ACADEMY, INC. Total:					6,900.00
Vendor: 2466 - MUNICIPAL RESOURCE GROUP, LLC.					
241416	106164	11/29/2024	100-112-42101	PROFESSIONAL SERVICES GOVERNANCE HANDBOOK	225.00
Vendor 2466 - MUNICIPAL RESOURCE GROUP, LLC. Total:					225.00
Vendor: MYE01 - MYERS STEVENS & TOOHEY CO					
1432232	106121	11/22/2024	100-221-41008	LTD LONG TERM DISABILITY PD	594.00
1432232	106121	11/22/2024	100-223-41008	LTD LONG TERM DISABILITY PD	287.70
1432232	106121	11/22/2024	105-221-41008	LTD LONG TERM DISABILITY PD	59.40
1435288	106165	11/29/2024	100-221-41008	LTD PD	534.60
1435288	106165	11/29/2024	100-223-41008	LTD PD	94.20
1435288	106165	11/29/2024	105-221-41008	LTD PD	59.40
Vendor MYE01 - MYERS STEVENS & TOOHEY CO Total:					1,629.30

WARRANT LISTING

Payment Dates: 11/16/2024 - 11/29/2024

Payable Number	Payment Number	Payment Date	Account Number	Description (Payable)	Amount
Vendor: OLI01 - OLIVERS TOWING INC					
24-4956777	106122	11/22/2024	100-221-42107	FORD EXPLORER 801 BK TIRE SERVICE	99.75
Vendor OLI01 - OLIVERS TOWING INC Total:					99.75
Vendor: 2636 - OLIVIA ROJO					
11132024	106123	11/22/2024	100-112-42514	REIMBURSEMENT COMMISSION APPRECIATION GIFT CARD	20.00
Vendor 2636 - OLIVIA ROJO Total:					20.00
Vendor: OTI01 - OTIS ELEVATOR COMPANY					
100401753455	106124	11/22/2024	100-343-42108	MAINTENANCE SERVICE DEC. 2024 CH	129.22
Vendor OTI01 - OTIS ELEVATOR COMPANY Total:					129.22
Vendor: LON02 - PATRICIA LONG					
OCTOBER 2024	106125	11/22/2024	209-552-43802	CWLD INSTRUCTOR PSC	123.20
Vendor LON02 - PATRICIA LONG Total:					123.20
Vendor: PGE01 - PG&E					
0498-11072024	106126	11/22/2024	100-231-43103	3790 PINOLE VALLEY RD FIRESTATION	1,282.73
1801-11062024	106126	11/22/2024	209-553-43103	2454 SIMAS AVE REC CTR & POOL	53.82
3834-11032024	106126	11/22/2024	100-231-43103	3790 PINOLE VALLEY RD FIRESTATION	96.23
Vendor PGE01 - PG&E Total:					1,432.78
Vendor: PIN16 - PINOLE SEALS SWIM CLUB					
JULY -OCT 2024	106127	11/22/2024	209-557-42101	SWIM SEASON EXPENSE JULY 15-OCT. 24, 2024	40,876.85
Vendor PIN16 - PINOLE SEALS SWIM CLUB Total:					40,876.85
Vendor: PIT01 - PITNEY BOWES GLOBAL FINANCIAL SERVICES LLC					
3106917591	106166	11/29/2024	525-118-42203	POSTAGE MACHINE LEASE	502.09
Vendor PIT01 - PITNEY BOWES GLOBAL FINANCIAL SERVICES LLC Total:					502.09
Vendor: 1009 - PRECISION IT CONSULTING					
14731	106167	11/29/2024	525-118-42101	AGREEMENT MFA APPLICATION PROF SERVICES	135.00
14775	106167	11/29/2024	525-118-47102	LAPTOP FOR SENIOR CENTER	2,157.92
14782	106167	11/29/2024	525-118-42101	PROF SERVICES	29,000.00
14782	106167	11/29/2024	525-118-42105	PROF SERVICES	2,373.00
14800	106167	11/29/2024	525-118-42510	PROF SERVICES	3,141.80
Vendor 1009 - PRECISION IT CONSULTING Total:					36,807.72
Vendor: 2388 - PRESTIGE PRINTING AND GRAPHICS					
93099	106168	11/29/2024	212-462-42201	BUSINESS CARDS J NUNES	99.00
95222	106168	11/29/2024	100-111-42201	CITY OF PINOLE NEW SEAL FOIL BC MASTER	584.42
95222	106168	11/29/2024	100-112-42201	CITY OF PINOLE NEW SEAL FOIL BC MASTER	584.42
95313	106168	11/29/2024	100-115-42201	FINANCE WINDO ENVELOPES	794.06
95738	106168	11/29/2024	100-111-42201	BC FOR K YOUNG	110.69
Vendor 2388 - PRESTIGE PRINTING AND GRAPHICS Total:					2,172.59
Vendor: R&S01 - R & S ERECTION OF RICHMOND, INC.					
2256841	106128	11/22/2024	100-231-42108	STATION 73 SECTIONA...	560.50
2256855	106128	11/22/2024	100-231-42108	STATION 73 SERVICE FOR GARAGE DOORS	1,028.96
Vendor R&S01 - R & S ERECTION OF RICHMOND, INC. Total:					1,589.46
Vendor: 2934 - RAQUEL TOMPKINS					
110824	106169	11/29/2024	100-112-42514	13' BALLON ARCH FOR COMMISSION APPRECIATION EVENT	300.00
Vendor 2934 - RAQUEL TOMPKINS Total:					300.00

WARRANT LISTING

Payment Dates: 11/16/2024 - 11/29/2024

Payable Number	Payment Number	Payment Date	Account Number	Description (Payable)	Amount
Vendor: 2942 - RELIABLE ROOFING					
11212024	106170	11/29/2024	100-000-31510	OVERPAYMENT OF BL23-10320	167.00
Vendor 2942 - RELIABLE ROOFING Total:					167.00
Vendor: 2742 - RELIABLE TRANSLATIONS, INC.					
29301	106129	11/22/2024	106-466-42101	SPANISH AND CHINESE TRANSLATION	160.00
Vendor 2742 - RELIABLE TRANSLATIONS, INC. Total:					160.00
Vendor: 2440 - RINCON CONSULTANTS, INC.					
60612	106130	11/22/2024	212-461-42101	PINOLE CLIMATE ACTION PLAN PROFESSIONAL SERVICES	9,555.50
Vendor 2440 - RINCON CONSULTANTS, INC. Total:					9,555.50
Vendor: 2646 - ROADS SAFE TRAFFIC SYSTEMS, INC.					
217643D	106131	11/22/2024	100-342-42514	CROSS PIECE FLA CAP UNIVERSAL 2X2 SQUARE	714.47
Vendor 2646 - ROADS SAFE TRAFFIC SYSTEMS, INC. Total:					714.47
Vendor: ROS08 - RSG, INC.					
12341	106132	11/22/2024	285-464-42101	HOUSING CONSULTING SERVICES FY24-25	137.50
12342	106132	11/22/2024	285-464-42101	HOUSING POLICY AND IN-LIEU FEE STUDY	7,440.00
12366	106132	11/22/2024	285-464-42101	COMPLIANCE MONITORING FY24-25	2,076.25
12494	106132	11/22/2024	285-464-42101	HOUSING POLICY AND IN-LIEU FEE STUDY OCTOBER 2024	12,168.75
12527	106132	11/22/2024	285-464-42101	COMPLIANCE MONITORING FY24-25 OCTOBER 2024	1,997.50
Vendor ROS08 - RSG, INC. Total:					23,820.00
Vendor: 1450 - RUBENSTEIN SUPPLY COMPANY					
S2650125.001	106133	11/22/2024	209-557-42108	GALV NIPPLE 2X24	59.76
Vendor 1450 - RUBENSTEIN SUPPLY COMPANY Total:					59.76
Vendor: 2650 - SARRAH PATTON					
11182024	106134	11/22/2024	212-461-42302	REIMBURSEMENT CACEO CONFERENCE	332.68
11182024	106134	11/22/2024	212-461-42303	REIMBURSEMENT CACEO CONFERENCE	258.00
Vendor 2650 - SARRAH PATTON Total:					590.68
Vendor: 2825 - SENSORTECH, LLC.					
91883037	106171	11/29/2024	525-118-42510	DESEL GENERATOR MONITORING FIRE 73	120.00
Vendor 2825 - SENSORTECH, LLC. Total:					120.00
Vendor: 2940 - SEQUOIA SIGNS & GRAPHICS INC					
11182024	106135	11/22/2024	100-000-31501	OVERPAYMENT REFUND BL 23- 10669	163.00
Vendor 2940 - SEQUOIA SIGNS & GRAPHICS INC Total:					163.00
Vendor: 2657 - SHRED CITY, LLC					
23979111824	106172	11/29/2024	100-221-42101	DESTRUCTION SERVICE PD	200.00
Vendor 2657 - SHRED CITY, LLC Total:					200.00
Vendor: 2260 - SKL SOLUTIONS, INC.					
240102	106136	11/22/2024	500-642-42101	Staff Augmentation for On-Call Consulting Services	9,000.00
Vendor 2260 - SKL SOLUTIONS, INC. Total:					9,000.00
Vendor: STA42 - STAPLES BUSINESS CREDIT					
AUGUST 2024	106137	11/22/2024	100-111-42201	CITYWIDE PURCHASES OFFICE SUPPLIES	141.06
AUGUST 2024	106137	11/22/2024	100-111-42201	CITYWIDE PURCHASES OFFICE SUPPLIES	61.64
AUGUST 2024	106137	11/22/2024	100-111-42201	CITYWIDE PURCHASES OFFICE SUPPLIES	25.78

WARRANT LISTING

Payment Dates: 11/16/2024 - 11/29/2024

Payable Number	Payment Number	Payment Date	Account Number	Description (Payable)	Amount
AUGUST 2024	106137	11/22/2024	100-112-42201	CITYWIDE PURCHASES OFFICE SUPPLIES	42.04
AUGUST 2024	106137	11/22/2024	100-112-42201	CITYWIDE PURCHASES OFFICE SUPPLIES	90.76
AUGUST 2024	106137	11/22/2024	100-115-42201	CITYWIDE PURCHASES OFFICE SUPPLIES	258.52
AUGUST 2024	106137	11/22/2024	100-222-42514	CITYWIDE PURCHASES OFFICE SUPPLIES	20.63
AUGUST 2024	106137	11/22/2024	100-222-42514	CITYWIDE PURCHASES OFFICE SUPPLIES	44.12
AUGUST 2024	106137	11/22/2024	100-222-42514	CITYWIDE PURCHASES OFFICE SUPPLIES	77.68
AUGUST 2024	106137	11/22/2024	100-341-42201	CITYWIDE PURCHASES OFFICE SUPPLIES	113.00
AUGUST 2024	106137	11/22/2024	100-341-42201	CITYWIDE PURCHASES OFFICE SUPPLIES	16.89
AUGUST 2024	106137	11/22/2024	100-465-42201	CITYWIDE PURCHASES OFFICE SUPPLIES	112.99
AUGUST 2024	106137	11/22/2024	212-461-42201	CITYWIDE PURCHASES OFFICE SUPPLIES	113.00
AUGUST 2024	106137	11/22/2024	212-462-42201	CITYWIDE PURCHASES OFFICE SUPPLIES	113.00
AUGUST 2024	106137	11/22/2024	212-462-42201	CITYWIDE PURCHASES OFFICE SUPPLIES	16.88
OCTOBER 2024	106137	11/22/2024	100-112-42201	CITYWIDE PURCHASES OFFICE SUPPLIES	43.43
OCTOBER 2024	106137	11/22/2024	100-222-42201	CITYWIDE PURCHASES OFFICE SUPPLIES	208.34
SEPTEMBER 2024	106137	11/22/2024	100-111-42201	CITYWIDE PURCHASES OFFICE SUPPLIES	178.65
SEPTEMBER 2024	106137	11/22/2024	100-222-42201	CITYWIDE PURCHASES OFFICE SUPPLIES	175.94
SEPTEMBER 2024	106137	11/22/2024	100-222-42201	CITYWIDE PURCHASES OFFICE SUPPLIES	31.48
SEPTEMBER 2024	106137	11/22/2024	100-222-42201	CITYWIDE PURCHASES OFFICE SUPPLIES	104.90
SEPTEMBER 2024	106137	11/22/2024	100-222-42201	CITYWIDE PURCHASES OFFICE SUPPLIES	319.99
SEPTEMBER 2024	106137	11/22/2024	100-341-42201	CITYWIDE PURCHASES OFFICE SUPPLIES	10.57
SEPTEMBER 2024	106137	11/22/2024	100-341-42201	CITYWIDE PURCHASES OFFICE SUPPLIES	130.60
SEPTEMBER 2024	106137	11/22/2024	100-341-42201	CITYWIDE PURCHASES OFFICE SUPPLIES	10.11
SEPTEMBER 2024	106137	11/22/2024	212-461-42201	CITYWIDE PURCHASES OFFICE SUPPLIES	10.56
SEPTEMBER 2024	106137	11/22/2024	212-461-42201	CITYWIDE PURCHASES OFFICE SUPPLIES	13.16
SEPTEMBER 2024	106137	11/22/2024	212-462-42201	CITYWIDE PURCHASES OFFICE SUPPLIES	130.61
Vendor STA42 - STAPLES BUSINESS CREDIT Total:					2,616.33
Vendor: 2305 - TAMIKO FODOR					
10042024	106138	11/22/2024	100-221-42302	REIMBURSEMENT WOMEN IN COMMAND TRAINING	76.75
10042024	106138	11/22/2024	100-221-42303	REIMBURSEMENT WOMEN IN COMMAND TRAINING	190.00
Vendor 2305 - TAMIKO FODOR Total:					266.75
Vendor: SIE04 - THATCHER COMPANY, INC					
2024250106225	106139	11/22/2024	500-641-44303	SODIUM BISULFITE WPCP	8,451.07
Vendor SIE04 - THATCHER COMPANY, INC Total:					8,451.07

WARRANT LISTING

Payment Dates: 11/16/2024 - 11/29/2024

Payable Number	Payment Number	Payment Date	Account Number	Description (Payable)	Amount
Vendor: 2633 - TRB AND ASSOCIATES, INC.					
5763	106140	11/22/2024	212-462-42101	PLAN REVIEWS AND INSPECTION SERVICES	1,871.84
Vendor 2633 - TRB AND ASSOCIATES, INC. Total:					1,871.84
Vendor: 2668 - UBEO BUSINESS SERVICES					
4684056	106173	11/29/2024	525-118-42107	FINANCE CHARGE	57.71
4697689	106173	11/29/2024	525-118-42107	CITYWIDE COPIERS TONERS AND MAINTENANCE	1,886.67
Vendor 2668 - UBEO BUSINESS SERVICES Total:					1,944.38
Vendor: USP02 - UNITED STATES POSTAL SVC					
638891411	106141	11/22/2024	209-552-43809	POSTAGE FOR DECEMBER 2024 NEWSLETTER PSC	245.31
Vendor USP02 - UNITED STATES POSTAL SVC Total:					245.31
Vendor: UNIO7 - UNIVERSAL BUILDING SVCS.					
16783-1	106142	11/22/2024	100-343-42108	JANITORIAL SUPPLIES	73.18
16988	106142	11/22/2024	100-343-42108	JANITORIAL SUPPLIES	597.55
Vendor UNIO7 - UNIVERSAL BUILDING SVCS. Total:					670.73
Vendor: USB06 - US BANK					
538982976	106174	11/29/2024	525-118-42107	CITYWIDE COPIERS	2,501.86
Vendor USB06 - US BANK Total:					2,501.86
Vendor: 2914 - VALLEY GAMING & BILLIARDS					
1202699	106143	11/22/2024	209-552-42107	RECOVER STANDARD POOL TABLE PSC	2,324.58
Vendor 2914 - VALLEY GAMING & BILLIARDS Total:					2,324.58
Vendor: 2828 - VESTIS					
939388000-10312024	106144	11/22/2024	209-552-43804	LAUNDRY SERVICES WPCP AND PSC	180.51
939388000-10312024	106144	11/22/2024	209-552-43804	LAUNDRY SERVICES WPCP AND PSC	181.12
939388000-10312024	106144	11/22/2024	209-552-43804	LAUNDRY SERVICES WPCP AND PSC	200.88
939388000-10312024	106144	11/22/2024	209-552-43804	LAUNDRY SERVICES WPCP AND PSC	180.51
939388000-10312024	106144	11/22/2024	209-552-43804	LAUNDRY SERVICES WPCP AND PSC	180.51
939388000-10312024	106144	11/22/2024	500-641-44410	LAUNDRY SERVICES WPCP AND PSC	489.51
939388000-10312024	106144	11/22/2024	500-641-44410	LAUNDRY SERVICES WPCP AND PSC	476.34
939388000-10312024	106144	11/22/2024	500-641-44410	LAUNDRY SERVICES WPCP AND PSC	476.34
939388000-10312024	106144	11/22/2024	500-641-44410	LAUNDRY SERVICES WPCP AND PSC	476.34
939388000-10312024	106144	11/22/2024	500-641-44410	LAUNDRY SERVICES WPCP AND PSC	471.60
Vendor 2828 - VESTIS Total:					3,313.66
Vendor: 2603 - WEST VALLEY CONSTRUCTION CO, INC.					
187926	106145	11/22/2024	500-642-47201	ENGINEERING DESIGN SVCS SANITARY SEWER	4,027.50
Vendor 2603 - WEST VALLEY CONSTRUCTION CO, INC. Total:					4,027.50
Grand Total:					346,118.49

Report Summary

Fund Summary

Fund	Payment Amount
100 - General Fund	51,237.87
105 - Measure S -2006	118.80
106 - MEASURE S-2014	3,009.00
209 - Recreation Fund	49,174.94
212 - Building & Planning	39,870.38
285 - Housing Land Held for Resale	23,820.00
500 - Sewer Enterprise Fund	42,918.18
505 - Cable Access TV	794.15
525 - Information Systems	135,175.17
Grand Total:	346,118.49

Account Summary

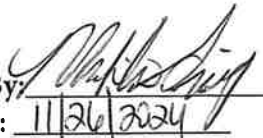
Account Number	Account Name	Payment Amount
100-000-31501	Other Tax/Transient Occ...	163.00
100-000-31510	Other Tax/Business Lice...	330.00
100-10601	Gas Tanks/Corp Yard	4,867.19
100-110-42302	Travel & Training/Milea...	141.40
100-110-42303	Travel & Training/Meal A..	87.00
100-111-42201	Office Expense	11,624.24
100-112-42101	Prof Svcs/Professional Se..	775.00
100-112-42201	Office Expense	760.65
100-112-42514	Admin Exp/Special Depa...	459.68
100-115-42101	Prof Svcs/Professional Se..	550.00
100-115-42201	Office Expense	1,052.58
100-115-42510	Admin Exp/Software Pur...	1,995.00
100-221-41008	Emp Benefits/Long Term...	1,128.60
100-221-42101	Prof Svcs/Professional Se..	2,225.00
100-221-42107	Prof Svcs/Equipment Ma...	5,700.76
100-221-42301	Travel & Training/Conf-R...	375.00
100-221-42302	Travel & Training/Milea...	128.87
100-221-42303	Travel & Training/Meal A..	605.00
100-222-42108	Prof Svcs/Building-Struc...	1,825.00
100-222-42201	Office Expense	840.65
100-222-42514	Admin Exp/Special Depa...	142.43
100-223-41008	Emp Benefits/Long Term...	381.90
100-223-42101	Prof Svcs/Professional Se..	510.00
100-231-42108	Prof Svcs/Building-Struc...	3,239.46
100-231-43103	Utilities/Electricity & Po...	1,378.96
100-341-42201	Office Expense	281.17
100-342-42514	Admin Exp/Special Depa...	802.50
100-343-42108	Prof Svcs/Building-Struc...	1,669.95
100-343-43201	Taxes/Property Tax	2,978.60
100-345-42511	Admin Exp/Equipment R...	3,658.50
100-345-44306	Other Materials Supp/M...	285.66
100-465-42101	Prof Svcs/Professional Se..	16.36
100-465-42201	Office Expense	112.99
100-551-42511	Admin Exp/Equipment R...	144.77
105-221-41008	Emp Benefits/Long Term...	118.80
106-343-42101	Prof Svcs/Professional Se..	2,849.00
106-466-42101	Prof Svcs/Professional Se..	160.00
209-551-42515	Admin Exp/Special Events	403.46
209-552-42107	Prof Svcs/Equipment Ma...	2,324.58
209-552-42108	Prof Svcs/Building-Struc...	158.85
209-552-43802	Program Cost/Class Fees	123.20
209-552-43804	Program Cost/Food Prog...	1,132.33
209-552-43809	Program Cost/Newsletter	245.31
209-553-42108	Prof Svcs/Building-Struc...	110.73

Account Summary

Account Number	Account Name	Payment Amount
209-553-43103	Utilities/Electricity & Po...	53.82
209-554-42108	Prof Svcs/Building-Struc...	1,190.38
209-554-43201	Taxes/Property Tax	794.15
209-557-42101	Prof Svcs/Professional Se..	40,876.85
209-557-42108	Prof Svcs/Building-Struc...	1,761.28
212-461-42101	Prof Svcs/Professional Se..	29,199.25
212-461-42201	Office Expense	173.72
212-461-42302	Travel & Training/Milea...	332.68
212-461-42303	Travel & Training/Meal A..	258.00
212-462-42101	Prof Svcs/Professional Se..	7,552.24
212-462-42106	Prof Svcs/ Software Mai...	1,995.00
212-462-42201	Office Expense	359.49
285-464-42101	Prof Svcs/Professional Se..	23,820.00
500-10601	Gas Tanks/Corp Yard	4,452.02
500-641-42201	Office Expense	562.07
500-641-42301	Travel & Training/Conf-R...	6,900.00
500-641-44302	Other Materials Supp/Sl...	4,533.08
500-641-44303	Other Materials Supp/C...	9,598.36
500-641-44304	Other Materials Supp/Pe...	288.00
500-641-44305	Other Materials Supp/La...	942.60
500-641-44410	Safety Clothing	2,390.13
500-642-42101	Prof Svcs/Professional Se..	9,000.00
500-642-42514	Admin Exp/Special Depa...	224.42
500-642-47201	Improvements/Building	4,027.50
505-119-43201	Taxes/Property Tax	794.15
525-118-42101	Prof Svcs/Professional Se..	55,422.50
525-118-42105	Prof Svcs/Network Main...	2,373.00
525-118-42106	Prof Svcs/Software Main...	63,081.52
525-118-42107	Prof Svcs/Equipment Ma...	4,446.24
525-118-42203	Office Exp/Shipping & M...	502.09
525-118-42510	Admin Exp/Software Pur...	3,930.21
525-118-43101	Utilities/Telephone	3,076.51
525-118-43106	Utilities/Internet	185.18
525-118-47102	FF&E/Computer Equipm...	2,157.92
Grand Total:		346,118.49

Project Account Summary

Project Account Key	Payment Amount
None	339,241.99
10634342101IN2102	2,849.00
50064247201SS2201	4,027.50
Grand Total:	346,118.49

Approved By: 

Date: 11/26/2024



CITY COUNCIL REPORT

9.B.

DATE: DECEMBER 3, 2024
TO: MAYOR AND COUNCIL MEMBERS
FROM: CHARLENE DAVIS, HUMAN RESOURCES ANALYST
STACY SHELL, HUMAN RESOURCES DIRECTOR
SUBJECT: ADOPT A RESOLUTION TO INCREASE MINIMUM WAGE PAY RATES AND
MASTER SALARY SCHEDULE UPDATES

RECOMMENDATION

It is recommended that the City Council adopt a resolution to increase the minimum pay rates and step increments of certain unrepresented temporary/seasonal classifications to conform to the California Minimum Wage Increase and maintain an appropriate differential between steps and within classification series, effective January 1, and amend the Master Salary Schedule pursuant to the California Public Employees Retirement System (CalPERS) recommendation.

Adoption of this master schedule will also include previously approved wage updates.

BACKGROUND

Pursuant to California Code of Regulations, Title 2, Section 570.5, CalPERS recommends that all CalPERS employers maintain their compensation levels in one publicly available document, approved and adopted by the governing body.

Beginning January 1, 2025, California's minimum wage will increase to \$16.50 per hour for all employers. Staff has proposed amendments to the Master Salary Schedule to update the minimum pay rates and step increments of certain unrepresented temporary/seasonal classifications to conform to the State minimum wage and maintain an appropriate differential between steps and within the classification series.

The Master Salary Schedule will include the following previously approved wage updates:

- Resolution adopted by City Council on July 2, 2024, to approve the City Manager's Employment Agreement.
- Resolution adopted by City Council on July 16, 2024, to approve the amendment of the City Clerk's Employment Agreement.

REVIEW AND ANALYSIS

The Department of Industrial Relations is increasing California's minimum wage to \$16.50 per hour, effective January 1, 2025.

One of the protections of the minimum wage law is an annual review of the wage rate using the U.S. Consumer Price Index for Urban Wage Earners and Clerical Workers (U.S. CPI-W).

The Department of Finance calculated that the U.S. CPI-W increased by 3.18% percent for the period from July 1, 2023, to June 30, 2024, compared to the prior 12-month period.

Pursuant to Personnel Rule 12 – Compensation, employees are assigned job classifications with salary ranges adopted by the City Council. The City Council has the authority to approve changes to unrepresented temporary/seasonal classifications without engagement in the meet and confer process because the employees allocated to this employee group are not represented by a labor union.

Staff is recommending that the City Council approve the amended Master Salary Schedule to update the minimum pay rates and step increments of certain unrepresented temporary/seasonal classifications to conform to the State minimum wage and include previously approved wage updates.

FISCAL IMPACT

The fiscal impact for the remainder of FY 2024-25 is estimated to be \$2,312.25 to adjust the salaries of affected unrepresented temporary/seasonal employees, effective January 1, 2025.

The cost for the salary adjustments will be absorbed within the respective department's current budget.

ATTACHMENTS

- A. Resolution
- B. EXHIBIT A: Master Salary Schedule

Resolution No. 2024-XX

**A RESOLUTION OF THE CITY OF PINOLE, COUNTY OF CONTRA COSTA,
STATE OF CALIFORNIA, APPROVING THE ADOPTION OF THE AMENDED
MASTER SALARY SCHEDULE TO INCLUDE MINIMUM WAGE UPDATES AND
SALARY PLAN ADJUSTMENTS FOR PREVIOUSLY APPROVED SALARY RANGE
AMENDMENTS**

WHEREAS, the City desires to amend the current Master Salary Schedule to conform to the 2025 California Minimum Wage Increase for the minimum pay rates of certain unrepresented temporary/seasonal classifications; and

WHEREAS, the City desires to update the pay rate step increments of those classifications to maintain an appropriate differential between steps.

WHEREAS, the California Public Employees' Retirement System (CalPERS) has requested all CalPERS employers list their compensation levels on one document, approved and adopted by the governing body, in accordance with Title 2 California Code of Regulations Section 570.5, and meeting all the following requirements thereof:

- Has been duly approved and adopted by the employer's governing body in accordance with requirements of applicable public meetings laws;
- Identifies the position title for every employee position;
- Shows the pay rate for each identified position, which may be stated as a single amount or as multiple amounts within a range;
- Indicates the time base, including, but not limited to, whether the time base is hourly, daily, bi-weekly, monthly, bi-monthly, or annually;
- Is posted at the office of the employer or immediately accessible and available for public review from the employer during normal business hours or posted on the employer's internet website;
- Indicates an effective date and date of any revisions;
- Is retained by the employer and available for public inspection for not less than five years; and
- Does not reference another document in lieu of disclosing the pay rate.

WHEREAS, the City now desires to amend the current Master Salary Schedule to include salary plan adjustments for previously approved salary range amendments; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Pinole does hereby approve the amendment of the Master Salary Schedule, attached hereto as Exhibit A, and incorporated herein by this reference.**PASSED AND ADOPTED** this 3rd day of December 2024, by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

I hereby certify that the foregoing resolution was introduced, passed, and adopted on this 3rd day of December 2024.

Heather Bell, CMC
City Clerk

ELECTED @ 07/01/16 Budget

City Treasurer
Councilmember

3,000 ANNUALLY
6,750 ANNUALLY as of 01/2017

Management (Individual Employment Agreements)

	<u>Minimum Annual</u>	<u>Minimum Hourly</u>	<u>Maximum Annual</u>	<u>Maximum Hourly</u>
City Manager (effective 08/26/2024)	\$ -	\$	\$265,000.11	\$ 127.4039
City Clerk (effective 07/01/2024)	\$ -	\$	\$185,398.72	\$ 89.1340

Management, eff. 07/01/2024

	<u>Minimum Annual</u>	<u>Minimum Hourly</u>	<u>Maximum Annual</u>	<u>Maximum Hourly</u>
Assistant City Manager	\$ 223,461.63	\$ 107.4335	\$ 271,729.35	\$ 130.6391
Police Chief	\$ 223,461.63	\$ 107.4335	\$ 271,729.35	\$ 130.6391
Development Services Director/City Engineer	\$ 212,820.55	\$ 102.3176	\$ 258,789.79	\$ 124.4182
Community Development Director	\$ 193,474.20	\$ 93.0164	\$ 235,264.63	\$ 113.1080
Finance Director	\$ 193,474.20	\$ 93.0164	\$ 235,264.63	\$ 113.1080
Fire Chief	\$ 193,474.20	\$ 93.0164	\$ 235,264.63	\$ 113.1080
Human Resources Director	\$ 193,474.20	\$ 93.0164	\$ 235,264.63	\$ 113.1080
Public Works Director	\$ 193,474.20	\$ 93.0164	\$ 235,264.63	\$ 113.1080
Police Commander	\$ 184,160.75	\$ 88.5388	\$ 223,939.48	\$ 107.6632
Community Services Director	\$ 175,790.71	\$ 84.5148	\$ 213,761.50	\$ 102.7700
Building Official	\$ 167,418.87	\$ 80.4898	\$ 203,581.34	\$ 97.8756
Fire Battalion Chief (contract for services, eff. 03/01/2023)	\$ 167,418.87	\$ 80.4898	\$ 203,581.34	\$ 97.8756
Planning Manager	\$ 167,418.87	\$ 80.4898	\$ 203,581.34	\$ 97.8756
Police Lieutenant	\$ 167,418.87	\$ 80.4898	\$ 203,581.34	\$ 97.8756
Wastewater Treatment Plant Manager	\$ 167,418.87	\$ 80.4898	\$ 203,581.34	\$ 97.8756
Capital Improvement & Environmental Program Manager	\$ 138,362.40	\$ 66.5204	\$ 168,248.68	\$ 80.8888
Public Works Manager	\$ 138,362.40	\$ 66.5204	\$ 168,248.68	\$ 80.8888
Recreation Manager	\$ 122,989.14	\$ 59.1294	\$ 149,554.80	\$ 71.9013
Assistant to the City Manager	\$ 122,989.14	\$ 59.1294	\$ 149,554.80	\$ 71.9013
Human Resources Analyst	\$ 97,529.14	\$ 46.8890	\$ 118,595.43	\$ 57.0170
Deputy City Clerk	\$ 93,989.64	\$ 45.1873	\$ 114,291.41	\$ 54.9478
Human Resources Specialist	\$ 88,662.91	\$ 42.6264	\$ 107,814.10	\$ 51.8337
Human Resources Technician	\$ 80,602.65	\$ 38.7513	\$ 98,012.82	\$ 47.1215

Bargaining Unit	A Monthly	A Hourly	B Monthly	B Hourly	C Monthly	C Hourly	D Monthly	D Hourly	E Monthly	E Hourly
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LOCAL 1230 @ 07/04/2022; Contract for services, eff. 03/01/2023

Fire Academy Recruit (EMT-1)*	5,493.53	31.6934								
Fire Academy Recruit (EMT-P)*	6,397.76	36.9102								
Firefighter	7,108.62	29.2938	7,464.06	30.7585	7,837.27	32.2964	8,229.14	33.9113	8,640.61	35.6069
Firefighter/Paramedic	7,819.48	32.2232	8,210.47	33.8343	8,621.00	35.5261	9,052.06	37.3024	9,504.67	39.1676
Fire Engineer	8,160.99	33.6304	8,569.05	35.3120	8,997.51	37.0776	9,447.39	38.9316	9,919.77	40.8782
Fire Captain	9,030.79	37.2148	9,482.34	39.0756	9,956.47	41.0294	10,454.30	43.0809	10,977.02	45.2350

PPEA @ 07/01/2024

Community Safety Specialist	6,193.36	35.7309	6,503.03	37.5175	6,828.19	39.3934	7,169.61	41.3631	7,528.09	43.4313
Dispatcher	7,043.34	40.6346	7,395.51	42.6664	7,765.29	44.7998	8,153.57	47.0398	8,561.25	49.3919
Lead Dispatcher	7,539.56	43.4974	7,916.54	45.6724	8,312.38	47.9560	8,728.01	50.3539	9,164.42	52.8716
Police Officer	8,927.81	51.5066	9,374.21	54.0820	9,842.93	56.7862	10,335.09	59.6255	10,851.86	62.6069
Police Sergeant	10,457.83	60.3336	10,980.73	63.3504	11,529.78	66.5180	12,106.28	69.8439	12,711.61	73.3362

* Monthly rate is calculated on a 40-hour workweek.

Bargaining Unit	A Monthly	A Hourly	B Monthly	B Hourly	C Monthly	C Hourly	D Monthly	D Hourly	E Monthly	E Hourly
AFSCME @ 07/01/2024										
Accountant	8,216.57	47.4033	8,627.42	49.7736	9,058.80	52.2623	9,511.73	54.8754	9,987.33	57.6192
Accounting Specialist	7,018.03	40.4887	7,368.94	42.5131	7,737.41	44.6389	8,124.28	46.8708	8,530.51	49.2145
Administrative Coordinator	7,751.72	44.7215	8,139.31	46.9576	8,546.28	49.3055	8,973.60	51.7708	9,422.29	54.3593
Assistant Engineer, eff. 03/05/2024	8,865.97	51.1498	9,309.26	53.7073	9,774.73	56.3926	10,263.46	59.2123	10,776.63	62.1729
Associate Civil Engineer	9,752.52	56.2645	10,240.14	59.0777	10,752.17	62.0317	11,289.78	65.1333	11,854.28	68.3901
Associate Planner	8,216.57	47.4033	8,627.40	49.7735	9,058.78	52.2622	9,511.73	54.8754	9,987.33	57.6192
Building Inspector I	7,263.18	41.9030	7,626.34	43.9981	8,007.66	46.1980	8,408.05	48.5080	8,828.47	50.9335
Building Inspector II	8,007.64	46.1979	8,408.03	48.5079	8,828.45	50.9334	9,269.89	53.4801	9,733.39	56.1542
Cable Access Coordinator	7,751.72	44.7215	8,139.31	46.9576	8,546.28	49.3055	8,973.60	51.7708	9,422.29	54.3593
Code Enforcement Officer I	7,263.18	41.9030	7,626.34	43.9981	8,007.66	46.1980	8,408.05	48.5080	8,828.47	50.9335
Code Enforcement Officer II	8,007.64	46.1979	8,408.03	48.5079	8,828.45	50.9334	9,269.89	53.4801	9,733.39	56.1542
Environmental Compliance Inspector	7,263.18	41.9030	7,626.34	43.9981	8,007.66	46.1980	8,408.05	48.5080	8,828.47	50.9335
Information Systems Administrator	7,751.74	44.7216	8,139.33	46.9577	8,546.30	49.3056	8,973.62	51.7709	9,422.32	54.3596
Information Systems Specialist	7,424.01	42.8308	7,795.24	44.9725	8,185.01	47.2212	8,594.27	49.5823	9,023.99	52.0615
Junior Engineer, eff. 03/05/2024	8,059.98	46.4999	8,462.96	48.8248	8,886.12	51.2661	9,330.42	53.8294	9,796.93	56.5208
Laboratory Analyst I	8,388.44	48.3948	8,807.87	50.8146	9,248.26	53.3553	9,710.69	56.0232	10,196.23	58.8244
Laboratory Analyst II	9,248.26	53.3553	9,710.68	56.0231	10,196.23	58.8244	10,706.06	61.7657	11,241.36	64.8540
Laboratory Supervisor	10,510.68	60.6386	11,036.23	63.6706	11,588.06	66.8542	12,167.48	70.1970	12,775.86	73.7069
Management Analyst	8,207.23	47.3494	8,617.59	49.7169	9,048.49	52.2028	9,500.92	54.8130	9,975.98	57.5537
Police Services Supervisor	7,556.33	43.5942	7,934.15	45.7739	8,330.86	48.0627	8,747.42	50.4659	9,184.80	52.9892
PW Maintenance Supervisor	8,463.81	48.8297	8,887.00	51.2712	9,331.36	53.8348	9,797.94	56.5266	10,287.85	59.3530
Public Works Specialist	7,301.56	42.1244	7,666.65	44.2307	8,049.99	46.4422	8,452.49	48.7644	8,875.12	51.2026
Recreation Coordinator*	6,066.82	35.0009	6,370.17	36.7510	6,688.69	38.5886	7,023.14	40.5181	7,374.29	42.5440
Rental Inspector	7,263.20	41.9031	7,626.36	43.9982	8,007.68	46.1982	8,408.07	48.5081	8,828.49	50.9336
Project Manager	7,097.75	40.9485	7,452.64	42.9960	7,825.29	45.1459	8,216.55	47.4032	8,627.40	49.7735
Senior Accountant	9,038.25	52.1437	9,490.16	54.7509	9,964.65	57.4884	10,462.89	60.3628	10,986.05	63.3810
Senior Project Manager	8,216.57	47.4033	8,627.40	49.7735	9,058.80	52.2623	9,511.73	54.8754	9,987.33	57.6192
WWTP Operations Supervisor	10,510.68	60.6386	11,036.23	63.6706	11,588.06	66.8542	12,167.48	70.1970	12,775.86	73.7069
WPCP Supervisor	7,989.51	46.0933	8,389.00	48.3981	8,808.44	50.8179	9,248.89	53.3590	9,711.34	56.0270

* Monthly rate is calculated on a 40-hour workweek.

Bargaining Unit	A Monthly	A Hourly	B Monthly	B Hourly	C Monthly	C Hourly	D Monthly	D Hourly	E Monthly	E Hourly
LOCAL 1 @ 07/01/2024										
Accounting Assistant I	3,450.04	19.9041	3,622.55	20.8993	3,803.68	21.9443	3,993.87	23.0415	4,193.56	24.1936
Accounting Assistant II	3,733.43	21.5390	3,920.11	22.6160	4,116.12	23.7468	4,321.93	24.9342	4,538.03	26.1809
Accounting Technician	5,562.59	32.0919	5,840.73	33.6965	6,132.77	35.3814	6,439.41	37.1505	6,761.39	39.0080
Administrative Assistant	6,179.00	35.6481	6,487.96	37.4305	6,812.36	39.3021	7,152.99	41.2672	7,510.64	43.3306
Cable Access Technician	6,272.78	36.1891	6,586.43	37.9986	6,915.76	39.8986	7,261.55	41.8936	7,624.64	43.9883
Cook*	3,648.74	21.0504	3,831.18	22.1029	4,022.74	23.2081	4,223.88	24.3685	4,435.08	25.5870
Community Service Officer	6,072.10	35.0313	6,375.71	36.7829	6,694.50	38.6221	7,029.24	40.5533	7,380.70	42.5810
Custodian	3,261.46	18.8161	3,424.54	19.7569	3,595.77	20.7448	3,775.56	21.7821	3,964.34	22.8712
Field Maintenance Mechanic	5,946.12	34.3046	6,243.43	36.0198	6,555.61	37.8208	6,883.40	39.7119	7,227.58	41.6976
Fleet Maintenance Mechanic	6,746.15	38.9201	7,083.46	40.8661	7,437.65	42.9095	7,809.54	45.0550	8,200.02	47.3078
Food Services Specialist, eff. 01/16/2024	5,002.54	28.8608	5,252.67	30.3039	5,515.31	31.8191	5,791.08	33.4101	6,080.64	35.0806
Information Systems Technician I	3,514.21	20.2743	3,689.93	21.2880	3,874.43	22.3525	4,068.15	23.4701	4,271.56	24.6436
Information Systems Technician II	6,388.23	36.8552	6,707.64	38.6979	7,043.03	40.6329	7,395.19	42.6646	7,764.96	44.7978
Laboratory Technician I	6,653.76	38.3871	6,986.46	40.3065	7,335.79	42.3219	7,702.59	44.4380	8,087.72	46.6599
Laboratory Technician II	7,335.77	42.3217	7,702.57	44.4379	8,087.70	46.6598	8,492.10	48.9929	8,916.71	51.4426
Lead Records & Property Specialist	5,745.15	33.1451	6,032.42	34.8024	6,334.04	36.5426	6,650.75	38.3697	6,983.30	40.2883
Office Assistant	4,899.64	28.2672	5,144.63	29.6806	5,401.87	31.1646	5,671.97	32.7229	5,955.57	34.3591
Permit Technician I	5,815.58	33.5514	6,106.37	35.2290	6,411.69	36.9905	6,732.28	38.8401	7,068.90	40.7821
Permit Technician II	6,411.68	36.9904	6,732.27	38.8400	7,068.89	40.7820	7,422.34	42.8212	7,793.46	44.9623
Permit Technician III	7,068.87	40.7819	7,422.32	42.8211	7,793.44	44.9622	8,183.12	47.2103	8,592.29	49.5709
Police Property Specialist	6,377.70	36.7944	6,696.59	38.6342	7,031.43	40.5659	7,383.01	42.5943	7,752.16	44.7240
Police Records Specialist	5,211.80	30.0681	5,472.39	31.5715	5,746.02	33.1501	6,033.32	34.8076	6,335.00	36.5481
PW Maintenance Worker	5,477.52	31.6011	5,751.40	33.1812	6,038.98	34.8403	6,340.93	36.5823	6,657.99	38.4115
PW Senior Maintenance Worker	5,947.86	34.3146	6,245.26	36.0304	6,557.53	37.8319	6,885.41	39.7235	7,229.69	41.7098
Recreation Activities Specialist*	5,001.82	28.8567	5,251.92	30.2995	5,514.52	31.8145	5,790.25	33.4053	6,079.77	35.0756
Wastewater Operator in Training	5,890.68	33.9847	6,185.22	35.6840	6,494.49	37.4682	6,819.22	39.3417	7,160.19	41.3088
Wastewater Operator	8,165.98	47.1114	8,574.29	49.4671	9,003.01	51.9405	9,453.17	54.5375	9,925.84	57.2645
Wastewater Senior Operator	9,199.07	53.0716	9,659.04	55.7252	10,142.00	58.5115	10,649.11	61.4372	11,181.57	64.5091
Wastewater Maintenance Mechanic	6,886.41	39.7293	7,230.74	41.7158	7,592.28	43.8016	7,971.90	45.9917	8,370.51	48.2914
Wastewater Sr. Maintenance Mechanic	8,133.06	46.9215	8,539.72	49.2676	8,966.72	51.7311	9,415.06	54.3177	9,885.83	57.0336

* Monthly rate is calculated on a 40-hour workweek.

Bargaining Unit	A Monthly	A Hourly	B Monthly	B Hourly	C Monthly	C Hourly	D Monthly	D Hourly	E Monthly	E Hourly
<u>TRAINEE - BENEFITTED @ 07/01/2024</u>										
Police Officer Trainee*	7,380.70	42.5810								
<u>NON-BENEFITTED PART TIME @ 01/01/2025</u>										
Information Systems Technician		16.5000		17.3250		18.1913		19.1009		20.0560
<u>Fire Reserves @ 01/01/2025</u>										
Reserve Fire Captain		16.5000								
Reserve Fire Engineer		16.5000								
Reserve Firefighter		16.5000								
<u>Interns @ 01/01/2025</u>										
Intern		16.5000		17.5000		18.5000		19.5000		20.5000
<u>Police @ 01/01/2025</u>										
Crossing Guard		16.5000								
<u>Community Services Department @ 01/01/2025</u>										
Cable Equipment Operator I		16.5000		17.3250		18.1913		19.1009		20.0560
Cable Equipment Operator II		19.1009		20.0560		21.0588		22.1117		23.2173
Recreation Leader		16.5000		17.3250		18.1913		19.1009		20.0560
Senior Recreation Leader		19.1009		20.0560		21.0588		22.1117		23.2173
Rental Facility Custodian		16.5000		17.3250		18.1913		19.1009		20.0560
Rental Facility Senior Custodian		19.1009		20.0560		21.0588		22.1117		23.2173
<u>Administration - 05/03/17</u>										
Records Management Administrator		60.0000								
<u>CONTRACT-Part Time</u>										
<u>Public Works @ 07/01/05</u>										
Park Caretaker		20.7000								

* Monthly rate is calculated on a 40-hour workweek.



CITY COUNCIL REPORT

9.C.

DATE: DECEMBER 3, 2024
TO: MAYOR AND COUNCIL MEMBERS
FROM: DAVID HANHAM, PLANNING MANAGER
JUSTIN SHIU, CONSULTANT PLANNER
SUBJECT: SECOND READING AND ADOPTION OF PINOLE MUNICIPAL CODE AND
SPECIFIC PLAN AMENDMENTS RELATED TO HOUSING ELEMENT
PROGRAMS NO. 10, 12 AND 15, AND REGULATORY CONSISTENCY

RECOMMENDATION

Staff recommends the City Council waive the second reading and adopt an Ordinance (Attachment A) amending the Pinole Municipal Code and Three Corridors Specific Plan related to Housing Element Programs No. 10, 12 and 15, and Regulatory Consistency

BACKGROUND

The 2023-2031 Housing Element includes programs 10, 12 and 15 that prescribe amendments to the Municipal Code to implement the Housing Element's objectives. Specifically, these amendments are needed to update provisions in the existing Zoning Ordinance to ensure they are consistent with State housing legislation and current regulatory procedures. While the City adheres to State and federal requirements and provides up-to-date regulatory information as needed, formal revisions to the municipal code and related policy documents are intended to reduce confusion and improve clarity around these requirements. Implementing these revisions would also advance the Housing Element's programs.

REVIEW AND ANALYSIS

At its regularly scheduled meeting on November 19, 2024, the City Council held a duly noticed public hearing to introduce and conduct the first reading of an Ordinance. This Ordinance (Attachment A, with Attachment B included as Exhibit A to the Ordinance in Attachment A) proposes amendments to Pinole Municipal Code Chapters 5.12, 17.20, 17.22, 17.38, 17.62, and 17.98; the addition of Chapter 17.61; and updates to Tables 6.2, 6.8, and 6.14 of the Three Corridors Specific Plan. These amendments aim to support Housing Element implementation and ensure regulatory consistency. A presentation and staff report were provided during the hearing (see Attachment C for the full staff report and related materials from the November 19 meeting).

At the November 19 meeting, the City Council unanimously approved the Ordinance on its first reading. If approved on the second reading, the Ordinance will take effect 30 days thereafter.

FISCAL IMPACT

There is no fiscal impact associated with adopting these municipal code and specific plan amendments.

ATTACHMENTS

- A. Ordinance
- B. Exhibit A - Municipal Code and Specific Plan Revisions
- C. 11-19-24 Staff Report (Background information)

ORDINANCE NO. XXXX-XX

AN ORDINANCE OF THE CITY OF PINOLE 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 RELATED TO HOUSING ELEMENT IMPLEMENTATION AND REGULATORY CONSISTENCY

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”) establishes 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 and Specific Plan amendment on September 9, 2024; and

WHEREAS, the Planning Commission recommended the adoption of the proposed amendments with revisions; and

WHEREAS, the City Council conducted a duly noticed public hearing related to the proposed Zoning Code and Specific Plan amendment on November 19, 2024; and

WHEREAS, after the close of the public hearing, the City Council 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 amendments; and

WHEREAS, on December 3, 2024, the City Council waived the second reading of the ordinance; and

NOW THEREFORE, BE IT RESOLVED, pursuant to the findings stated herein, that the City Council of the City of Pinole does ordain as follows:

Section 1. Recitals. The above recitals are true and correct and made a part of this Ordinance.

Section 2. Amendment of Municipal Code and Specific Plan. The Pinole Municipal Code is hereby amended with amendments to Chapters 5.12, 17.20, 17.22, 17.38, 17.62, and 17.98 of the Pinole Municipal Code and addition of Chapter 17.61; and the Three Corridors Specific Plan is hereby amended with amendments to Tables 6.2, 6.8, and 6.14, as set forth in Exhibit A, attached hereto and incorporated herein.

Section 3. CEQA. Pursuant to Title 14 of the California Administrative Code, the City Council finds that this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) for the following reasons under Section 15061 (b)(3), it is not a project which has the potential for causing a significant effect on the environment;

Section 4. Severability. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each of every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

Section 5. Effective Date and Duration. This ordinance shall take effect thirty (30) days after its final adoption.

Section 6. Publication. The City Clerk is directed to cause this ordinance to be published in a manner required by law.

PASSED AND ADOPTED at a regular meeting of the Pinole City Council held on November 19, 2024, the City Council passed this ordinance by the following vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of Pinole on December 3, 2024.

Maureen Toms, Mayor

ATTEST:

Heather Bell, City Clerk

APPROVED AS TO FORM:

Eric S. Casher, City Attorney

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

- 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 BONUSSES 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.

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

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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 California or 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, whether or not 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.

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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	Old Town Sub-Area					Service Sub-Area					Mixed-Use Sub-Area				
CLASSIFICATIONS	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



CITY COUNCIL REPORT

10.A.

DATE: NOVEMBER 19, 2024
TO: MAYOR AND COUNCIL MEMBERS
FROM: JUSTIN SHIU, CONSULTANT PLANNER
DAVID HANHAM, PLANNING MANAGER
SUBJECT: FIRST READ OF PINOLE MUNICIPAL CODE AND SPECIFIC PLAN
AMENDMENTS RELATED TO HOUSING ELEMENT PROGRAMS NO. 10, 12
AND 15, AND REGULATORY CONSISTENCY

RECOMMENDATION

Conduct a first read and consider adoption of an ordinance (Attachment A) consisting of the Municipal Code and Specific Plan Amendments (Attachment B) related to Housing Element Programs 10, 12 and 15, and regulatory consistency

BACKGROUND

The 2023-2031 Housing Element includes programs 10, 12 and 15 that prescribe amendments to the Municipal Code to implement the Housing Element's objectives. Specifically, these amendments are needed to update provisions in the existing Zoning Ordinance to ensure they are consistent with State housing legislation and current regulatory procedures. While the City adheres to State and federal requirements and provides up-to-date regulatory information as needed, formal revisions to the municipal code and related policy documents are intended to reduce confusion and improve clarity around these requirements. Implementing these revisions would also advance the Housing Element's programs.

General zoning regulations are outlined in Title 17, Zoning, of the Pinole Municipal Code (the "Zoning Code,") which covers most land use and zoning standards. The Housing Element programs primarily identify revisions needed in this section of the municipal code (see Attachment C).

The Three Corridors Specific Plan governs permitted land uses and development standards for designated areas along San Pablo Avenue, Pinole Valley Road, and Appian Way. Where conflicts arise, the Specific Plan overrides the Zoning Code. To ensure alignment with proposed changes, revisions to the Specific Plan will be necessary, promoting greater consistency between the Specific Plan and the Zoning Code and clarifying requirements.

In addition to amendments in the Zoning Code and Specific Plan, other sections of the Pinole Municipal Code may need adjustments to address changes and ensure compliance with State law. Finally, minor additional revisions are also proposed to improve internal consistency within the municipal code and to align with State and federal regulations.

On September 9, 2024, the Planning Commission held a duly-noticed public hearing to review

the proposed amendments. The Commission adopted Resolution 24-05 (Attachment D), recommending the adoption of these amendments with the following revisions:

1. In Chapter 17.62 (Emergency Shelters), update references to the California Building Code where the text currently refers to the outdated Uniform Building Code.
2. In Chapter 17.98 (Glossary), revise the definition of “Family” to eliminate distinctions between related and unrelated individuals, in line with current HCD Housing Element guidance.

These changes are reflected in the attached ordinance (Attachment A, Attachment B).

REVIEW AND ANALYSIS

The proposed revisions to the Zoning Code and Specific Plan are detailed in Attachment B. These revisions address Housing Element Programs 10, 12, and 15. The relevant program text and specific sections affected by these changes are highlighted in Attachment C. Any program text not covered by these proposed revisions will be addressed separately, with additional amendments presented to the City Council at a future meeting. The goal is to complete these revisions within two years of the Housing Element’s adoption, by April 2025.

Chapter Summaries and Key Changes

Chapter 5.12 - Exemptions (Business License)

- **Overview of Changes:** Family day care homes will be exempt from requiring a business license, fee, or tax.
- **Additional Details:**
 - A new Section 5.12.060 has been added, exempting family day care homes from these requirements in compliance with Health & Safety Code Sections 1597.45(a) and 1597.45(b).

Chapter 17.20 - Allowed Land Use and Requirements

- **Overview of Changes:** Updates to multifamily residential permit types, land use classifications for day care and group homes, and provisions for residential care facilities to ensure compliance with State law and Housing Element programs.
- **Additional Details:**
 - **Dwelling, Multifamily:** Required entitlements have been updated to align with the Specific Plan. Specifically, the entitlement type for OPMU has changed from “N” (not permitted) to “P” (permitted), and for OIMU, from “N” to “CUP” (conditional use permit). [Clean-Up]
 - **Family Day Care Homes (Large):** Adjusted entitlements to ensure that large family day care homes are treated the same as small ones, with both considered residential uses permitted by right in residential zones, as per Health & Safety Code Sections 1597.42, 1597.43(a), and 1597.45(a). [Housing Element Program 12]
 - **Group Residential/Group Homes:** Added “Group Home” as a common name and updated to allow this use in the “R” district. Changed the status to “P”

(permitted) in RMU and CMU zoning districts, ensuring alignment with similar uses like Family Day Care Homes and Residential Care Facilities. [Housing Element Program 12]

- **Residential Care Facilities:** Clarified that these facilities are permitted where family dwellings are allowed. Now permitted (“P”) in R, OPMU, and OIMU zoning districts, consistent with Health & Safety Code 1569.85(e) and (g). Additionally, the Specific Plan was updated to reflect these changes, shifting from CUP to “P” where family dwellings are permitted by right. [Housing Element Program 12]
- **Low Barrier Navigation Center:** Added as a new land use type and identified as a permitted use in mixed-use and nonresidential districts where multifamily residential uses are also permitted. [Housing Element Program 12]
- **Manufactured Homes:** Updated to be a permitted use (“P”) in the RMU zoning district. [Housing Element Program 12]
- **Religious Institutions:** Revised required entitlements for the PQI and SPBCA zones from “N” (not permitted) to “C” (conditionally permitted) to be consistent with “Clubs, Lodges, and Private Meeting Halls” and in compliance with the Religious Land Use and Institutionalized Persons Act (RLUIPA), 42 U.S.C. §§ 2000cc(b)(1).

Chapter 17.22 - Allowed Use Definitions

- **Overview of Changes:** Definitions have been updated to align with State law, ensuring clarity and consistency.
- **Additional Details:**
 - **Family Day Care Home:** Incorporated language from Chapter 3.6 Family Day Care Homes of the Health & Safety Code, Section 1597.45(f), specifying that family day care homes include single-family dwellings, townhouses, or units within multifamily dwellings where the provider resides. This applies regardless of whether the property is rented, leased, or owned.
 - **Group Residential/Group Home:** Added a definition that includes guidelines from HCD’s Group Home Technical Advisory (2022) and Title 22, Section 84001, Subdivision (g)(3) of the California Code of Regulations. [Housing Element Program 12]
 - **Low Barrier Navigation Center:** Introduced a definition in line with California Government Code Section 65660. [Housing Element Program 12]
 - **Supportive Housing:** Updated the definition per California Government Code Sections 65582(g) and 65583(c)(3). [Housing Element Program 12]
 - **Target Population:** Revised in accordance with California Government Code Section 65582(i). [Housing Element Program 12]
 - **Transitional Housing:** Updated to match California Government Code Section 65583(c)(3). [Housing Element Program 12]

Chapter 17.38 - Density Bonus

- **Overview of Changes:** Comprehensive overhaul to align with State Density Bonus Law, with additional local provisions.
- **Additional Details:**

- The revised chapter incorporates State Density Bonus Law by reference to streamline updates and reduce inconsistencies.
- All density bonus approvals now correspond to the entitlement level of the associated project, which is generally under the Planning Commission unless State law requires otherwise. [Housing Element Program 15]
- Added provisions for extra density bonuses specifically for senior housing developments, beyond what State law offers. [Housing Element Program 10]

Chapter 17.61 - Low Barrier Navigation Center

- **Overview of Changes:** New chapter establishing standards from State law.
- **Additional Details:**
 - Incorporates requirements outlined in California Government Code Sections 65660-65668, setting specific standards for Low Barrier Navigation Centers. [Housing Element Program 12]

Chapter 17.62 - Emergency Shelters

- **Overview of Changes:** Updated to comply with new State law, focusing on the use of objective standards for review.
- **Additional Details:**
 - Changes mandated by AB 139 require that emergency shelter reviews be based solely on objective standards. Subjective criteria are no longer permissible. [Housing Element Program 12]

Chapter 17.98 - Glossary of Terms

- **Overview of Changes:** Definitions for “Household” and “Family” have been revised.
- **Additional Details:**
 - The “Household” definition was adjusted to eliminate references to single lease agreements.
 - The “Family” definition was updated to include general characteristics found in common 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)

- **Overview of Changes:** Revisions ensure consistency with Housing Element programs and updates to the Zoning Code.
- **Additional Details:**
 - Updated “Second Dwelling Unit” references to “Accessory Dwelling Unit/Junior Accessory Dwelling Unit” for accuracy.
 - Permitting for ADUs/JADUs has been clarified, confirming their allowance in residential and mixed-use districts that include single-family or multifamily residences.
 - Revised Large Family Day Care permitting to align with Small Family Day Care,

- consistent with zoning and State law. The change removes the need for a Conditional Use Permit (CUP), making them permitted by right.
- Corrected footnote errors related to “Home Occupation” references.
 - Designated Residential Care Facilities as permitted uses wherever other dwelling types are allowed by right.
 - Added Group Residential/Home and Low Barrier Navigation Center uses for consistency with Zoning Code changes.
 - Religious Institutions were reclassified from CUP to a permitted use in relevant districts, ensuring federal law compliance.

FISCAL IMPACT

There is no fiscal impact associated with adopting these municipal code and specific plan amendments.

ATTACHMENTS

- A. Ordinance
- B. Exhibit A - Municipal Code and Specific Plan Revisions
- C. Housing Element Programs Associated with Revisions
- D. PC Resolution 24-05

ORDINANCE NO. XXXX-XX

AN ORDINANCE OF THE CITY OF PINOLE 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 RELATED TO HOUSING ELEMENT IMPLEMENTATION AND REGULATORY CONSISTENCY

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 and Specific Plan amendment on September 9, 2024; and

WHEREAS, the Planning Commission recommended adoption of the proposed amendments with revisions; and

WHEREAS, the City Council held a duly noticed public hearing related to the proposed Zoning Code and Specific Plan amendment on November 18, 2024; and

WHEREAS, after close of the public hearing, the City Council 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 amendments; and

NOW THEREFORE, BE IT RESOLVED, pursuant to the findings stated herein, that the City Council of the City of Pinole does ordain as follows:

Section 1. Recitals. The above recitals are true and correct and made a part of this Ordinance.

Section 2. Amendment of Municipal Code and Specific Plan. The Pinole Municipal Code is hereby amended with amendments to Chapters 5.12, 17.20, 17.22, 17.38, 17.62, and 17.98 of the Pinole Municipal Code and addition of Chapter 17.61; and the Three Corridors Specific Plan is hereby amended with amendments to Tables 6.2, 6.8, and 6.14, as set forth in Exhibit A, attached hereto and incorporated herein.

Section 3. CEQA. Pursuant to Title 14 of the California Administrative Code, the City Council finds that this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) for the following reasons under Section 15061 (b)(3), it is not a project which has the potential for causing a significant effect on the environment;

Section 4. Severability. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each of every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

Section 5. Effective Date and Duration. This ordinance shall take effect thirty (30) days after its final adoption.

Section 6. Publication. The City Clerk is directed to cause this ordinance to be published in a manner required by law.

PASSED AND ADOPTED at a regular meeting of the Pinole City Council held on November 19, 2024, the City Council passed this ordinance by the following vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of Pinole on November 19, 2024.

Maureen Toms, Mayor

ATTEST:

Heather Bell, City Clerk

APPROVED AS TO FORM:

Eric S. Casher, City Attorney

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

- 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 "AP" 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/Home	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.

1244. 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.

1442. 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.).

1543. 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.

1644. 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 or 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."

1745. 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.

1846. 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)(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.

1947. 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.

2048. 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)(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 BONUSES 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 seq.

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.

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

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

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 California or 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)

17.62.040 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, whether or not 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.

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LAND USE AND DEVELOPMENT STANDARDS

Table 6.2

Permitted Use TableLand-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	N	P	P	P	N	P	P	P	P	P
Child Day Care Facility	CUP		CUP	CUP	CUP	CUP	CUP	N	CUP	CUP	CUP	CUP	CUP	CUP
Dwelling, Multifamily	P		P	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		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	P	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	QIMU	PQI	VHDR	RMU	CMU	OPMU	PQI
Community Service Use Listings														
Clubs, Lodges, Private Meeting Halls	N		P	P	P	P	P	P	P	N	P	P	P	P
Indoor Amusement/Entertainment	N		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	N	CUP	CUP	CUP	CUP
Libraries and Museums	P		P	P	P	P	P	P	P	N	N	P	P	P
Outdoor Commercial Recreation	N		N	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
Public Safety Facility	CUP		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>	CUP	<u>PCUP</u>	<u>PCUP</u>	<u>PCUP</u>	<u>PCUP</u>
Schools – Public	CUP		P	P	P	P	P	P	P	CUP	P	P	P	P
Schools – Private, Special/Studio	N		P	P	P	P	P	P	P	N	P	P	P	P
Theatres and Auditoriums	N		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
Heliports	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	N	N	CUP	CUP	CUP
Public Parking	P		P	P	P	P	P	P	P	P	P	P	P	P
Telecommunications Facility	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

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

Page 6.0-33 included.

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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	N
Child Day Care Facility	CUP	CUP	CUP	N	CUP	CUP	N	N
Dwelling, Multifamily	P	P	P ^b	N	P ^b	P ^b	N	N
Accessory Dwelling Unit/ Junior Accessory Dwelling Unit Dwelling, Second Unit	<u>PN/A^e</u>	<u>PN/A^e</u>	<u>PN/A^e</u>	N	<u>PN/A^e</u>	<u>PN/A^e</u>	N	N
Dwelling, Single-family	P	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	N
Family Day Care Home, Small (6 -children-or-less)	<u>PN</u>	P	P	P	P ^d	P ^d	<u>PN</u>	<u>PN</u>
Family Day Care Home, Large (7 –24 children)	<u>PCUP^a</u>	<u>PCUP^a</u>	<u>PCUP^a</u>	<u>PN</u>	P	P	P	P
Home Occupation	<u>PN</u>	P	P	N	P ^a	P ^a	P	P
Low Barrier Navigation Center	<u>N</u>	<u>N</u>	<u>P</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>N</u>
Live-Work Facility	P	P	P	P	P	P	P	P
Residential Care Home Facility	<u>PCUP</u>	P	P	<u>PCUP</u>	<u>PCUP^b</u>	<u>PCUP^b</u>	<u>PCUP</u>	<u>PCUP</u>
Group Residential/Home	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Emergency Shelter/ Temporary Home	N	N	N	N	CUP ^b	CUP ^b	CUP	CUP

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

Page 6.0-51 included.

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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
<u>Accessory Dwelling Unit/ Junior Accessory Dwelling Unit-Dwelling, Second Unit</u>	<u>PN/A^e</u>	<u>PN/A^e</u>	<u>PN/A^e</u>	N	<u>PN/A^e</u>	<u>PN/A^e</u>	<u>PN/A^e</u>	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	<u>PN</u>
Family Day Care Home, Large (7 -- 24 children)	<u>PCUP</u>	<u>PCUP</u>	<u>PCUP</u>	<u>PCUP</u>	<u>PN</u>	<u>PCUP</u>	<u>PCUP</u>	<u>PCUP</u>
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
<u>Low Barrier Navigation Center</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>N</u>
Residential Care Home <u>Facility</u>	<u>PCUP</u>	<u>PCUP^b</u>	<u>PCUP^b</u>	<u>PCUP</u>	<u>PCUP</u>	<u>PCUP</u>	<u>PCUP^b</u>	<u>PCUP</u>
<u>Group Residential/Home</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
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 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: Bender, Huey, Lam-Julian, Sandoval, Uch, Martinez, Chairperson Menis

NOES: None

ABSTAIN: None

ABSENT: None

Rafael Menis, Chair, 2024-2025

ATTEST:

David Hanham, Planning Manager



CITY COUNCIL REPORT

10.A.

DATE: DECEMBER 3, 2024

TO: MAYOR AND COUNCIL MEMBERS

FROM: ERIC CASHER, CITY ATTORNEY
FABY GUILLEN, CAPITAL IMPROVEMENT/ENVIRONMENTAL PROGRAM
MANAGER

SUBJECT: FIRST READING OF AN ORDINANCE AMENDING CHAPTER 10.56 "SPEED
ZONES" OF THE PINOLE MUNICIPAL CODE

RECOMMENDATION

Introduce and waive first reading of an ordinance amending Chapter 10.56 "Speed Zones" of the Pinole Municipal Code and adopt a Resolution approving the revised Engineering and Traffic survey.

BACKGROUND

The California Vehicle Code ("CVC") requires that Cities establish speed limits in a prescribed manner. For residential streets that have specific roadway characteristics, the speed limit may be set at 25 miles per hour ("mph"). In the City of Pinole, many of our roadways fit into this category.

For non-residential roadways, the CVC requires that an Engineering and Traffic Survey be conducted every five (5) years to justify a posted speed limit. The rationale is that speed limits on non-residential roadways must be based upon the speed at which the majority of traffic is flowing.

This year, Willdan Engineering prepared the 2024 Engineering and Traffic Survey for the City of Pinole. At the November 19, 2024 City Council meeting, the City Council accepted the Willdan Engineering traffic survey with minor modifications suggested and adopted a resolution establishing the speed limits recommended in the study.

REVIEW AND ANALYSIS

Chapter 10.56 of the Pinole Municipal Code provides a table of speed limits raised and lowered by the City from their prima facie limit set by the CVC. Following the November 19, 2024, City Council Meeting, staff received a revised Engineering and Traffic Survey from Willdan included in Attachment A. The revised traffic survey provides two updates that are reflected in the speed limits included in the proposed ordinance. First, there is a correction to the recommendation for segment 7 San Pablo Avenue between the east city limit and Oak Ridge Road which already has a current speed limit 25 mph, not 30 mph. No further reduction is needed. In addition, the revised survey reflects a proposed speed limit reduction of 5 mph for segment 6 Pinole Valley Road between Simas Avenue and South City Limit and includes

the necessary findings to support the recommended speed reduction. A summary of the new speed limits and proposed changes are below:

Street Segment	New Limit	Change
Pinole Valley Road between Tennent Avenue and Granada Court	25	-5
Pinole Valley Road between Granada Court and Simas Avenue	30	-5
Pinole Valley Road between Simas and south city limit	30	-5
San Pablo Avenue between Oak Ridge Road and Sunnyview Drive	25	-10
San Pablo Avenue between Sunnyview Drive and west city limit	30	-10

Attachment A is a resolution approving the revised Engineering and Traffic Survey with the above noted changes.

FISCAL IMPACT

The fiscal impacts associated with this action are minimal and include the cost of changing the signage for speed limits of the affected road segments. The cost of the signage will be funded by the Annual Signage Program. Additionally, minimal enforcement costs will occur but may be recovered through fines.

ATTACHMENTS

- A. Resolution
- B. Ordinance

RESOLUTION NO. 2024 - _

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PINOLE, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, ACCEPTING THE 2024 ENGINEERING AND TRAFFIC SURVEY; ESTABLISHING SAFETY CORRIDORS AND LAND OR FACILITY THAT GENERATES HIGH CONCENTRATIONS OF BICYCLISTS OR PEDESTRIANS; AND ESTABLISHING SPEED LIMITS RECOMMENDED IN THE SURVEY.

WHEREAS, The California Vehicle Code requires that speed limits be justified by an Engineering and Traffic Survey in order to be enforceable by the use of radar; and

WHEREAS, The California Vehicle Code requires that an Engineering and Traffic Survey be conducted every five years to justify and enforce posted speed limits; and

WHEREAS, The City of Pinole desires to have an enforceable speed limit established on Citywide roads; and

WHEREAS, The City Engineer has asked that Willdan Engineering prepare the appropriate engineering and traffic surveys on Citywide roads; and

WHEREAS, Willdan Engineering has prepared and submitted an Engineering and Traffic Survey; and

WHEREAS, The Survey shows that speeds of travel remain consistent with prior surveys; and

WHEREAS, The Survey shows that speeds of travel exceed the posted limits at several segments; and

WHEREAS, Some of these segments have special conditions not readily apparent to the driver, as defined on the Survey.

WHEREAS, Due to these special conditions, Willdan is recommending some of the previous speed limit recommendations to remain and to establish Safety Corridors and Land or Facility that Generates High Concentrations of Bicyclists or Pedestrians.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Pinole, as follows:

1. Accept the Engineering and Traffic Survey Report as Final (herein as Exhibit A).
2. Establish Safety Corridors and Land or Facility that Generates High

Concentrations of Bicyclists or Pedestrians.

3. Establish the speed limits recommended in the Study as shown on the table below:

**STREET SEGMENTS WITH
RECOMMENDED SPEED CHANGES**

No.	Street	From	To	Existing	New	Change
1	Appian Way	San Pablo Ave.	1-80 Freeway	35	35	0
2	Appian Way	1-80 Freeway	South City Limit	35	35	0
3	Fitzgerald Dr.	Richmond Parkway	Appian Way	35	35	0
4*	Pinole Valley Rd.	Tennent Ave.	Granada Ct.	30	25	-5
5*	Pinole Valley Rd.	Granada Ct.	Simas Ave.	35	30	-5
6	Pinole Valley Rd.	Simas Ave.	South City Limit	35	300	-5
7	San Pablo Ave.	East City Limit	Oak Ridge Rd.	25	25	0
8*	San Pablo Ave.	Oak Ridge Rd.	Sunnyview Dr.	35	25	-10
9*	San Pablo Ave.	Sunnyview Dr.	West City Limit	40	30	-10
10	Simas Ave.	Pinole Valley Rd. (East)	Pinole Valley Rd. (West)	25	25	0
11	Tara Hills Dr.	Appian Way	West City Limit	30	30	0
12	Tennent Ave.	Railroad Ave.	Pinole Valley Rd.	25	25	0

“*” Indicates segment warranting a decrease.

BE IT FURTHER RESOLVED that the Pinole City Council authorizes Public Works Department to post the new speed limits hereby established for citywide roadways.

PASSED AND ADOPTED at a regular meeting of the Pinole City Council held on the 3rd day of December 2024 by the following vote:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:

I hereby certify that the foregoing resolution was introduced, passed and adopted on this 3rd day of **December, 2024**.

Heather Bell, CMC
City Clerk

Exhibit A

City of Pinole

2024 Engineering and Traffic Survey Report

November 2024



Willdan Engineering

13191 Crossroads Pkwy N Suite 405

City of Industry, CA 91746

562.908.6200



November 26, 2024

Sanjay Mishra
Public Works Director
2131 Pear Street
Pinole, CA 94564



Subject: 2024 Engineering and Traffic Survey

Dear Mr. Mishra:

As requested, Willdan has completed an Engineering and Traffic (E&T) Survey to justify and update the posted speed limits along 12 street segments in the City of Pinole. These segments were last surveyed in 2013 and require an update to comply with the 10-year limitation set forth in the California Vehicle Code (CVC).

We are pleased to submit the enclosed Report that describes the E&T survey procedures and contains recommendations for posted speed limits on the City's arterial and collector street system. A summary of these recommendations is included in the Analysis. Supporting documentation for each speed zone recommendation is provided in the Appendices.

The Report was conducted in accordance with applicable provisions of the CVC, following procedures outlined in the California Manual on Uniform Traffic Control Devices Revision 8 (California MUTCD) dated January 2024, and as required by Section 627 of the CVC. The Report is intended to satisfy the requirements of Section 40802 of the CVC to enable the continued use of radar for traffic speed enforcement.

Guidelines from AB-43 were used in this E&T Survey to recommend the previous speed limit recommendation to remain and to establish land or facilities that generate high concentrations of bicyclists and pedestrians.

We appreciate the opportunity to serve the City of Pinole and the assistance and cooperation afforded to us during the course of this study.

Very truly yours,

WILLDAN

A handwritten signature in black ink, appearing to read 'Nicole Spann', with a stylized flourish at the end.

Nicolle Spann, P.E., T.E.
Traffic Engineer

Enclosure



562.908.6200 | 800.499.4484 | fax: 562.695.2120
13191 Crossroads Parkway North, Suite 405, Industry, California 91746-3443 | www.willdan.com

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Street Segment Data

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Radar Speed Distribution Forms

APPENDIX C

Survey Equipment

Introduction

This Engineering and Traffic (E&T) Survey is intended to be the basis for the establishment, revision, and enforcement of speed limits for selected streets within the City of Pinole. This E&T Survey presents recommended speed limits for 12 street segments in the City of Pinole. E&T Surveys are required by the State of California to establish intermediate speed limits on local streets and to enforce those limits using radar or other speed measuring devices. Historically, these surveys must be updated every 7 to 10 years to ensure the speeds reflect current conditions.

E&T Surveys are prepared under the direction of California Vehicle Code (CVC). The CVC also requires that the surveys be conducted based on the methodology required by the California MUTCD Revision 8 (California MUTCD) dated January 2024.

Assembly Bill No. 43 (AB 43), signed in October 2021, has given local agencies more leeway to lower and maintain speed limits. The California Vehicle Code was amended in 2022 and the California MUTCD was amended in January 2024 to implement laws and guidelines with the changes set forth in AB 43. There were three major changes to how speed limits can be recommended under AB 43 as follows:

1. An E&T Survey conducted more than 7 years ago may be extended to 14 years (previously to 10 years) if a traffic engineer certifies that no changes in roadway or traffic conditions have occurred [CVC 40802 (c)(2)(B)(i)(II)].
2. A local authority may establish and designate safety corridors throughout their jurisdiction. The local authority may recommend a speed limit with an additional five mile per hour reduction on segments designated as safety corridors. Local authorities may not lower a speed limit under this section until June 30, 2024, or until the Judicial Council has developed an online tool for adjudicating infraction violations statewide, whichever is sooner.
3. If a local authority, after completing an E&T Survey, finds that the speed limit is still reasonable or safe, the local authority may retain the current speed limit or restore the immediately prior speed limit if that speed limit was established with an E&T Survey and if a registered engineer has evaluated the section of highway and determined that no additional general purpose lanes have been added to the roadway since completion of the traffic survey that established the prior speed limit.

This E&T survey was requested by the City for the proper posting of speed limits and to enable the Police Department to utilize radar or other electronic speed measuring devices for speed enforcement. CVC Sections 40801 and 40802 require E&T Surveys that verify the prima facie speed limit before enforcement by such a device is legal. The law further specifies that these surveys be conducted every 5 years. The surveys can be extended to 7 years provided the City's Police Department(s) have completed a 24-hour radar operator course [CVC 40802(c)(2)(B)(i)(I)].

Posted speed limits are established primarily to protect the general public from the reckless and unpredictable behavior of dangerous drivers. They provide law enforcement with a clearly understood method to identify and apprehend violators of the basic speed law (CVC Section 22350). This law states

that "No person shall drive a vehicle on a highway at a speed greater than is reasonable or prudent having due regard for weather, visibility, the traffic on, and the surface and width of the highway, and in no event at a speed which endangers the safety of persons or property." The posted speed limit gives motorists a clear warning of the maximum speed that is reasonable and prudent under typical driving conditions.

The basic fundamentals for establishing speed limits recognize that the majority of drivers behave in a safe and reasonable manner, and therefore, the normally careful and competent actions of a reasonable driver should be considered legal. Speed limits established on these fundamentals conform to the consensus that those who drive the highway determine what speed is reasonable and safe, not on the judgment of one or a few individuals. A radar speed study is usually conducted to record the prevailing speed of reasonable drivers.

Speed limits are also established to advise drivers of conditions which may not be readily apparent to a reasonable driver. For this reason, accident history, roadway conditions, traffic characteristics, and land use must also be analyzed before determining speed limits. Speed limit changes are usually made in coordination with physical changes in roadway conditions or roadside developments. Unusually short zones of less than one-half mile in length should be avoided to reduce driver confusion.

The E&T Surveys for the City were conducted in accordance with procedures outlined in the California MUTCD and as required by Section 627 of the CVC. The Code further describes three elements of an E&T Survey:

1. Measurement of prevailing speed;
2. Accident history; and
3. Roadway characteristics not readily apparent to the motorist.

Additionally, it is generally accepted that speed limits cannot be successfully enforced without voluntary compliance by a majority of drivers. Consequently, only the driver whose behavior is clearly out of line with the normal flow of traffic is usually targeted for enforcement.

Elements Of the Engineering and Traffic Survey

The California MUTCD specifies the methodology to be used for completing E&T Surveys. This methodology includes an evaluation of current vehicle speeds, accident history and conditions not readily apparent to motorists. The basic elements of the E&T Survey are discussed in more detail as follows:

Speed Sampling

Existing vehicle speeds are surveyed by a certified radar operator with a calibrated radar unit in an unmarked vehicle. Speed samples are taken for each segment representing a statistically significant sample of current traffic. This data is then evaluated to identify the distribution of speeds. A key element in the evaluation is the identification of the 85th percentile speed. The 85th percentile speed is the speed at or below which 85 percent of the traffic travels. This threshold represents what is

historically found to be a safe and reasonable speed for most drivers based on common roadway conditions. A speed limit is established in the three options below.

Options:

- **Closest to 85th Percentile Speed** – A speed limit is established at the nearest 5-mile per hour increment to the 85th percentile speed.
- **California MUTCD Option 2** - For cases in which the nearest 5 mph increment of the 85th-percentile speed would require a rounding up, then the speed limit may be rounded down to the nearest 5 mph increment below the 85th percentile speed, if no further reduction is used. Refer to CVC Section 21400(b).
- **Reduction using Segments with Special Conditions** - For cases in which the nearest 5 mph increment of the 85th-percentile speed would require rounding down, the posted speed may be reduced by an additional 5 mph from the nearest 5 mph increment of the 85th-percentile speed, in compliance with CVC Section 627 and 22358.5.

If the speed limit to be posted has had the 5 mph reduction applied, then an E&T Survey shall document in writing the conditions and justification for the lower speed limit. The reasons for the lower speed limit shall be in compliance with CVC Section 627 and 22358.5.

The following examples are provided to explain the application of these speed limit criteria:

If the 85th percentile speed in a speed survey for a location was 33 mph, the 3 options may be applied as follows:

- **Closest to 85th Percentile Speed** - The 85th percentile speed would round up to the nearest 5-mph increment. The speed limit would be established at 35 mph since it is the closest 5 mph increment to the 33 mph speed.
- **California MUTCD Option 2** - Instead of rounding up to 35 mph, the speed limit can be established at 30 mph, but no further reduction can be applied.
- **Reduction using Segments with Special Conditions** - The first step is to round up, then the speed limit would be established at 35 mph since it is the closest 5 mph increment to the 33 mph speed. As indicated by this option, this 35 mph established speed limit could be reduced by 5 mph to 30 mph if conditions and justification for using this lower speed limit are documented in the E&T Survey. However, it is best to apply MUTCD Option 2 in these scenarios as it will not require documentation of conditions and justification to lower the speed limit.

If the 85th percentile speed in a speed survey for a location was 37 mph, the 3 options may be applied as follows:

- **Closest to 85th Percentile Speed** - The 85th percentile speed would round down to the nearest 5-mph increment. The speed limit would be established at 35 mph since it is the closest 5 mph increment to the 37 mph speed.

- **California MUTCD Option 2** – This option is not applicable to 85th percentile speeds that already round down to the nearest 5-mph increment using the “Closest to 85th Percentile Speed” option.
- **Reduction using Segments with Special Conditions** - The first step is to round down, then the speed limit would be established at 35 mph since it is the closest 5 mph increment to the 37 mph speed. As indicated by this option, this 35 mph established speed limit could be reduced by 5 mph to 30 mph if conditions and justification for using this lower speed limit are documented in the E&T Survey.

Crash History

Reported crashes are reviewed for each street segment to determine if there is a higher than expected average rate of crashes. A segment that has an above-average crash rate typically suggests conditions that are not readily apparent to motorists.

Conditions Not Readily Apparent to Motorists

Each street segment is field inspected to identify roadway conditions that may not be readily apparent to motorists. A determination is made whether any conditions are significant and warrant the recommendation of the speed limit 5 mph below the basic speed limit.

Retain Currently Adopted or Restore Immediately Prior Speed Limit – New from AB 43

The City may retain the currently adopted speed limit without further reduction or restore the immediately prior adopted speed limit without further reduction as provided in CVC Section 22358.8, added through AB 43.

The currently adopted speed limit or immediately prior adopted speed limit shall only be retained, by ordinance, if after completing an E&T Survey, the City finds that the speed limit is still more than reasonable or safe, and that speed limit was established with an E&T Survey and if a registered engineer has evaluated the section of highway and determined that no additional general purpose lanes have been added to the roadway since completion of the traffic survey that established the prior speed limit.

If the City decides to use a lower speed limit based on CVC Section 22358.8, after completing an E&T Survey and finding that the speed limit is still more than is reasonable or safe, it shall not be reduced by any more than 5 mph from the currently adopted speed limit or not below the immediately prior speed limit. Refer to CVC Section 22358.8(b).

Land or Facilities that Generate High Concentrations of Pedestrians or Bicyclists

The provisions of CVC Section 22358.7 to additionally lower the speed limit (by designating safety corridor or on portion of highway is adjacent to any land or facility that generates high concentrations of bicyclists or pedestrians), shall not be applicable until actions required per CVC Section 22358.7 by Department of Transportation and Judicial Council are completed or June 30, 2024, whichever is sooner.

A land or facility that generates high concentrations of bicyclists or pedestrians is a portion of the highway where one or more of any of the generators listed below are present within a distance of 1320

feet. Crash data that demonstrates a highway segment is within the top twenty percent of pedestrian and/ or bicyclist fatalities or serious injuries over a three-to-five year period may be used in lieu of one of the generators listed below.

Table 2B-106(CA). Requirements to determine Land or Facility that Generates High Concentrations of Bicyclists or Pedestrians

Category	Generator
Land Use	Employment centers
	Presence of retail
	Parks, multi-use trails, and recreational destinations
	Schools/universities
	Senior Centers
	Cultural areas, entertainment space areas, or areas of community significance
	Religious facilities
	Health/medical facilities
Transit Factors	Transit stops
	Transit Oriented Developments/Transit Priority Areas
Presence of Pedestrian/Bicyclist Infrastructure	Sidewalk presence
	Crosswalk presence
	Bikeway presence
	Nearby signalized intersections on four-way intersections
	Presence of micromobility devices such as bicycles or scooters
Demographic Factors	Presence of vulnerable groups including children, seniors, persons with disabilities, users of personal assistive mobility devices, and the unhoused
	MPO/RTPA or locally defined disadvantaged community status
	Presence of students (all levels)
Local Data	Need identified in a safety analysis such as a road safety audit or formalized planning document such as a local road safety plan

If the speed limit to be posted has had the 5 mph reduction applied, then an E&TS shall document in writing the conditions and justification for the lower speed limit and be approved by a registered Civil or Traffic Engineer. The reasons for the lower speed limit shall be in compliance with CVC Sections 627 and 22358.5. Refer to Section 22358.6(b).

The total reduction in the speed limit using the nearest 5 mph increment, rounding up, rounding down and using 5 mph speed reduction, plus an additional 5 mph speed reduction for safety corridor designation, shall not exceed 12.4 mph from the 85-percentile speed. Refer to CVC Section 22358.6(e).

Survey Conditions

Survey Locations

The procedures described below describe the criteria and methods used to survey selected streets within the City of Pinole. The specific location of the radar speed survey for each street segment was selected after considering the following:

1. Minimum stop sign and traffic signal influence.
2. Minimum visibility restrictions.
3. Non-congested traffic flow away from intersections and driveways.
4. Minimum influence from curves or other roadway conditions that would affect the normal operation of a vehicle.

Data Collection

Data of existing conditions was obtained including prevailing speed of vehicles, traffic crashes, visibility restrictions, and roadway conditions within the community. Speed data and field reviews were conducted at 12 locations during the months of December 2023 and January 2024.

Speed Data

Radar speed measurements were conducted at 12 locations during the month of December 2023. The radar speed distribution forms are in Appendix B. All surveys were conducted in good weather conditions, during off-peak hours on weekdays. The radar unit was operated from an unmarked vehicle to minimize any influence on driver behavior. Typically, a minimum sample size of 100 vehicles or the total samples during a maximum period of 2 hours were obtained for each segment. Traffic speeds in both directions were recorded for individual segments.

Field Review Data

A field review was conducted for each of the selected street segments in the City with consideration for the following factors:

1. Street width and alignment;
2. Pedestrian activity and traffic flow characteristics;
3. Number of lanes and other channelization and striping patterns;
4. Frequency of intersections, driveways, and on-street parking;
5. Location of stop signs and other regulatory traffic control devices;
6. Visibility obstructions;

7. Land use and proximity to schools;
8. Pedestrian and bicycle usage;
9. Uniformity with existing speed zones and those in adjacent jurisdictions; and
10. Any other unusual condition not readily apparent to the driver.

Crash Data

Crash data was obtained from the California Highway Patrol's Statewide Integrated Traffic Records System (SWITRS) electronic crash database. For this study, crash data was used from the latest 3 years of reported accidents from January 1, 2021 to December 31, 2023. The crash rates for the 70 segments are expressed in crashes per million vehicle miles (C/MVM). To calculate these rates, 24-hour traffic volumes were collected for each street segment. This information was then entered into the following formula to determine the crash rate:

$$R = \frac{C \times 1,000,000}{t \times 365 \frac{\text{days}}{\text{year}} \times l \times v}$$

C = Number of midblock crashes over time period

R = Crash Rate (crashes/million vehicle miles)

t = Time Period Covered (in years)

l = Length of Segment (miles)

v = Traffic Volume (average daily traffic)

The segment crash rate was then compared to the average statewide crash rate of similar roadways. The average statewide crash rates were obtained from 2021 Collision Data on California State Highways published by Caltrans.

Land or Facility that Generates High Concentrations of Bicyclists or Pedestrians – New from AB 43

Segments with land or facilities that generate high concentrations of bicyclists or pedestrians were established under the guidelines set forth in the California MUTCD.

Fatal and severe injury crash data were gathered using UC Berkeley's Transportation Injury Mapping System (TIMS) from January 1, 2019 to March 31, 2024. The identification of appropriate land or facilities were identified in the field review of the segments.

Analysis

Criteria

Survey data was compiled and analyzed to determine the recommended speed limit in accordance with several criteria contained in The California MUTCD. Some of the criteria used are:

- A. The critical speed or 85th percentile speed is that speed at or below which 85 percent of the traffic is moving. This speed is the baseline value in determining what the majority of drivers believe is safe and reasonable. Speed limits set higher than the critical speed are not considered

reasonable and safe. Speed limits set lower than the critical speed make a large number of reasonable drivers "unlawful," and do not facilitate the orderly flow of traffic. The "basic speed limit" is the nearest 5 mph increment to the 85th percentile speed.

- B. The 10 mile per hour (mph) pace speed is the 10 mph increment that contains the highest percentage of vehicles. It is a measure of the dispersion of speeds across the range of the samples surveyed. An accepted practice is to keep the speed limit within the 10 mph pace while considering the critical speed and other factors that might require a speed lower than the critical speed.
- C. The crash rate for each street segment is compared to average crash rates that can be reasonably expected to occur on streets and highways in other jurisdictions, in proportion to the volume of traffic per lane mile. These average crash rates have been developed by the State of California and are considered reasonable for use in the City of Pinole.

Results and Engineering and Traffic Survey Recommendations

The Engineering and Traffic Survey Forms, presented in Appendix A, illustrate results of a thorough evaluation of available data and recommend a speed limit for each street segment surveyed based on the guidelines for an Engineering and Traffic Survey set forth by the California MUTCD and the CVC. A complete summary of all recommendations is shown in Table 1. In each case, the recommended speed limit was consistent with the prevailing behavior as demonstrated by the radar speed measurements. Typically, a speed limit in the upper range of the 10-mile pace was selected unless a crash rate significantly higher than expected was discovered or roadway conditions not readily apparent to the driver were identified. Any segments with recommended speed limits 5 mph or more below the basic speed limit are fully explained later in this report.

The Legislature, in adopting Section 22358.5 of the CVC, has made it clear that physical conditions, such as width, curvature, grade and surface conditions, or any other condition readily apparent to a driver, in the absence of other factors, would not be the basis for special downward speed zoning. In these cases, the basic speed law (CVC Section 22350) is sufficient to regulate such conditions.

Retain Currently Adopted or Restore Immediately Prior Speed Limit Application

Using CVC Section 22358.8, a new section added due to AB 43, the City can choose to use previous speed limits from the currently adopted or immediately prior Engineer's E&T recommendations. This decision is made by the City after an Engineering and Traffic Survey has been completed and is applicable if each of the following three conditions are met:

1. The agency identifies that the posted speed limit is reasonable or safe
2. An Engineer has verified that no general purpose lanes have been added
3. The speed limit was established with an Engineering and Traffic Survey

For segments with limits that have been redefined and currently have two different posted speed limits along the segment, the lower of the two speed limits may be retained since the segment has consistent

roadway and land use conditions and is adequately combined as a single segment, verified by an Engineer.

The recommendations set forth using this section are considered separate from the Engineering and Traffic Survey Recommendations. After the E&T Survey recommendations have been made, City staff and an Engineer may decide that the posted speed limit is appropriate and can retain currently adopted or restore immediately prior speed limits set by previous E&T Surveys.

When this 2024 adopted E&T Survey expires after either 7 or 14 years, a new E&T Survey will be prepared to recertify the speed limits. It should be noted that the Engineer’s E&T recommendation shall be used as the currently adopted speed limit, as opposed to the City’s speed limit recommendation. On roadway segments when the City’s speed limit recommendation is different than the Engineer’s E&T speed limit recommendation, future recommendations may be made to retain currently adopted or restore immediately prior speed limits using CVC Section 22358.8. In cases where the City recommendation is different than the Engineer’s E&T recommendation, the City’s speed limit recommendation should not be used to retain the currently adopted speed limit in a future E&T Survey prepared either 7 or 14 years after this E&T Survey has been adopted. For future use, the City and Engineer preparing the next E&T Survey should refer to the Engineer’s E&T recommendation identified in the segments with special conditions section in this report.

Speed Limit Recommendations

The recommendations contained in this Report are intended to establish prima facie speed limits. They are not intended to be absolute for all prevailing conditions. All prima facie speed violations are actually violations of the basic speed law (CVC Section 22350). This statute states that a person shall not drive a vehicle at a speed greater than is safe having regard for traffic, roadway, and weather conditions. A prima facie limit is intended to establish a maximum safe speed under normal conditions.

Table 1 summarizes the data collected and recommended speed limit for each segment in this E&T Survey.

Table 2 identifies the street segments with recommended changes in posted speed limit.

Table 1 - Summary of Recommendations

No.	Street	From	To	Dist. (mi.)	ADT	Collision Rate****		Posted Speed Limit	85% Speed	10 mi. Pace	% in Pace	Rec. Speed Limit	Comments*
						Exp.	Act.						
1	APPIAN WAY	SAN PABLO AVE	INTERSTATE 80	0.9	14,102	0.30	0.07	35**	42	33-42	78 %	35**	Use 2017 E&T Recommendation
2	APPIAN WAY	INTERSTATE 80	SOUTH CITY LIMIT	0.6	24,066	0.30	0.25	35	38	29-38	80 %	35	CA MUTCD Option 2
3	FITZGERALD DR	RICHMOND PKWY	APPIAN WAY	1	16,857	0.30	0.11	35	40	31-40	79 %	35	Use 2017 E&T Recommendation
4	PINOLE VALLEY RD	TENNENT AVENUE	GRANADA COURT	1.3	14,700	0.30	0.00	30**	32	23-32	88 %	25**	Moderate Pedestrian Use
5	PINOLE VALLEY RD	GRANADA COURT	SIMAS AVENUE	0.4	10,795	0.30	0.00	35	41	32-41	80 %	30	Hidden Driveways, Uncontrolled Crosswalks***
6	PINOLE VALLEY RD	SIMAS AVENUE	SOUTH CITY LIMIT	1.9	7,387	0.30	0.00	35**	38	30-39	88 %	30**	CA MUTCD Option 2***
7	SAN PABLO AVENUE	EAST CITY LIMIT	OAK RIDGE ROAD	0.6	19,905	0.30	0.00	25	37	24-46	76 %	25	Moderate Pedestrian Use***
8	SAN PABLO AVENUE	OAK RIDGE ROAD	SUNNYVIEW DRIVE	0.9	19,032	0.02	0.05	35	35	26-35	81 %	25	Uncontrolled Crosswalks, Moderate Pedestrian Use***
9	SAN PABLO AVENUE	SUNNYVIEW DRIVE	WEST CITY LIMIT	1	18,027	0.37	0.05	40	41	32-41	81 %	30	Uncontrolled Crosswalks, Moderate Pedestrian Use***
10	SIMAS AVENUE	PINOLE VALLEY RD (EAST)	PINOLE VALLEY (WEST)	1.3	582	0.65	1.21	25	32	22-31	78 %	25	Residential Density, Uncontrolled Crosswalks

* See "Segments with Special Conditions" section for comments on segments using special conditions or AB 43 to maintain the previous or prior ET

** 25 mph when children are present

*** Segment defined as "Land or Facility that Generates High Concentrations of Bicyclists or Pedestrians" See "Segments with Special Conditions" section for justification

**** Accident rate units: Fatal and Injury Collisions per One Million Vehicle Miles

Act.: Actual Collision Rate

Exp.: Expected Collision Rate based on the Caltrans 2021 Crash Data on California State Highways Rate

Table 1 - Summary of Recommendations

No.	Street	From	To	Dist. (mi.)	ADT	Collision Rate****		Posted Speed Limit	85% Speed	10 mi. Pace	% in Pace	Rec. Speed Limit	Comments*
						Exp.	Act.						
11	TARA HILLS	APPIAN WAY	WEST CITY LIMIT	0.7	12,331	0.30	0.11	30	34	25-34	84 %	30	CA MUTCD Option 2
12	TENNENT AVENUE	RAILROAD AVENUE	PINOLE VALLEY ROAD	0.9	7,494	0.65	0.00	25	31	20-36	84 %	25	Residential Density

* See "Segments with Special Conditions" section for comments on segments using special conditions or AB 43 to maintain the previous or prior ET

** 25 mph when children are present

*** Segment defined as "Land or Facility that Generates High Concentrations of Bicyclists or Pedestrians" See "Segments with Special Conditions" section for justification

**** Accident rate units: Fatal and Injury Collisions per One Million Vehicle Miles

Act.: Actual Collision Rate

Exp.: Expected Collision Rate based on the Caltrans 2021 Crash Data on California State Highways Rate

Table 2 - Street Segments with Recommended Speed Changes

No.	Street	From	To	Existing	New	Change
4	PINOLE VALLEY RD	TENNENT AVENUE	GRANADA COURT	30	25	- 5
5	PINOLE VALLEY RD	GRANADA COURT	SIMAS AVENUE	35	30	- 5
6	PINOLE VALLEY RD	SIMAS AVENUE	SOUTH CITY LIMIT	35	30	- 5
8	SAN PABLO AVENUE	OAK RIDGE ROAD	SUNNYVIEW DRIVE	35	25	- 10
9	SAN PABLO AVENUE	SUNNYVIEW DRIVE	WEST CITY LIMIT	40	30	- 10

Segments with Special Conditions

The following segments surveyed had recommended speed limits that were 5 miles per hour (mph) or more above or below the 85th percentile speed due to conditions not readily apparent to the driver. Each segment is discussed below.

Segment 1 – Appian Way – San Pablo Avenue to Interstate 80

This segment is currently posted at 35 mph and has two lanes in each direction with an ADT of 14,102 vehicles per day. The adjacent land is residential and commercial with a school zone along the 0.9-mile-long segment. The 85th percentile speed is 42 mph and would normally justify a 40 mph posted speed limit using the closest 5 mph speed. Since the 2017 E&T Survey, this segment has not added any additional through lanes and the speed limit was properly set by an E&T Survey. This segment was identified by the City to apply Section 22358.8 of the California Vehicle Code to retain the existing speed limit from the 2017 E&T Survey to keep the speed limit posted at 35 mph. In addition, 25 mph school zones are recommended to remain in place per Section 22352 of the California Vehicle Code.

Segment 3 – Fitzgerald Drive – Richmond Parkway to Appian Way

This segment is currently posted at 35 mph and has two lanes in each direction with an ADT of 16,857 vehicles per day. The adjacent land is commercial along the 1.0-mile-long segment. The 85th percentile speed is 40 mph and would normally justify a 40 mph posted speed limit using the closest 5 mph speed. Since the 2017 E&T Survey, this segment has not added any additional through lanes and the speed limit was properly set by an E&T Survey. This segment was identified by the City to apply Section 22358.8 of the California Vehicle Code to retain the existing speed limit from the 2017 E&T Survey to keep the speed limit posted at 35 mph.

Segment 4 – Pinole Valley Road – Tennent Avenue to Granada Court

This segment is currently posted at 30 mph and has two lanes in each direction with an ADT of 14,700 vehicles per day. The adjacent land is residential and commercial with a school along the 1.3-mile-long segment. The 85th percentile speed is 32 mph and would normally justify a 30 mph posted speed limit. However, due to moderate pedestrian traffic that may not be apparent to unfamiliar drivers, a lower speed limit is prudent. It is recommended that the speed limit be posted at 25 mph for the above reason.

Segment 5 – Pinole Valley Road – Granada Court to Simas Avenue

This segment is currently posted at 35 mph and has two through lanes in each direction with an ADT of 10,795 vehicles per day. The adjacent land is residential along the 0.4-mile-long segment. The 85th percentile speed is 41 mph and would normally justify a 40 mph posted speed limit. However, due to hidden driveways, moderate pedestrian use and uncontrolled crosswalks that may not be apparent to unfamiliar drivers, a lower speed limit is prudent. Additionally, this segment is identified as a land or facility that generates high concentrations of bicycles and pedestrians. The segment has sidewalk, crosswalk, and bikeway presence along the corridor. Because this segment is established as a land or facility that generates high concentrations of bicycles and pedestrians, an additional 5 mph reduction can be applied. It is recommended that the speed limit be posted at 30 mph for the above reasons. This recommendation falls within the limitations requiring the recommendation be no more than 12.4 mph under the 85th percentile speed.

Segment 6 – Pinole Valley Road – Simas Avenue to South City Limit

This segment is currently posted at 35 mph and has one through lane in each direction with an ADT of 7,387 vehicles per day. The adjacent land is residential with a school along the 1.9-mile-long segment. The 85th percentile speed is 38 mph and would normally justify a 35 mph posted speed limit by rounding down to the nearest 5-mph using the California MUTCD Option 2. However, this segment is identified as a land or facility that generates high concentrations of bicycles and pedestrians. The segment has sidewalk, is along a bike route and has a park along the corridor. Because this segment is established as a land or facility that generates high concentrations of bicycles and pedestrians, an additional 5 mph reduction can be applied. It is recommended that the speed limit be posted at 30 mph for the above reasons. This recommendation falls within the limitations requiring the recommendation be no more than 12.4 mph under the 85th percentile speed.

Segment 7 – San Pablo Avenue – East City Limit to Oak Ridge Road

This segment is currently posted at 25 mph and has two through lanes in each direction with an ADT of 19,905 vehicles per day. The adjacent land is commercial along the 0.6-mile-long segment. The 85th percentile speed is 37 mph and would normally justify a 35 mph posted speed limit. However, due to moderate pedestrian use that may not be apparent to unfamiliar drivers, a lower speed limit is prudent. Additionally, this segment is identified as a land or facility that generates high concentrations of bicycles and pedestrians. The segment has sidewalk and retail presence along the corridor. Because this segment is established as a land or facility that generates high concentrations of bicycles and pedestrians, an additional 5 mph reduction can be applied. It is recommended that the speed limit remain at 25 mph for the above reasons. This recommendation falls within the limitations requiring the recommendation be no more than 12.4 mph under the 85th percentile speed.

Segment 8 – San Pablo Avenue – Oak Ridge Road to Sunnyview Drive

This segment is currently posted at 35 mph and has two through lanes in each direction with an ADT of 19,032 vehicles per day. The adjacent land is commercial along the 0.9-mile-long segment. The 85th percentile speed is 35 mph and would normally justify a 35 mph posted speed limit. However, due to moderate pedestrian use and uncontrolled crosswalks that may not be apparent to unfamiliar drivers, a lower speed limit is prudent. Additionally, this segment is identified as a land or facility that generates high concentrations of bicycles and pedestrians. The segment has sidewalk and retail presence along the corridor and has had a fatal pedestrian-involved crash in the last 5 years. Because this segment is established as a land or facility that generates high concentrations of bicycles and pedestrians, an additional 5 mph reduction can be applied. It is recommended that the speed limit be posted at 25 mph for the above reasons. This recommendation falls within the limitations requiring the recommendation be no more than 12.4 mph under the 85th percentile speed.

Segment 9 – San Pablo Avenue – Sunnyview Drive to West City Limit

This segment is currently posted at 40 mph and has two through lanes in each direction with an ADT of 18,027 vehicles per day. The adjacent land is commercial and a religious facility along the 1.0-mile-long segment. The 85th percentile speed is 41 mph and would normally justify a 40 mph posted speed limit. However, due to moderate pedestrian use and uncontrolled crosswalks that may not be apparent to unfamiliar drivers, a lower speed limit is prudent. Additionally, this segment is identified as a land or facility that generates high concentrations of bicycles and pedestrians. The segment has sidewalk, crosswalk, religious facility and retail presence along the corridor. Because this segment is established as a land or facility that generates high concentrations of bicycles and pedestrians, an additional 5 mph reduction can be applied. It is recommended that the speed limit be posted at 30 mph for the above reasons. This recommendation falls within the limitations requiring the recommendation be no more than 12.4 mph under the 85th percentile speed.

Segment 10 – Simas Avenue – Pinole Valley Road (East) to Pinole Valley Road (West)

This segment is currently posted at 25 mph and has one through lane in each direction with an ADT of 582 vehicles per day. The adjacent land is residential the 1.3 -mile-long segment. The 85th percentile speed is 32 mph and would normally justify a 30 mph posted speed limit. However, due to uncontrolled crosswalks that may not be apparent to unfamiliar drivers and a high residential density, a lower speed limit is prudent. It is recommended that the speed limit remain posted at 25 mph for the above reason.

Segment 12 – Tennent Avenue – Railroad Avenue to Pinole Valley Road

This segment is currently posted at 25 mph and has one through lane in each direction with an ADT of 7,494 vehicles per day. The adjacent land is residential with a park and church along the 0.9 -mile-long segment. The 85th percentile speed is 31 mph and would normally justify a 30 mph posted speed limit. However, due to a high residential density, a lower speed limit is prudent. It is recommended that the speed limit remain posted at 25 mph for the above reason.

Segments defined as Land or Facility that Generates High Concentrations of Bicyclists or Pedestrians

The following segments surveyed had recommended speed limits that added an additional 5 miles per hour (mph) reduction due to conditions that define the segment as a Land or Facility that Generates High Concentrations of Bicyclists or Pedestrians

Table 3 – Segments defined as Land or Facility that Generates High Concentrations of Bicyclists or Pedestrians

No.	Street	From	To
5	Pinole Valley Road	Granada Court	Simas Avenue
6	Pinole Valley Road	Simas Avenue	South City Limit
7	San Pablo Avenue	East City Limit	Oak Ridge Road
8	San Pablo Avenue	Oak Ridge Road	Sunnyview Drive
9	San Pablo Avenue	Sunnyview Drive	West City Limit

Legislative References

Applicable Sections of California Vehicle Code

The following sections of the CVC are from the most recently published CVC as of August 2023 and contain new sections pertaining to AB 43.

Engineering and Traffic Surveys

Section 627.

- (a) “Engineering and traffic survey,” as used in this code, means a survey of highway and traffic conditions in accordance with methods determined by the Department of Transportation for use by state and local authorities.
- (b) An engineering and traffic survey shall include, among other requirements deemed necessary by the department, consideration of all of the following:
 - (1) Prevailing speeds as determined by traffic engineering measurements.
 - (2) Accident records.
 - (3) Highway, traffic, and roadside conditions not readily apparent to the driver.
- (c) When conducting an engineering and traffic survey, local authorities, in addition to the factors set forth in paragraphs (1) to (3), inclusive, of subdivision (b) may consider all of the following:
 - (1) Residential density, if any of the following conditions exist on the particular portion of highway and the property contiguous thereto, other than a business district:
 - (A) Upon one side of the highway, within a distance of a quarter of a mile, the contiguous property fronting thereon is occupied by 13 or more separate dwelling houses of business structures.
 - (B) Upon both sides of the highway, collectively, within a distance of a quarter of a mile, the contiguous property fronting thereon is occupied by 16 or more separate dwelling houses or business structures.
 - (C) The portion of highway is longer than one-quarter of a mile but has the ratio of separate dwelling houses or business structures to the length of the highway described in either subparagraph (A) or (B).
 - (2) Safety of bicyclists and pedestrians, with increased consideration for vulnerable pedestrian groups including children, seniors, persons with disabilities, users of personal assistive mobility devices, and the unhoused.

Basic Speed Law*Section 22350.*

No person shall drive a vehicle upon a highway at a speed greater than is reasonable or prudent having due regard for weather, visibility, the traffic on, and the surface and width of, the highway, and in no event at a speed which endangers the safety of persons or property.

Speed Law Violations*Section 22351.*

- (a) The speed of any vehicle upon a highway not in excess of the limits specified in Section 22352 or established as authorized in this code is lawful unless clearly proved to be in violation of the basic speed law.
- (b) The speed of any vehicle upon a highway in excess of the prima facie speed limits in Section 22352 or established as authorized in this code is prima facie unlawful unless the defendant establishes by competent evidence that the speed in excess of said limits did not constitute a violation of the basic speed law at the time, place and under the conditions then existing.

Prima Facie Speed Limits*Section 22352.*

The prima facie limits are as follows and shall be applicable unless changed as authorized in this code and, if so changed, only when signs have been erected giving notice thereof:

- (a) Fifteen miles per hour:
 - (1) When traversing a railway grade crossing, if during the last 100 feet of the approach to the crossing the driver does not have a clear and unobstructed view of the crossing and of any traffic on the railway for a distance of 400 feet in both directions along such railway. This subdivision does not apply in the case of any railway grade crossing where a human flagman is on duty or a clearly visible electrical or mechanical railway crossing signal device is installed but does not then indicate the immediate approach of a railway train or car.
 - (2) When traversing any intersection of highways, if during the last 100 feet of the driver's approach to the intersection, the driver does not have a clear and unobstructed view of the intersection and of any traffic upon all of the highways entering the intersection for a distance of 100 feet along all those highways, except at an intersection protected by stop signs or yield right-of-way signs or controlled by official traffic control signals.
 - (3) On any alley.
- (b) Twenty-five miles per hour:
 - (1) On any highway other than a state highway, in any business or residence district unless a different speed is determined by local authority under procedures set forth in this code.

Section 22357.1.

Notwithstanding Section 22357, a local authority may, by ordinance or resolution, set a prima facie speed limit of 25 miles per hour on any street, other than a state highway, adjacent to any children's playground in a public park but only during particular hours or days when children are expected to use the facilities. The 25 mile per hour speed limit shall be effective when signs giving notice of the speed limit are posted.

*Section 22358.4***(a)**

- (1)** Wherever a local authority determines upon the basis on an engineering and traffic survey that the prima facie speed limit of 25 miles per hour established by subdivision (b) of Section 22352 is more than reasonable or safe, the local authority may, by ordinance or resolution, determine and declare a prima facie speed limit of 20 or 15 miles per hour, whichever is justified as the appropriate speed limit by that survey.
- (2)** An ordinance or resolution adopted under paragraph (1) shall not be effective until appropriate signs giving notice of the speed limit are erected upon the highway and, in the case of a state highway, until the ordinance is approved by the Department of Transportation and the appropriate signs are erected up on the highway.

(b)

- (1)** Notwithstanding subdivision (a) or any other provision of law, a local authority may, by ordinance or resolution, determine and declare prima facie speed limits as follows:
 - (A)** A 15 miles per hour prima facie limit in a residence district, on a highway with a posted speed limit of 30 miles per hour or slower, when approaching, at a distance less than 500 feet from, or passing, a school building or the grounds of a school building, contiguous to a highway and posted with a school warning sign that indicates a speed limit of 15 miles per hour, while children are going to or leaving the school, either during school hours or during the noon recess period. The prima facie limit shall also apply when approaching, at a distance of less than 500 feet from, or passing, school grounds that are not separated from the highway by a fence, gate, or other physical barrier while the grounds are in use by children and the highway is posted with a school warning sign that indicates a speed limit of 15 miles per hour.
 - (B)** A 25 miles per hour prima facie limit in a residence district, on a highway with a posted speed limit of 30 miles per hour or slower, when approaching, at a distance of 500 to 1,000 feet from, a school building or the grounds thereof, contiguous to a highway and posted with a school warning sign that indicates a speed limit of 25 miles per hour, while children are going to or leaving the school, either during school hours or during the noon recess period. The prima facie limit shall also apply when approaching, at a distance of 500 to 1,000 feet from, school grounds that are not separated from the highway by a fence, gate, or

other physical barrier while the grounds are in use by children and the highway is posted with a school warning sign that indicates a speed limit of 25 miles per hour.

- (2) The prima facie limits established under paragraph (1) apply only to highways that meet all of the following conditions:
 - (A) A maximum of two traffic lanes.
 - (B) A maximum posted 30 miles per hour prima facie speed limit immediately prior and after the school zone.
- (3) The prima facie limits established under paragraph (1) apply to all lanes of an affected highway, in both directions of travel.
- (4) When determining the need to lower the prima facie speed limit, the local authority shall take the provisions of Section 627 into consideration.
- (5)
 - (A) An ordinance or resolution adopted under paragraph (1) shall not be effective until appropriate signs giving notice of the speed limit are erected upon the highway and, in the case of a state highway, until the ordinance is approved by the Department of Transportation and the appropriate signs are erected upon the highway.
 - (B) For the purposes of subparagraph (A) of paragraph (1), school warning signs indicating a speed limit of 15 miles per hour may be placed at a distance up to 500 feet away from school grounds.
 - (C) For the purposes of subparagraph (B) of paragraph (1), school warning signs indicating a speed limit of 25 miles per hour may be placed at a distance between 500 and 1,000 feet away from school grounds.

Business Activity Districts

Section 22358.9.

- (a)
 - (1) Notwithstanding any other law, a local authority may, by ordinance, determine and declare a 25 or 20 miles per hour prima facie speed limit on a highway contiguous to a business activity district when posted with a sign that indicates a speed limit of 25 or 20 miles per hour.
 - (2) The prima facie limits established under paragraph (1) apply only to highways that meet all of the following conditions:
 - (A) A maximum of four traffic lanes.
 - (B) A maximum posted 30 miles per hour prima facie speed limit immediately prior to and after the business activity district, if establishing a 25 miles per hour speed limit.

- (c) A maximum posted 25 miles per hour prima facie speed limit immediately prior to and after the business activity district, if establishing a 20 miles per hour speed limit.
- (b) As used in this section, a “business activity district” is that a portion of a highway and the property contiguous thereto that includes central or neighborhood downtowns, urban villages, or zoning designations that prioritize commercial land uses at the downtown neighborhood scale and meets at least three of the following requirements in paragraphs (1) to (4), inclusive:
 - (1) No less than 50 percent of the contiguous property fronting the highway consists of retail or dining commercial uses, including outdoor dining, that open directly onto sidewalks adjacent to the highway.
 - (2) Parking, including parallel, diagonal, or perpendicular spaces located alongside the highway.
 - (3) Traffic control signals or stop signs regulating traffic flow on the highway, located at intervals of no more than 600 feet.
 - (4) Marked crosswalks not controlled by a traffic control device.
- (c) A local authority shall not declare a prima facie speed limit under this section on a portion of a highway where the local authority has already lowered the speed limit as permitted under Section 22358.7, has retained the currently adopted speed limit under Section 22358.8, or has restored the immediately prior adopted speed limit under Section 22358.8.
- (d) A local authority shall issue only warning citation for violation of exceeding the speed limit by 10 miles per hour or less for the first 30 days that a lower speed limit is in effect as authorized by this section.

Minimum and Maximum Prima Facie Speed Limits

Section 22357.

- (a) Whenever a local authority determines upon the basis of an engineering and traffic survey that a speed greater than 25 miles per hour would facilitate the orderly movement of vehicular traffic and would be reasonable and safe upon any street other than a state highway otherwise subject to a prima facie limit of 25 miles per hour, the local authority may by ordinance determine and declare a prima facie speed limit of 30, 35, 40, 45, 50, 55 or 60 miles per hour or a maximum speed limit of 65 miles per hour, whichever is found most appropriate to facilitate the orderly movement of traffic and is reasonable and safe. The declared prima facie or maximum speed limit shall be effective when appropriate signs giving notice thereof are erected upon the street and shall not thereafter be revised except upon the basis of an engineering and traffic survey. This section does not apply to any 25-mile-per-hour prima facie limit, which is applicable when passing a school building or the grounds thereof or when passing a senior center or other facility primarily used by senior citizens.

Section 22358.

- (a) Whenever a local authority determines upon the basis of an engineering and traffic survey that a speed greater than 65 miles per hour is more than is reasonable or safe upon any portion of any street other than a state highway where the limit of 65 miles per hour is applicable, the local authority may by ordinance determine and declare a prima facie speed limit of 60, 55, 45, 40, 35, 30, 25, 20, or 15 miles per hour, whichever is found most appropriate to facilitate the orderly movement of traffic and is reasonable and safe, which declared prima facie limit shall be effective when appropriate signs giving notice thereof are erected upon the street.

Section 22358.3.

Whenever a local authority determines upon the basis of an engineering and traffic survey that the prima facie speed limit of 25 miles per hour in a business or residence district or in a public park on any street having a roadway not exceeding 25 feet in width, other than a state highway, is more than reasonable or safe, the local authority may, by ordinance or resolution, determine and declare a prima facie speed limit of 20 or 15 miles per hour, whichever is found most appropriate and is reasonable and safe. The declared prima facie speed limit shall be effective when appropriate signs giving notice thereof are erected upon the street.

Section 22360.

- (a) Whenever a local authority determines upon the basis of an engineering and traffic survey that the speed limit of 65 miles per hour is more than is reasonable or safe upon any portion of a highway other than a state highway for a distance of not exceeding 2,000 feet in length between district, either business or residence, the local authority may determine and declare a reasonable and safe prima facie limit thereon lower than 65 mile per hour, but not less than 25 miles per hour, which declared prima facie speed limit shall be effective when appropriate signs giving notice thereof are erected upon the street or highway.

Downward Speed Zoning*Section 22358.5.*

It is the intent of the Legislature that physical conditions such as width, curvature, grade and surface conditions, or any other condition readily apparent to a driver, in the absence of other factors, would not require special downward speed zoning, as the basic rule of Section 22350 is sufficient regulation as to such conditions.

Safety Corridors and Land or Facility that Generates High Concentrations of Bicyclists or Pedestrians (Added code from AB 43)*Section 22358.7.*

- (a) If a local authority, after completing an engineering and traffic survey, finds that the speed limit is still more than is reasonable or safe, the local authority may, by ordinance, determine and declare a

prima facie speed limit that has been reduced an additional five miles per hour for either of the following reasons:

- (1) The portion of highway has been designated as a safety corridor. A local authority shall not deem more than one-fifth of their streets as safety corridors.
- (2) A portion of the highway is adjacent to any land or facility that generates high concentrations of bicyclists or pedestrians, especially those from vulnerable groups such as children, seniors, persons with disabilities, and the unhoused.

Maintaining Posted Speeds (Added code from AB 43)

Section 22358.8.

- (a) If a local authority, after completing an engineering and traffic survey, finds that the speed limit is still more than is reasonable or safe, the local authority may, by ordinance, retain the currently adopted speed limit or restore the immediately prior adopted speed limit if that speed limit was established with an engineering and traffic survey and if a registered engineer has evaluated the section of highway and determined that no additional general purpose lanes have been added to the roadway since completion of the traffic survey that established that speed limit.
- (b) This section does not authorize a speed limit to be reduced by any more than five miles per hour from the currently adopted speed limit nor below the immediately prior speed limit.
- (c) A local authority shall issue only warning citations for violations of exceeding the speed limit by 10 miles per hour or less for the first 30 days that a lower speed limit is in effect as authorized by this section.

Boundary Line Streets

Section 22359.

With respect to boundary line streets and highways where portions thereof are within different jurisdictions, no ordinance adopted under Sections 22357 and 22358 shall be effective as to any such portion until all authorities having jurisdiction of the portions of the street concerned have approved the same. This section shall not apply in the case of boundary line streets consisting of separate roadways within different jurisdictions.

Speed Trap Prohibition

Section 40801.

No peace officer or other person shall use a speed trap in arresting, or participating or assisting in the arrest of, any person for any alleged violation of this code nor shall any speed trap be used in securing evidence as to the speed of any vehicle for the purpose of an arrest or prosecution under this code.

Speed Trap*Section 40802.*

(a) A "speed trap" is either of the following:

- (1) A particular section of a highway measured as to distance and with boundaries marked, designated, or otherwise determined in order that the speed of a vehicle may be calculated by securing the time it takes the vehicle to travel the known distance.
- (2) A particular section of a highway with a prima facie speed limit that is provided by this code or by local ordinance under subparagraph (A) of paragraph (2) of subdivision (a) of Section 22352, or established under Section 22354, 22357, 22358, or 22358.3, if that prima facie speed limit is not justified by an engineering and traffic survey conducted within five years prior to the date of the alleged violation, and enforcement of the speed limit involves the use of radar or any other electronic device that measures the speed of moving object. This paragraph does not apply to a local street, road, or school zone.

(b)

- (1) For purposes of this section, a local street or road is one that is functionally classified as "local" on the "California Road System Maps," that are approved by the Federal Highway Administration and maintained by the Department of Transportation. It may also be defined as a "local street or road" if it primarily provides access to abutting residential property and meets the following three conditions:
 - (A) Roadway width of not more than 40 feet.
 - (B) Not more than one-half of a mile of uninterrupted length. Interruptions shall include official traffic control signals as defined in Section 445.
 - (C) Not more than one traffic lane in each direction.
- (2) For purposes of this section "school zone" means that area approaching or passing a school building or the grounds thereof that is contiguous to a highway and on which is posted a standard "SCHOOL" warning sign, while children are going to or leaving the school either during school hours or during the noon recess period. "School zone" also includes the area approaching or passing any school grounds that are not separated from the highway by a fence, gate, or other physical barrier while the grounds are in use by children if that highway is posted with a standard "SCHOOL" warning sign.
- (3) For purposes of this section, "senior zone" means that area approaching or passing a senior center building or other facility primarily used by senior citizens, or the grounds thereof that is contiguous to a highway and on which is posted a standard "SENIOR" warning sign, pursuant to Section 22352.
- (4) For purposes of this section, "business activity district" means a section of highway described in subdivision (b) of Section 22358.9 in which a standard 25 miles per hour or 20 miles per hour speed limit sign has been posted pursuant to paragraph (1) of subdivision (a) of that section.

(c)

(1) When all the following criteria are met, paragraph (2) of this subdivision shall be applicable and subdivision (a) shall not be applicable:

(A) When radar is used, the arresting officer has successfully completed a radar operator course of not less than 24 hours on the use of police traffic radar, and the course was approved and certified by the Commission on Peace Officer Standards and Training.

(B) When laser or any other electronic device is used to measure the speed of moving objects, the arresting officer has successfully completed the training required in subparagraph (A) and an additional training course of not less than two hours approved and certified by the Commission on Peace Officer Standards and Training.

(C)

(i) The prosecution proved that the arresting officer complied with subparagraphs (A) and (B) and that an engineering and traffic survey has been conducted in accordance with subparagraph (B) of paragraph (2). The prosecution proved that, prior to the officer issuing the notice to appear, the arresting officer established that the radar, laser, or other electronic device conformed to the requirements of subparagraph (D).

(ii) The prosecution proved the speed of the accused was unsafe for the conditions present at the time of alleged violation unless the citation was for a violation of Section 22349, 22356, or 22406.

(D) The radar, laser, or other electronic device used to measure the speed of the accused meets or exceeds the minimal operational standards of the National Traffic Highway Safety Administration, and has been calibrated within the three years prior to the date of the alleged violation by an independent certified laser or radar repair and testing or calibration facility.

(2) A “speed trap” is either of the following:

(A) A particular section of a highway measured as to distance and with boundaries marked, designated, or otherwise determined in order that the speed of a vehicle may be calculated by securing the time it takes the vehicle to travel the known distance.

(B)

(i) A particular section of a highway or state highway with a prima facie speed limit that is provided by this code or by local ordinance under paragraph (1) of subdivision (b) of Section 22352, or established under Section 22354, 22357, 22358, or 22358.3, if that prima facie speed limit is not justified by an engineering and traffic survey conducted within one of the following time periods, prior to the date of the alleged violation, and enforcement of speed limit involves the use of radar or any other electronic device that measures the speed of moving objects:

- (I) Except as specified in subclause (II), seven years.
- (II) If an engineering and traffic survey was conducted more than seven years prior to the date of the alleged violation, and a registered engineer evaluates the section of the highway and determines that no significant changes in roadway or traffic conditions have occurred including, but not limited to, changes in adjoining property or land use, roadway width, or traffic volume, 14 years.
- (ii) This subparagraph does not apply to a local street, road, or school zone, senior zone, business activity district, or speed limit adopted under Section 22358.7 or 22358.8.

Speed Trap Evidence

Section 40803.

- (a) No evidence as to the speed of a vehicle upon a highway shall be admitted in any court upon the trial of any person in any prosecution under this code upon a charge involving the speed of a vehicle when the evidence is based upon or obtained from or by the maintenance or use of a speed trap.
- (b) In any prosecution under this code of a charge involving the speed of a vehicle, where enforcement involves the use of radar or other electronic devices which measure the speed of moving objects, the prosecution shall establish, as part of its prima facie case, that the evidence or testimony presented is not based upon a speed trap as defined in paragraph (2) of subdivision (a) of Section 40802.
- (c) When a traffic and engineering survey is required pursuant to paragraph (2) of subdivision (a) of Section 40802, evidence that a traffic and engineering survey has been conducted within five years of the date of the alleged violation or evidence that the offense was committed on a local street or road as defined in paragraph (2) of subdivision (a) of Section 40802 shall constitute a prima facie case that the evidence or testimony is not based upon a speed trap as defined in paragraph (2) subdivision (a) of Section 40802.

APPENDIX A

Street Segment Data

Spot Speed Study

Prepared by: National Data & Surveying Services

City of Pinole

DATE: 9/13/2016

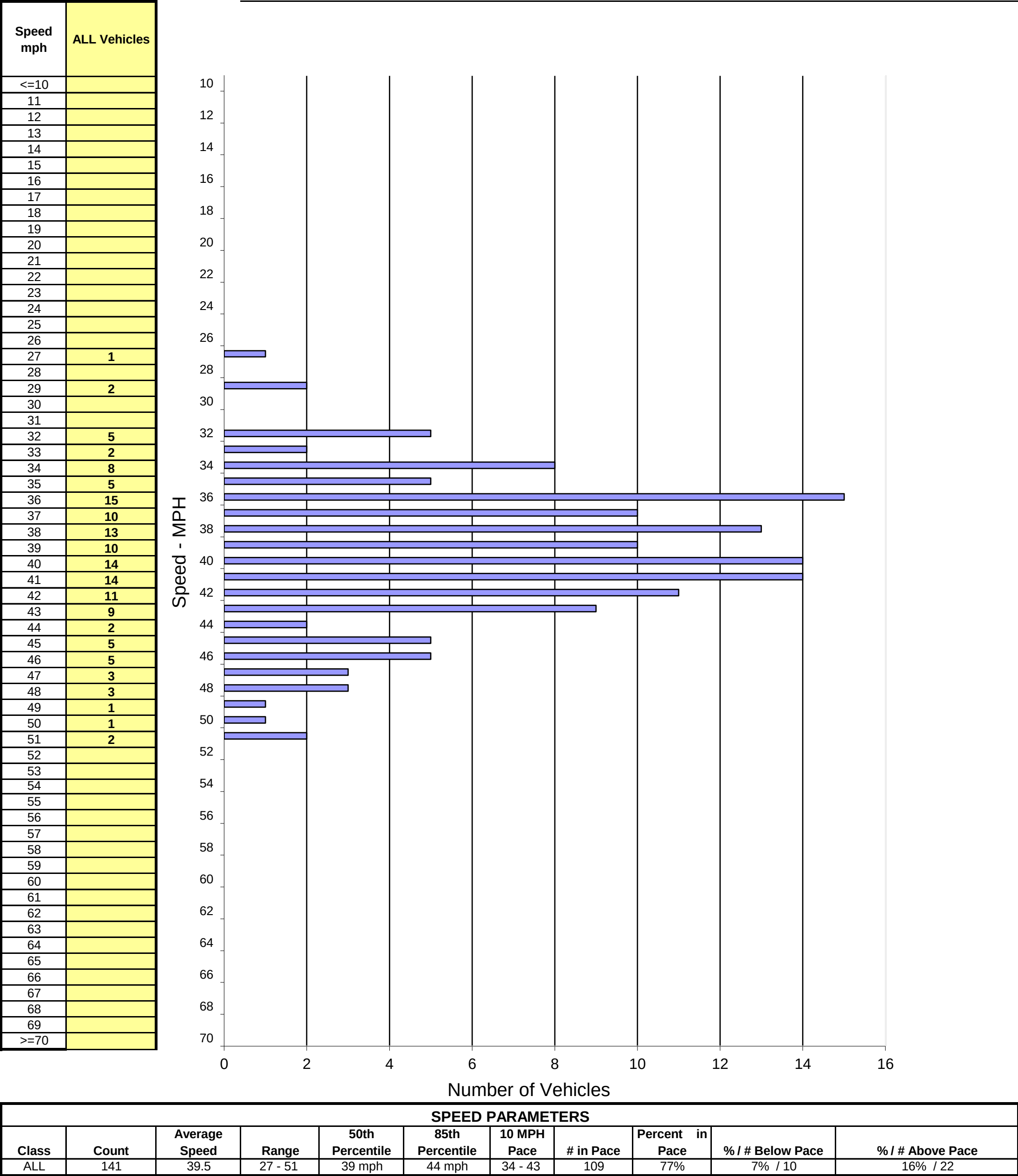
DAY: Tuesday

Location: Appian Way Bet. San Pablo Ave & I-80

Posted Speed: 35 MPH

Project #: 16-7602-001

Northbound & Southbound Spot Speeds



Spot Speed Study

Prepared by: National Data & Surveying Services

City of Pinole

DATE: 9/13/2016

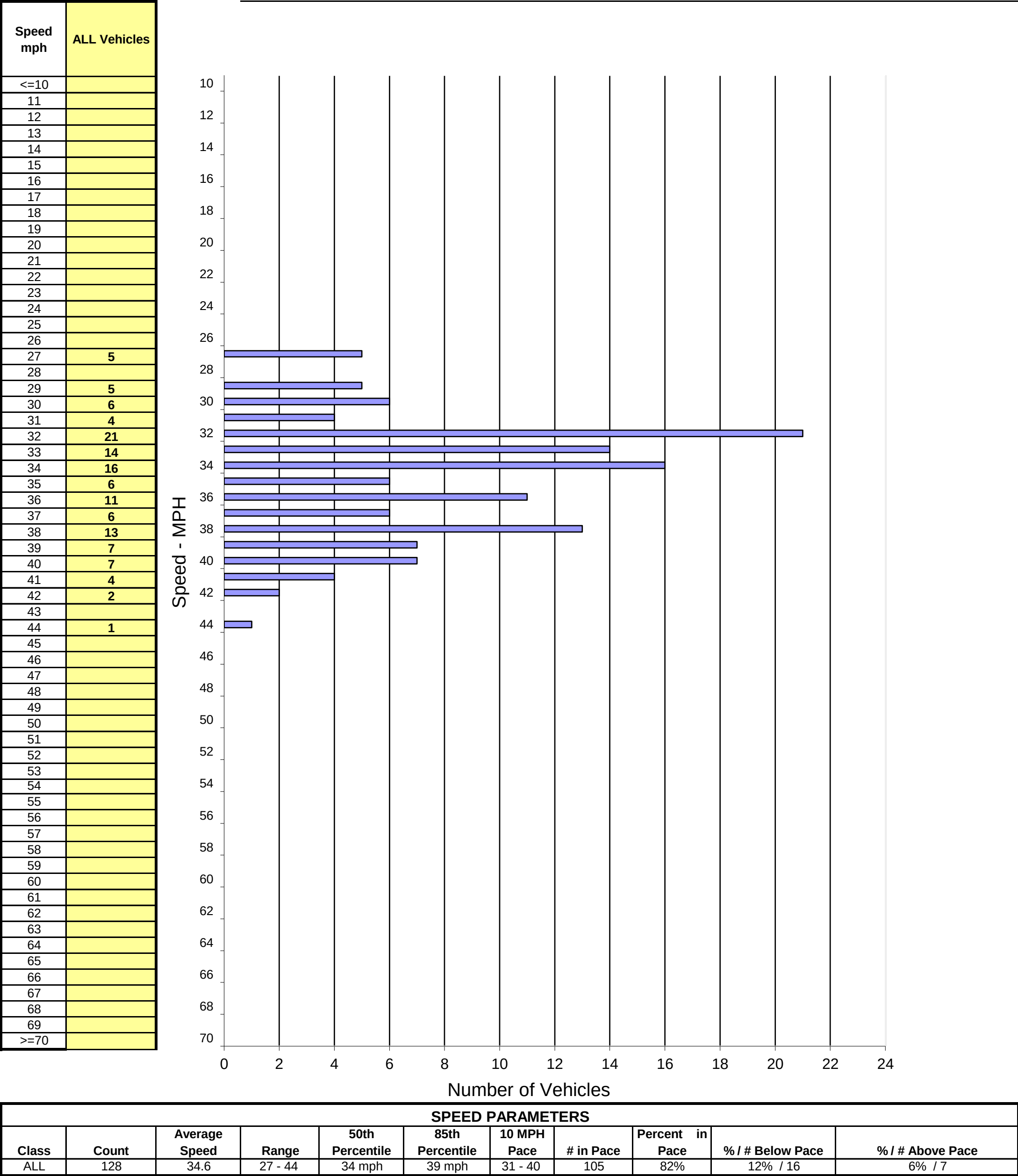
DAY: Tuesday

Location: Appian Way Bet. I-80 & South City Limit

Posted Speed: 35 MPH

Project #: 16-7602-002

Northbound & Southbound Spot Speeds



Spot Speed Study

Prepared by: National Data & Surveying Services

City of Pinole

DATE: 9/13/2016

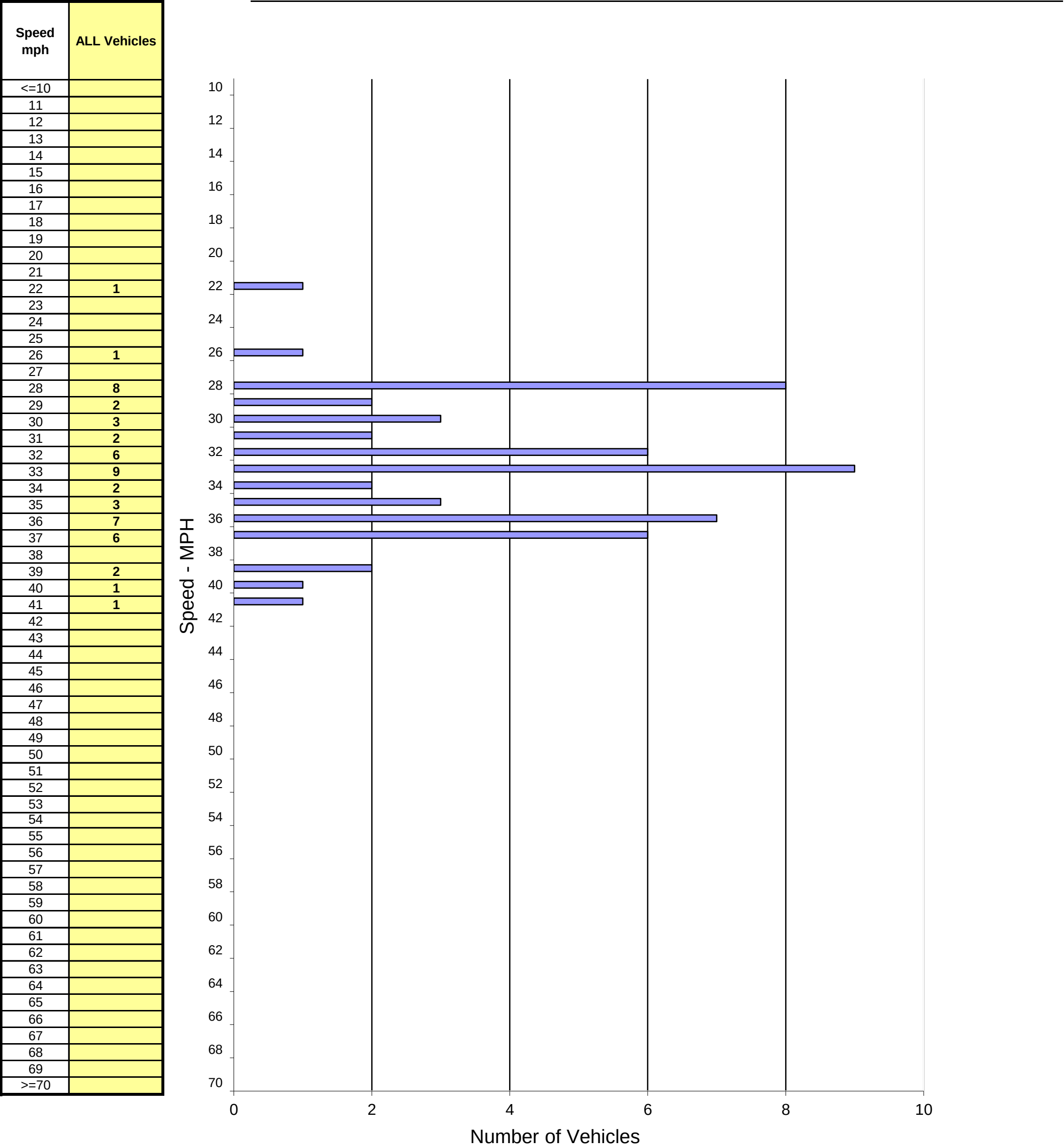
DAY: Tuesday

Location: Fitzgerald Dr Bet. Richmond Pkwy & Appian Way

Posted Speed: 35 MPH

Project #: 16-7602-003

Eastbound Spot Speeds



SPEED PARAMETERS										
Class	Count	Average Speed	Range	50th Percentile	85th Percentile	10 MPH Pace	# in Pace	Percent in Pace	% / # Below Pace	% / # Above Pace
ALL	54	32.9	22 - 41	33 mph	37 mph	28 - 37	48	89%	3% / 2	8% / 4

Spot Speed Study

Prepared by: National Data & Surveying Services

City of Pinole

DATE: 9/13/2016

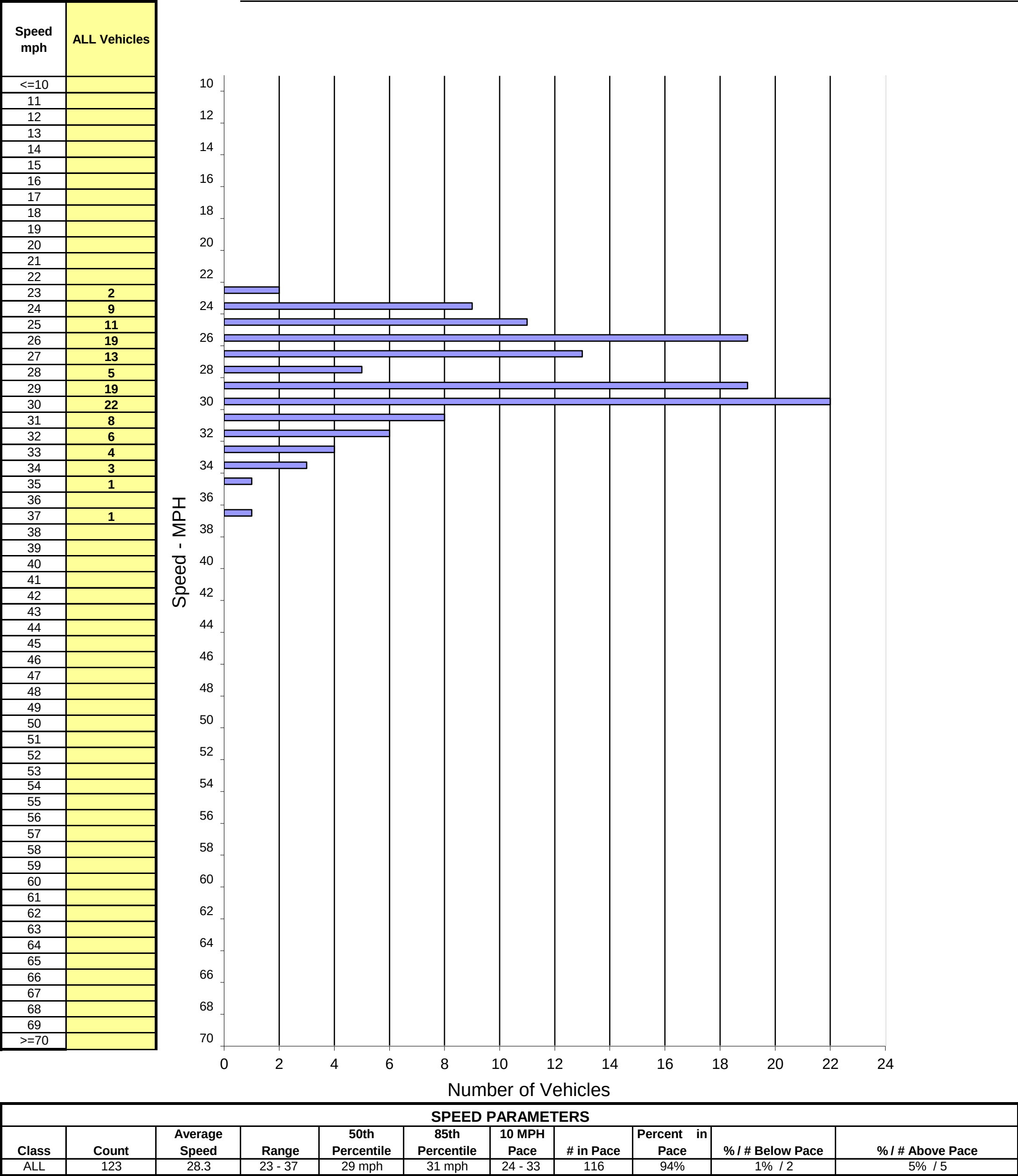
DAY: Tuesday

Location: Pinole Valley Rd Bet. Tennent Ave & I-80

Posted Speed: 30 MPH

Project #: 16-7602-004

Northbound & Southbound Spot Speeds



Spot Speed Study

Prepared by: National Data & Surveying Services

City of Pinole

DATE: 9/13/2016

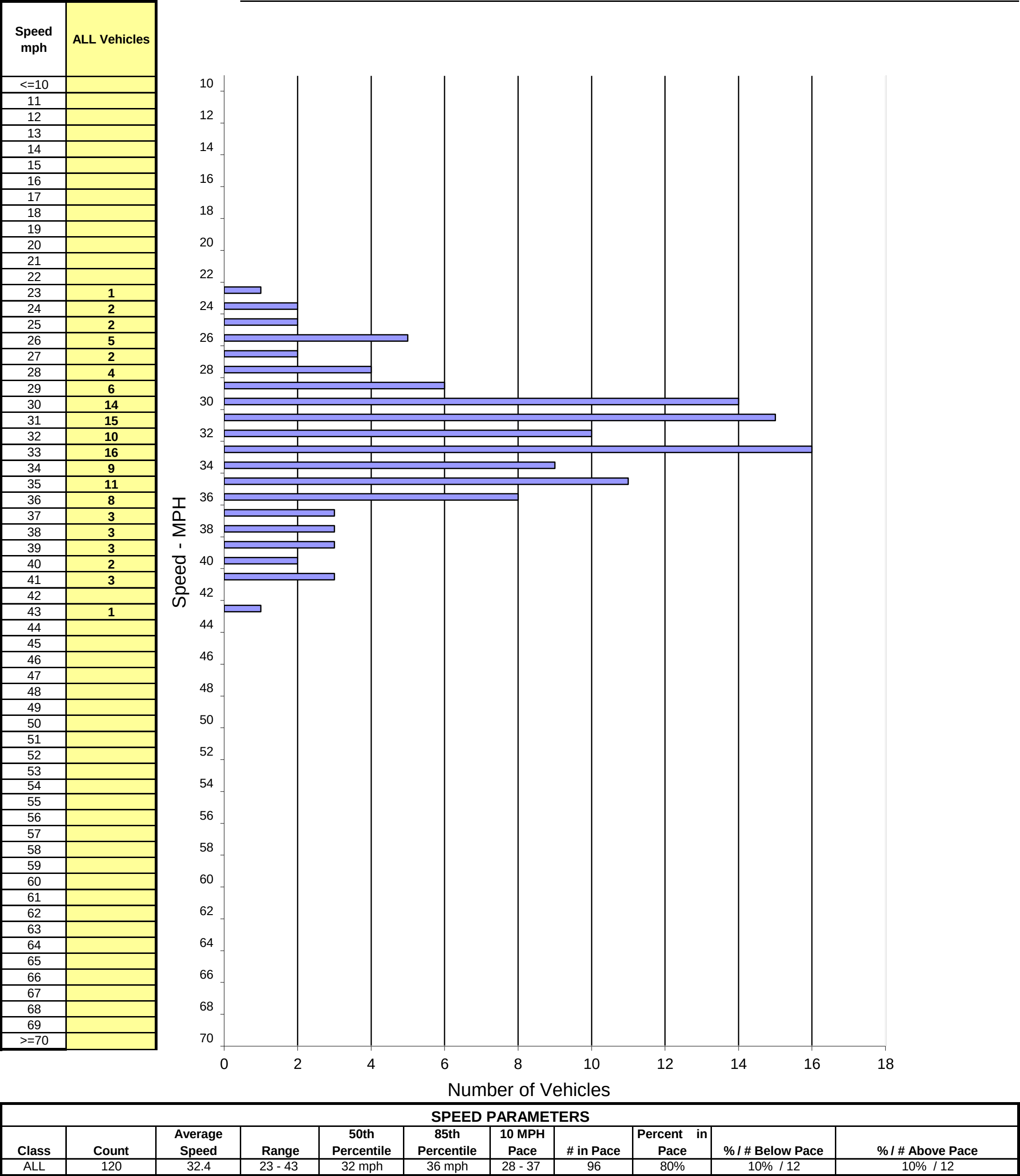
DAY: Tuesday

Location: Pinole Valley Rd Bet. Granada Court & Simas Ave

Posted Speed: 30 MPH

Project #: 16-7602-006

Northbound & Southbound Spot Speeds



Spot Speed Study

Prepared by: National Data & Surveying Services

City of Pinole

DATE: 9/13/2016

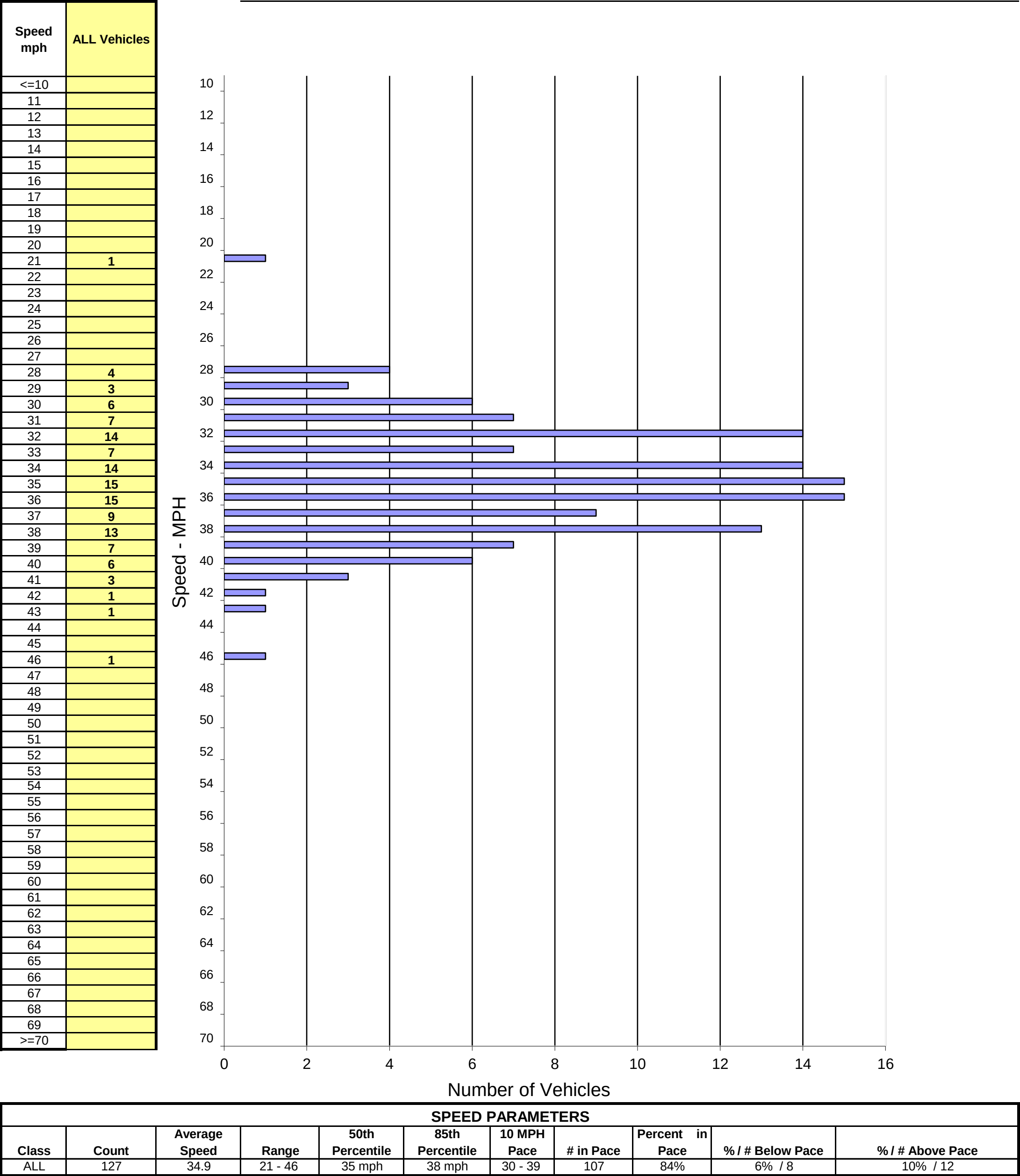
DAY: Tuesday

Location: Pinole Valley Rd Bet. Simas Ave & South City Limit

Posted Speed: 35 MPH

Project #: 16-7602-007

Northbound & Southbound Spot Speeds



Spot Speed Study

Prepared by: National Data & Surveying Services

City of Pinole

DATE: 9/13/2016

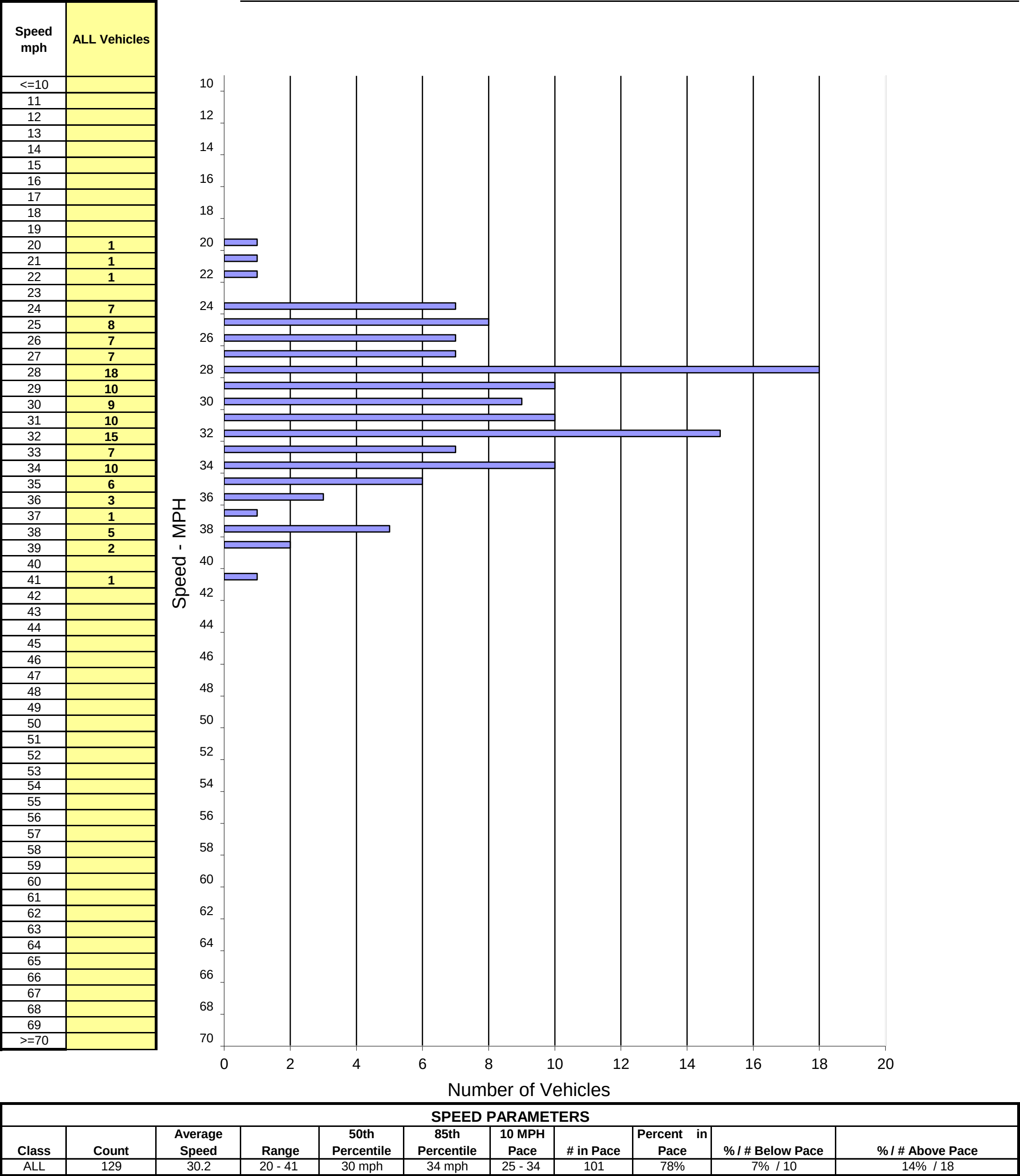
DAY: Tuesday

Location: San Pablo Ave Bet. Pinole Valley Rd & Oak Ridge Ave

Posted Speed: 25 MPH

Project #: 16-7602-009

Eastbound & Westbound Spot Speeds



Spot Speed Study

Prepared by: National Data & Surveying Services

City of Pinole

DATE: 9/13/2016

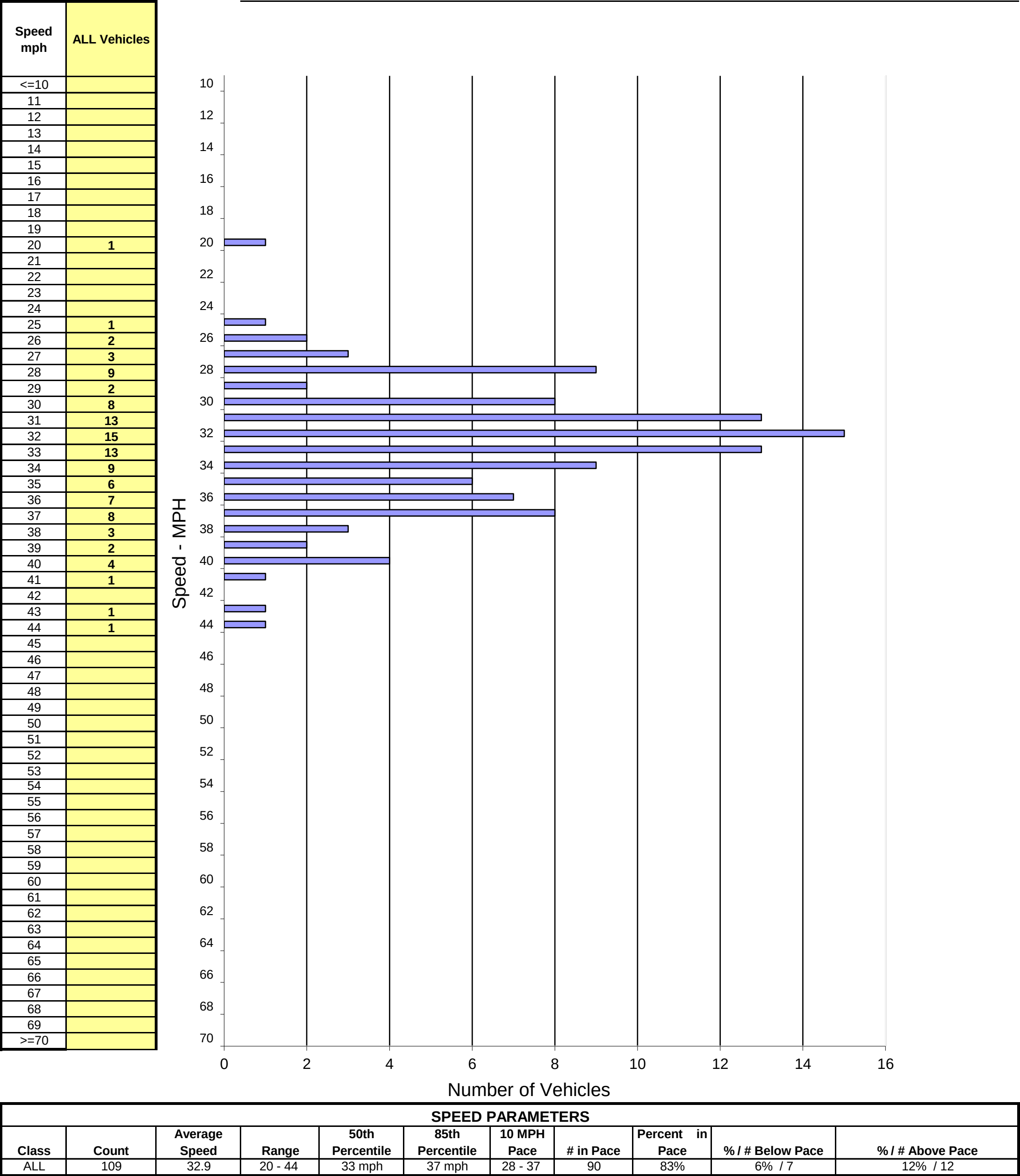
DAY: Tuesday

Location: San Pablo Ave Bet. Oak Ridge Ave & Appian Way

Posted Speed: 25 MPH

Project #: 16-7602-010

Eastbound & Westbound Spot Speeds



Spot Speed Study

Prepared by: National Data & Surveying Services

City of Pinole

DATE: 9/13/2016

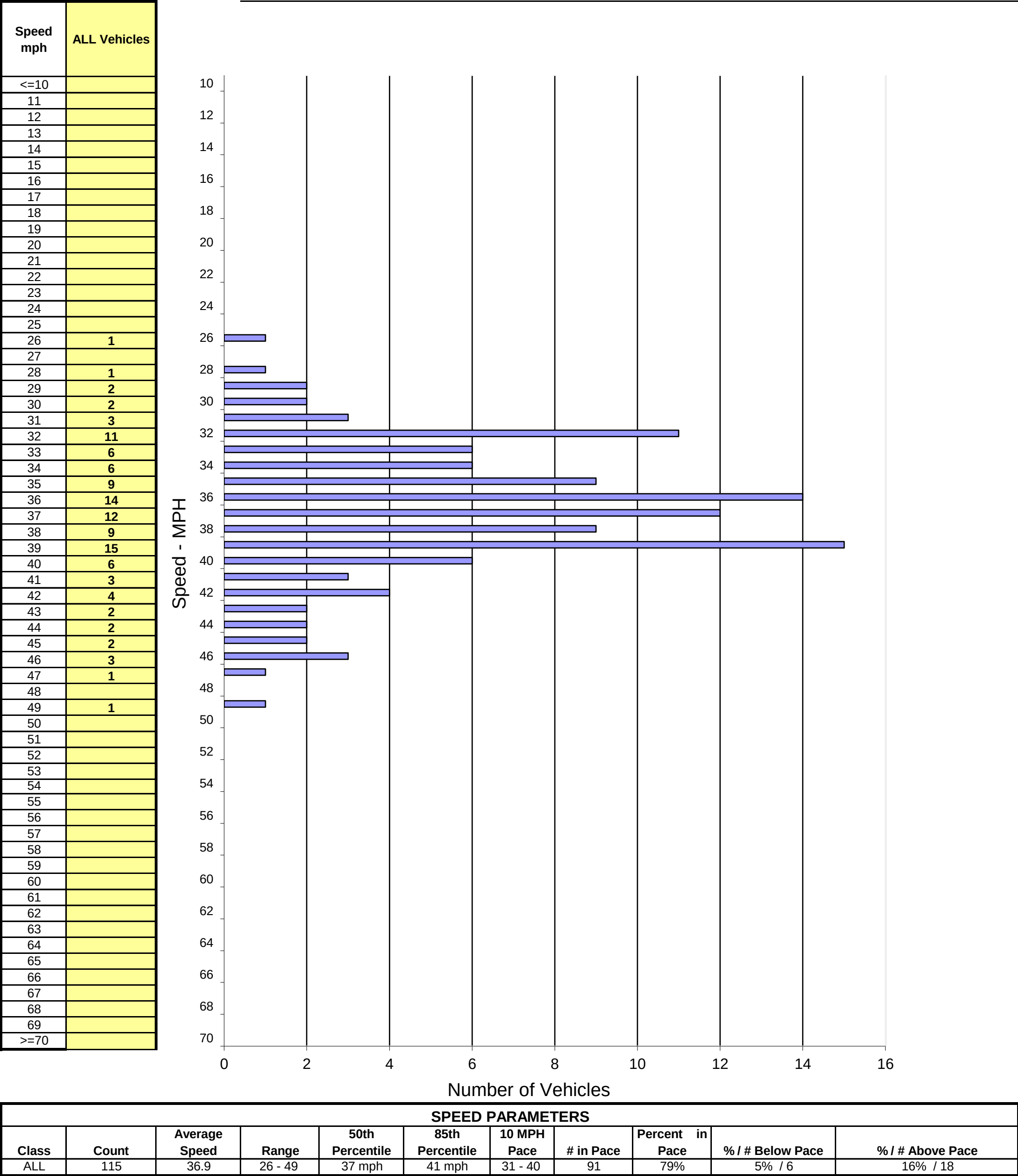
DAY: Tuesday

Location: San Pablo Ave Bet. Sunnyview Dr & West City Limit

Posted Speed: 40 MPH

Project #: 16-7602-012

Eastbound & Westbound Spot Speeds



Spot Speed Study

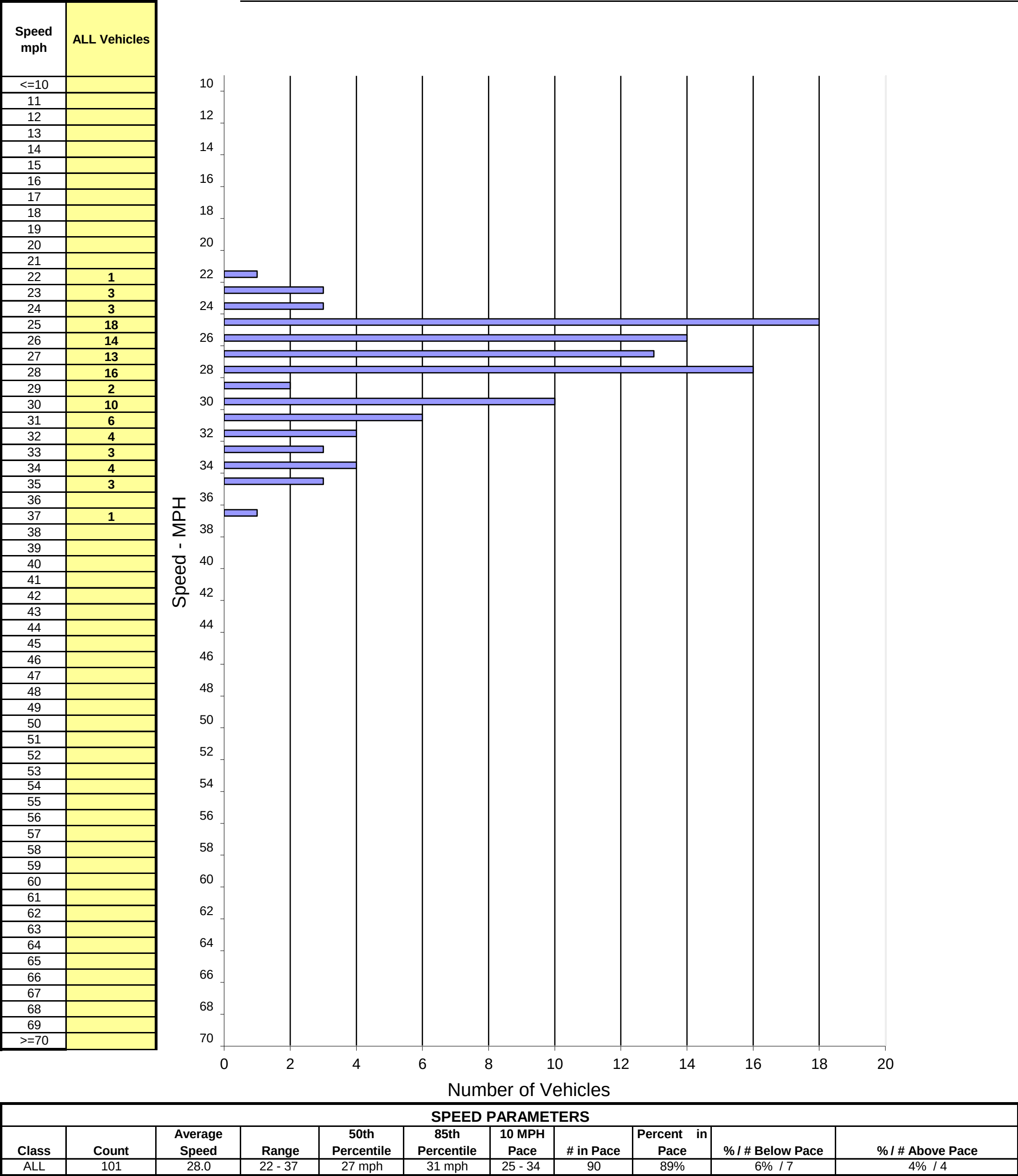
Prepared by: National Data & Surveying Services

City of Pinole

DATE: 9/14/2016
DAY: Wednesday

Location: Simas Ave Bet. Pinole Valley Rd & Mendocino Dr
Posted Speed: 25 MPH
Project #: 16-7602-014

Northbound & Southbound Spot Speeds



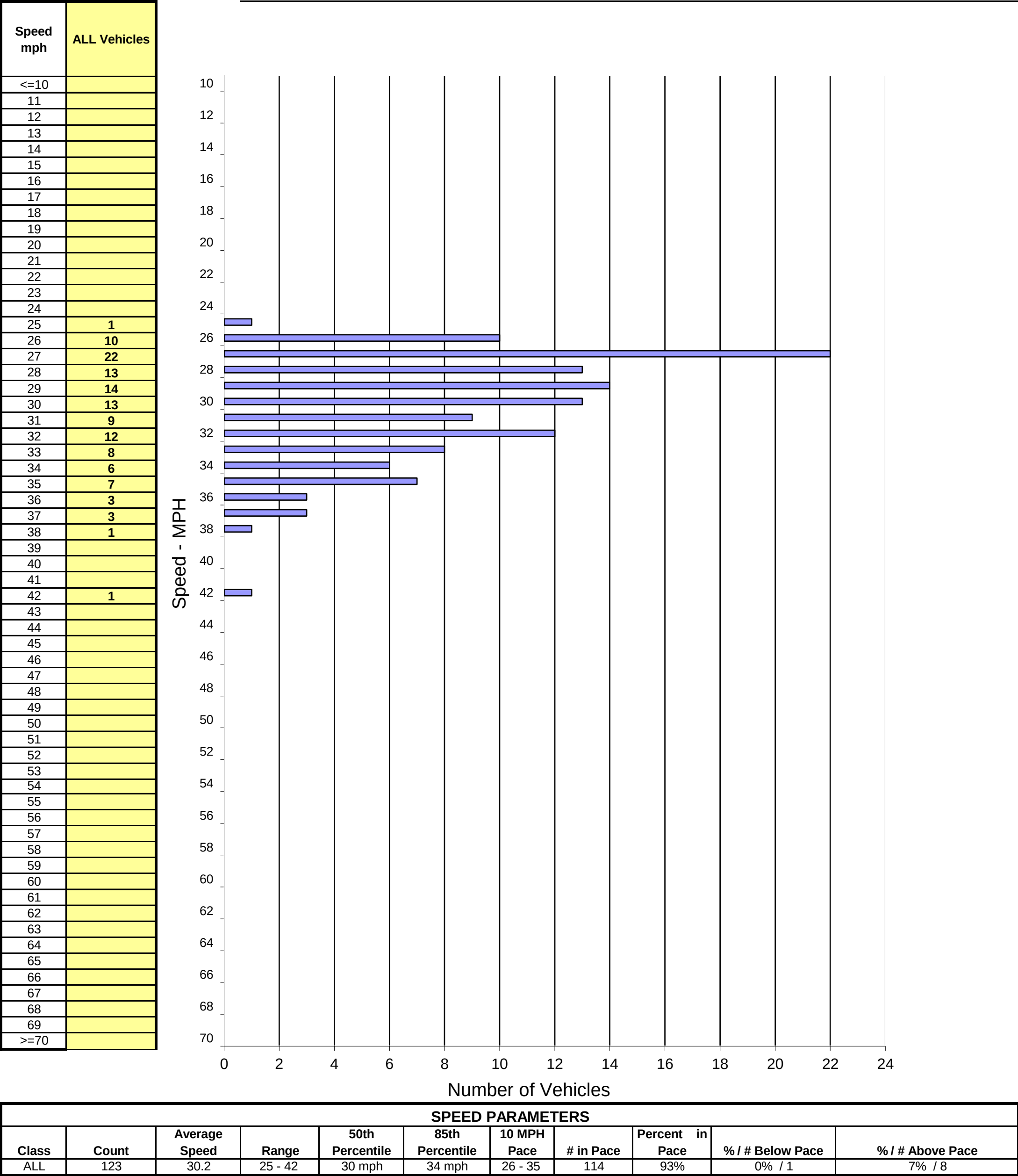
Spot Speed Study

Prepared by: National Data & Surveying Services

City of Pinole

DATE: 9/14/2016 Location: Tara Hills Dr Bet. Appian Way & West City Limit
DAY: Wednesday Posted Speed: 30 MPH Project #: 16-7602-015

Eastbound & Westbound Spot Speeds



Spot Speed Study

Prepared by: National Data & Surveying Services

City of Pinole

DATE: 9/14/2016

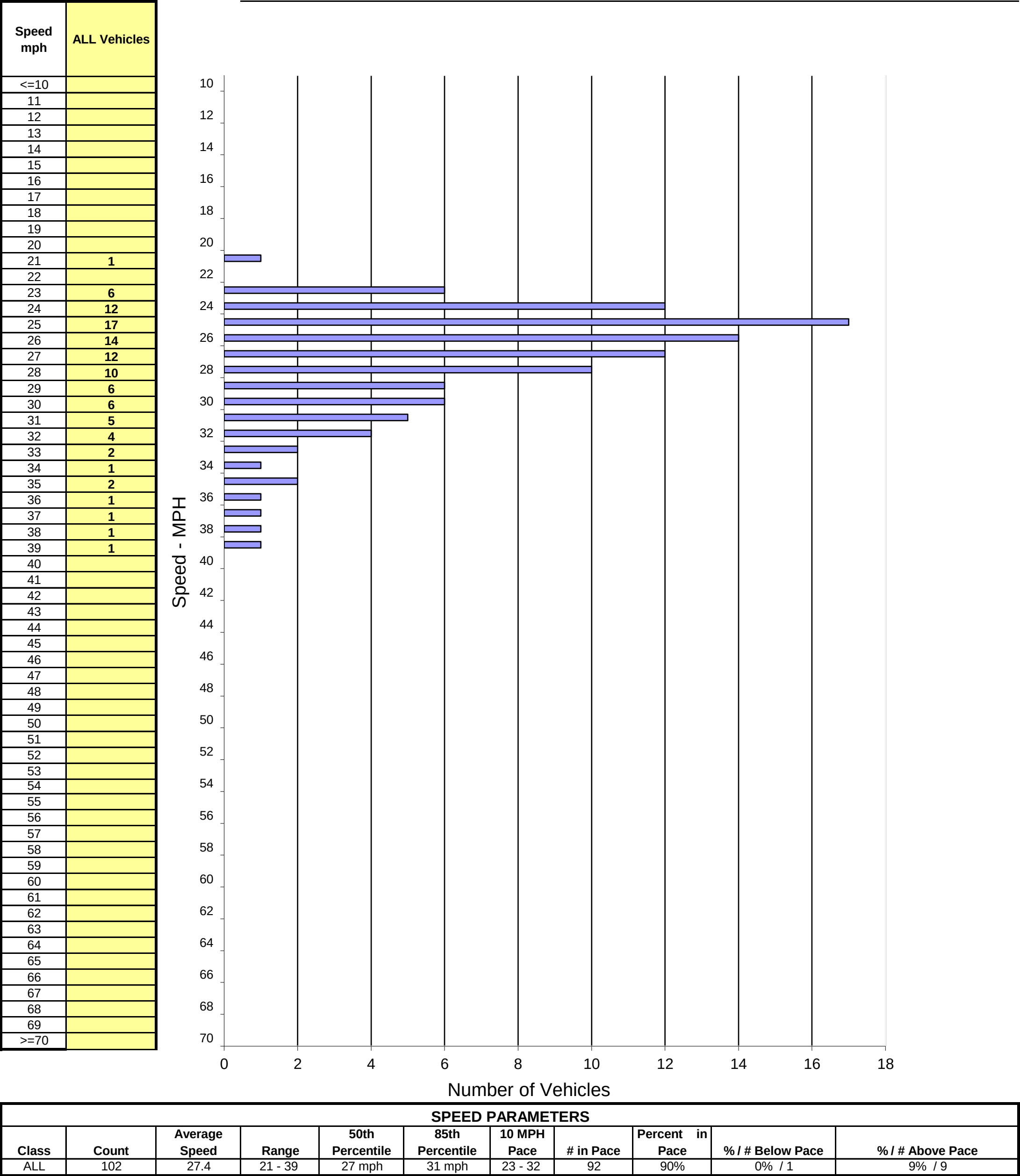
DAY: Wednesday

Location: Tennent Ave Bet. Railroad Ave & San Pablo Ave

Posted Speed: 25 MPH

Project #: 16-7602-016

Northbound & Southbound Spot Speeds



APPENDIX B

Radar Speed Distribution Forms

2024 ENGINEERING AND TRAFFIC SURVEY

Segment 1

STREET APPIAN WAY
FROM SAN PABLO AVE

CERTIFICATION DATE 10/7/2024
TO INTERSTATE 80

OPERATING CHARACTERISTICS

Date of Speed Survey	2/1/2024	85th Percentile Speed	42	mph
Time of Speed Survey	13:45	50th Percentile Speed	37	mph
Number of Survey Samples	157	Posted Speed Limit	35	mph
10 mph Pace	33-42 mph	2017 ET Speed Limit	35	mph
Percentage of Vehicles in Pace	78%	2010 ET Speed Limit	35	mph
Average Daily Traffic (ADT)	14,102			
Date of ADT	2/2024			

ROADWAY CHARACTERISTICS

Sidewalks	Yes	On-Street Parking	None
Driveways	Yes	Lighting	Yes
Type of Traffic Control	Signal at San Pablo, Terra Hills, and I-80		
Marked Uncontrolled X-Walks	At Marlesta		
Adjacent Land Use	Residential, Commercial, School		
Length of Segment	0.90	miles	
Width	64	feet	
Pedestrian Traffic	Light		
Truck Traffic	Light		
Vertical Curve	Yes		
Horizontal Curve	Yes		
Visibility	Good		
Roadway Conditions	Good		

CRASH HISTORY

Date Range	4/1/2021-3/31/2024
Total Fatal and Injury Crashes	1
Number of Lanes	4
Crash Rate	0.07 fatal and injury crashes/MVM
Statewide Average Crash Rate	0.30 fatal and injury crashes/MVM

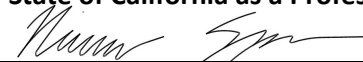
RECOMMENDATION

Speed Limit	35 mph
Justification	Use 2017 E&T Recommendation

Field Study By GL

Checked By NS

CERTIFICATION: I, Nicolle Spann, do hereby certify that this Engineering and Traffic Survey within the City of Pinole was performed under my supervision and is accurate and complete. I am duly registered in the State of California as a Professional Engineer (Traffic).



Nicolle Spann

11/26/2024

Date

TR 2933

State Registration Number

2024 ENGINEERING AND TRAFFIC SURVEY

Segment 2

STREET APPIAN WAY
FROM INTERSTATE 80

CERTIFICATION DATE 10/7/2024
TO SOUTH CITY LIMIT

OPERATING CHARACTERISTICS

Date of Speed Survey	2/6/2024	85th Percentile Speed	38 mph
Time of Speed Survey	12:30	50th Percentile Speed	34 mph
Number of Survey Samples	148	Posted Speed Limit	35 mph
10 mph Pace	29-38 mph	2017 ET Speed Limit	35 mph
Percentage of Vehicles in Pace	80%	2010 ET Speed Limit	35 mph
Average Daily Traffic (ADT)	24,066		
Date of ADT	2/2024		

ROADWAY CHARACTERISTICS

Sidewalks	Yes	On-Street Parking	Near 2646 Appian
Driveways	Yes	Lighting	Yes
Type of Traffic Control	Signal at Fitzgerald		
Marked Uncontrolled X-Walks	At Argyle, and Mason		
Adjacent Land Use	Commercial, Residential		
Length of Segment	0.60 miles		
Width	60-80 feet		
Pedestrian Traffic	Light		
Truck Traffic	Light		
Vertical Curve	No		
Horizontal Curve	At Michael		
Visibility	Good		
Roadway Conditions	Good		

CRASH HISTORY

Date Range	4/1/2021-3/31/2024
Total Fatal and Injury Crashes	4
Number of Lanes	2-4
Crash Rate	0.25 fatal and injury crashes/MVM
Statewide Average Crash Rate	0.30 fatal and injury crashes/MVM

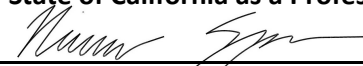
RECOMMENDATION

Speed Limit	35 mph
Justification	CA MUTCD Option 2

Field Study By GL

Checked By NS

CERTIFICATION: I, Nicolle Spann, do hereby certify that this Engineering and Traffic Survey within the City of Pinole was performed under my supervision and is accurate and complete. I am duly registered in the State of California as a Professional Engineer (Traffic).



Nicolle Spann

11/26/2024

Date

TR 2933

State Registration Number

2024 ENGINEERING AND TRAFFIC SURVEY

Segment 3

STREET FITZGERALD DR
FROM RICHMOND PKWY

CERTIFICATION DATE 10/7/2024
TO APPIAN WAY

OPERATING CHARACTERISTICS

Date of Speed Survey	2/6/2024	85th Percentile Speed	40	mph
Time of Speed Survey	14:55	50th Percentile Speed	36	mph
Number of Survey Samples	156	Posted Speed Limit	35	mph
10 mph Pace	31-40 mph	2017 ET Speed Limit	35	mph
Percentage of Vehicles in Pace	79%	2010 ET Speed Limit	30	mph
Average Daily Traffic (ADT)	16,857			
Date of ADT	2/2024			

ROADWAY CHARACTERISTICS

Sidewalks	Yes	On-Street Parking	No
Driveways	Yes, many	Lighting	Yes
Type of Traffic Control	Signal at "Target", "Best Buy", and "Pinole Vista"		
Marked Uncontrolled X-Walks	None		
Adjacent Land Use	Commercial		
Length of Segment	1.00	miles	
Width	60	feet	
Pedestrian Traffic	Light		
Truck Traffic	Light		
Vertical Curve	No		
Horizontal Curve	Near 1441 Fitzgerald		
Visibility	Good		
Roadway Conditions	Good		

CRASH HISTORY

Date Range	4/1/2021-3/31/2024
Total Fatal and Injury Crashes	2
Number of Lanes	4
Crash Rate	0.11 fatal and injury crashes/MVM
Statewide Average Crash Rate	0.30 fatal and injury crashes/MVM

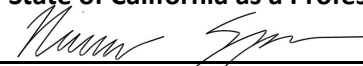
RECOMMENDATION

Speed Limit	35 mph
Justification	Use 2017 E&T Recommendation

Field Study By GL

Checked By NS

CERTIFICATION: I, Nicolle Spann, do hereby certify that this Engineering and Traffic Survey within the City of Pinole was performed under my supervision and is accurate and complete. I am duly registered in the State of California as a Professional Engineer (Traffic).



Nicolle Spann

11/26/2024

Date

TR 2933

State Registration Number

2024 ENGINEERING AND TRAFFIC SURVEY

Segment 4

STREET PINOLE VALLEY RD
FROM TENNENT AVENUE

CERTIFICATION DATE 10/7/2024
TO GRANADA COURT

OPERATING CHARACTERISTICS

Date of Speed Survey	2/7/2024	85th Percentile Speed	32	mph
Time of Speed Survey	9:00	50th Percentile Speed	29	mph
Number of Survey Samples	157	Posted Speed Limit	30	mph
10 mph Pace	23-32 mph	2017 ET Speed Limit	30	mph
Percentage of Vehicles in Pace	88%	2010 ET Speed Limit	30	mph
Average Daily Traffic (ADT)	14,700			
Date of ADT	2/2024			

ROADWAY CHARACTERISTICS

Sidewalks	Yes	On-Street Parking	Yes
Driveways	Yes	Lighting	Yes
Type of Traffic Control	Signal: Henry, Kaiser, I-80, Estates, Ramona; Stop: Shea		
Marked Uncontrolled X-Walks	None		
Adjacent Land Use	Residential, Commercial, School		
Length of Segment	1.30 miles		
Width	64 feet		
Pedestrian Traffic	Moderate		
Truck Traffic	Light		
Vertical Curve	No		
Horizontal Curve	Yes		
Visibility	Good		
Roadway Conditions	Good		

CRASH HISTORY

Date Range	4/1/2021-3/31/2024
Total Fatal and Injury Crashes	0
Number of Lanes	2-4
Crash Rate	0.00 fatal and injury crashes/MVM
Statewide Average Crash Rate	0.30 fatal and injury crashes/MVM

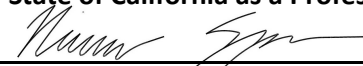
RECOMMENDATION

Speed Limit	25 mph
Justification	Moderate Pedestrian Use

Field Study By GL

Checked By NS

CERTIFICATION: I, Nicolle Spann, do hereby certify that this Engineering and Traffic Survey within the City of Pinole was performed under my supervision and is accurate and complete. I am duly registered in the State of California as a Professional Engineer (Traffic).



Nicolle Spann

11/26/2024

Date

TR 2933

State Registration Number

2024 ENGINEERING AND TRAFFIC SURVEY

Segment 5

STREET PINOLE VALLEY RD
FROM GRANADA COURT

CERTIFICATION DATE 10/7/2024
TO SIMAS AVENUE

OPERATING CHARACTERISTICS

Date of Speed Survey	2/8/2024	85th Percentile Speed	41	mph
Time of Speed Survey	10:30	50th Percentile Speed	37	mph
Number of Survey Samples	207	Posted Speed Limit	35	mph
10 mph Pace	32-41 mph	2017 ET Speed Limit	35	mph
Percentage of Vehicles in Pace	80%	2010 ET Speed Limit	35	mph
Average Daily Traffic (ADT)	10,795			
Date of ADT	2/2024			

ROADWAY CHARACTERISTICS

Sidewalks	Yes	On-Street Parking	Yes
Driveways	Yes	Lighting	Yes
Type of Traffic Control	Stop at Simas		
Marked Uncontrolled X-Walks	None		
Adjacent Land Use	Residential		
Length of Segment	0.40 miles		
Width	64 feet		
Pedestrian Traffic	Moderate		
Truck Traffic	Light		
Vertical Curve	No		
Horizontal Curve	Yes		
Visibility	Good		
Roadway Conditions	Good		

CRASH HISTORY

Date Range	4/1/2021-3/31/2024
Total Fatal and Injury Crashes	0
Number of Lanes	4
Crash Rate	0.00 fatal and injury crashes/MVM
Statewide Average Crash Rate	0.30 fatal and injury crashes/MVM

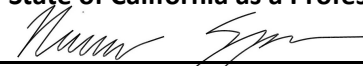
RECOMMENDATION

Speed Limit	30 mph
Justification	Hidden Driveways, Uncontrolled Crosswalks Land or Facility that Generates High Concentrations of Bikes or Peds

Field Study By GL

Checked By NS

CERTIFICATION: I, Nicolle Spann, do hereby certify that this Engineering and Traffic Survey within the City of Pinole was performed under my supervision and is accurate and complete. I am duly registered in the State of California as a Professional Engineer (Traffic).



Nicolle Spann

11/26/2024

Date

TR 2933

State Registration Number

2024 ENGINEERING AND TRAFFIC SURVEY

Segment 6

STREET PINOLE VALLEY RD
FROM SIMAS AVENUE

CERTIFICATION DATE 10/7/2024
TO SOUTH CITY LIMIT

OPERATING CHARACTERISTICS

Date of Speed Survey	2/8/2024	85th Percentile Speed	38	mph
Time of Speed Survey	11:40	50th Percentile Speed	35	mph
Number of Survey Samples	177	Posted Speed Limit	35	mph
10 mph Pace	30-39 mph	2017 ET Speed Limit	35	mph
Percentage of Vehicles in Pace	88%	2010 ET Speed Limit	35	mph
Average Daily Traffic (ADT)	7,387			
Date of ADT	2/2024			

ROADWAY CHARACTERISTICS

Sidewalks	Yes	On-Street Parking	Yes
Driveways	Yes	Lighting	Yes
Type of Traffic Control	None		
Marked Uncontrolled X-Walks	At Savage, Monte Verde, Simas, Wright		
Adjacent Land Use	Residential, School		
Length of Segment	1.90 miles		
Width	24-36 feet		
Pedestrian Traffic	Light		
Truck Traffic	Light		
Vertical Curve	No		
Horizontal Curve	Yes		
Visibility	Good		
Roadway Conditions	Good		

CRASH HISTORY

Date Range	4/1/2021-3/31/2024
Total Fatal and Injury Crashes	0
Number of Lanes	2
Crash Rate	0.00 fatal and injury crashes/MVM
Statewide Average Crash Rate	0.30 fatal and injury crashes/MVM

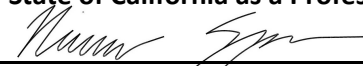
RECOMMENDATION

Speed Limit	30 mph
Justification	CA MUTCD Option 2 Land or Facility that Generates High Concentrations of Bikes or Peds

Field Study By GL

Checked By NS

CERTIFICATION: I, Nicolle Spann, do hereby certify that this Engineering and Traffic Survey within the City of Pinole was performed under my supervision and is accurate and complete. I am duly registered in the State of California as a Professional Engineer (Traffic).



Nicolle Spann

11/26/2024

Date

TR 2933

State Registration Number

2024 ENGINEERING AND TRAFFIC SURVEY

Segment 7

STREET SAN PABLO AVENUE
FROM EAST CITY LIMIT

CERTIFICATION DATE 10/7/2024
TO OAK RIDGE ROAD

OPERATING CHARACTERISTICS

Date of Speed Survey	2/7/2024	85th Percentile Speed	37 mph
Time of Speed Survey	14:15	50th Percentile Speed	33 mph
Number of Survey Samples	173	Posted Speed Limit	25 mph
10 mph Pace	24-46 mph	2017 ET Speed Limit	30 mph
Percentage of Vehicles in Pace	76%	2010 ET Speed Limit	25 mph
Average Daily Traffic (ADT)	19,905		
Date of ADT	2/2024		

ROADWAY CHARACTERISTICS

Sidewalks	Yes	On-Street Parking	Yes
Driveways	Yes	Lighting	Yes
Type of Traffic Control	Signal at Tennent, Quilan, Fernandez and Oak Ridge		
Marked Uncontrolled X-Walks	None		
Adjacent Land Use	Commercial		
Length of Segment	0.60 miles		
Width	64 feet		
Pedestrian Traffic	Moderate		
Truck Traffic	Moderate		
Vertical Curve	No		
Horizontal Curve	No		
Visibility	Good		
Roadway Conditions	Good		

CRASH HISTORY

Date Range	4/1/2021-3/31/2024
Total Fatal and Injury Crashes	0
Number of Lanes	4
Crash Rate	0.00 fatal and injury crashes/MVM
Statewide Average Crash Rate	0.30 fatal and injury crashes/MVM

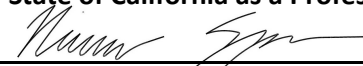
RECOMMENDATION

Speed Limit	25 mph
Justification	Moderate Pedestrian Use Land or Facility that Generates High Concentrations of Bikes or Peds

Field Study By GL

Checked By NS

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2024 ENGINEERING AND TRAFFIC SURVEY

Segment 8

STREET SAN PABLO AVENUE
FROM OAK RIDGE ROAD

CERTIFICATION DATE 10/7/2024
TO SUNNYVIEW DRIVE

OPERATING CHARACTERISTICS

Date of Speed Survey	2/8/2024	85th Percentile Speed	35	mph
Time of Speed Survey	10:45	50th Percentile Speed	31	mph
Number of Survey Samples	173	Posted Speed Limit	35	mph
10 mph Pace	26-35 mph	2017 ET Speed Limit	35	mph
Percentage of Vehicles in Pace	81%	2010 ET Speed Limit	35	mph
Average Daily Traffic (ADT)	19,032			
Date of ADT	2/2024			

ROADWAY CHARACTERISTICS

Sidewalks	Yes	On-Street Parking	Yes
Driveways	Yes	Lighting	Yes
Type of Traffic Control	Signal at Oak Ridge, Appian and Sunnyview		
Marked Uncontrolled X-Walks	At Alvarez, Jones, Third, & Adams		
Adjacent Land Use	Commercial		
Length of Segment	0.90 miles		
Width	24-36 feet		
Pedestrian Traffic	Moderate		
Truck Traffic	Light		
Vertical Curve	No		
Horizontal Curve	No		
Visibility	Good		
Roadway Conditions	Good		

CRASH HISTORY

Date Range	4/1/2021-3/31/2024
Total Fatal and Injury Crashes	1
Number of Lanes	4
Crash Rate	0.05 fatal and injury crashes/MVM
Statewide Average Crash Rate	0.02 fatal and injury crashes/MVM

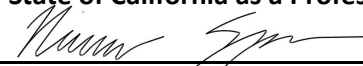
RECOMMENDATION

Speed Limit	25 mph
Justification	Uncontrolled Crosswalks, Moderate Pedestrian Use Land or Facility that Generates High Concentrations of Bikes or Peds

Field Study By GL

Checked By NS

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Nicolle Spann

11/26/2024

Date

TR 2933

State Registration Number

2024 ENGINEERING AND TRAFFIC SURVEY

Segment 9

STREET SAN PABLO AVENUE
FROM SUNNYVIEW DRIVE

CERTIFICATION DATE 10/7/2024
TO WEST CITY LIMIT

OPERATING CHARACTERISTICS

Date of Speed Survey	2/7/2024	85th Percentile Speed	41	mph
Time of Speed Survey	12:50	50th Percentile Speed	37	mph
Number of Survey Samples	169	Posted Speed Limit	40	mph
10 mph Pace	32-41 mph	2017 ET Speed Limit	40	mph
Percentage of Vehicles in Pace	81%	2010 ET Speed Limit	40	mph
Average Daily Traffic (ADT)	18,027			
Date of ADT	2/2024			

ROADWAY CHARACTERISTICS

Sidewalks	Yes	On-Street Parking	Yes
Driveways	Yes	Lighting	Yes
Type of Traffic Control	Signal at Pinole Shores, Del Monte and Tara Hills		
Marked Uncontrolled X-Walks	At Meadow, and Walter		
Adjacent Land Use	Commercial, Church		
Length of Segment	1.00 miles		
Width	64 feet		
Pedestrian Traffic	Moderate		
Truck Traffic	Light		
Vertical Curve	No		
Horizontal Curve	No		
Visibility	Good		
Roadway Conditions	Good		

CRASH HISTORY

Date Range	4/1/2021-3/31/2024
Total Fatal and Injury Crashes	1
Number of Lanes	4
Crash Rate	0.05 fatal and injury crashes/MVM
Statewide Average Crash Rate	0.37 fatal and injury crashes/MVM

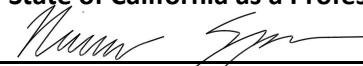
RECOMMENDATION

Speed Limit	30 mph
Justification	Uncontrolled Crosswalks, Moderate Pedestrian Use Land or Facility that Generates High Concentrations of Bikes or Peds

Field Study By GL

Checked By NS

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11/26/2024

Date

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State Registration Number

2024 ENGINEERING AND TRAFFIC SURVEY

Segment 10

STREET SIMAS AVENUE

CERTIFICATION DATE 10/7/2024

FROM PINOLE VALLEY RD (EAST)

TO PINOLE VALLEY (WEST)

OPERATING CHARACTERISTICS

Date of Speed Survey	2/8/2024	85th Percentile Speed	32 mph
Time of Speed Survey	12:45	50th Percentile Speed	27 mph
Number of Survey Samples	105	Posted Speed Limit	25 mph
10 mph Pace	22-31 mph	2017 ET Speed Limit	25 mph
Percentage of Vehicles in Pace	78%	2010 ET Speed Limit	25 mph
Average Daily Traffic (ADT)	582		
Date of ADT	2/2024		

ROADWAY CHARACTERISTICS

Sidewalks	Yes	On-Street Parking	Yes
Driveways	Yes	Lighting	Yes
Type of Traffic Control	Stop at both Pinole Valley Road intersections		
Marked Uncontrolled X-Walks	At Hermosa, Silver, and Savage		
Adjacent Land Use	Residential		
Length of Segment	1.30 miles		
Width	40 feet		
Pedestrian Traffic	Light		
Truck Traffic	Light		
Vertical Curve	Yes		
Horizontal Curve	Yes		
Visibility	Good		
Roadway Conditions	Good		

CRASH HISTORY

Date Range	4/1/2021-3/31/2024		
Total Fatal and Injury Crashes	1		
Number of Lanes	2		
Crash Rate	1.21 fatal and injury crashes/MVM		
Statewide Average Crash Rate	0.65 fatal and injury crashes/MVM		

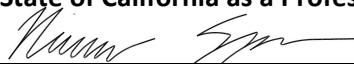
RECOMMENDATION

Speed Limit	25 mph
Justification	Residential Density, Uncontrolled Crosswalks

Field Study By GL

Checked By NS

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11/26/2024

Date

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2024 ENGINEERING AND TRAFFIC SURVEY

Segment 11

STREET TARA HILLS
FROM APPIAN WAY

CERTIFICATION DATE 10/7/2024
TO WEST CITY LIMIT

OPERATING CHARACTERISTICS

Date of Speed Survey	2/7/2024	85th Percentile Speed	34	mph
Time of Speed Survey	10:30	50th Percentile Speed	31	mph
Number of Survey Samples	154	Posted Speed Limit	30	mph
10 mph Pace	25-34 mph	2017 ET Speed Limit	30	mph
Percentage of Vehicles in Pace	84%	2010 ET Speed Limit	30	mph
Average Daily Traffic (ADT)	12,331			
Date of ADT	2/2024			

ROADWAY CHARACTERISTICS

Sidewalks	Yes	On-Street Parking	Yes
Driveways	Yes	Lighting	Yes
Type of Traffic Control	Signal at Appian, "Safeway"; Stop at Shawn, Kildare		
Marked Uncontrolled X-Walks	None		
Adjacent Land Use	Commercial, Residential		
Length of Segment	0.70 miles		
Width	64 feet		
Pedestrian Traffic	Light		
Truck Traffic	Light		
Vertical Curve	Yes		
Horizontal Curve	Yes		
Visibility	Good		
Roadway Conditions	Good		

CRASH HISTORY

Date Range	4/1/2021-3/31/2024
Total Fatal and Injury Crashes	1
Number of Lanes	4
Crash Rate	0.11 fatal and injury crashes/MVM
Statewide Average Crash Rate	0.30 fatal and injury crashes/MVM

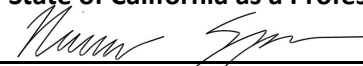
RECOMMENDATION

Speed Limit	30 mph
Justification	CA MUTCD Option 2

Field Study By GL

Checked By NS

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Nicolle Spann

11/26/2024

Date

TR 2933

State Registration Number

2024 ENGINEERING AND TRAFFIC SURVEY

Segment 12

STREET TENNENT AVENUE
FROM RAILROAD AVENUE

CERTIFICATION DATE 10/7/2024
TO PINOLE VALLEY ROAD

OPERATING CHARACTERISTICS

Date of Speed Survey	2/8/2024	85th Percentile Speed	31	mph
Time of Speed Survey	9:00	50th Percentile Speed	27	mph
Number of Survey Samples	109	Posted Speed Limit	25	mph
10 mph Pace	20-36 mph	2017 ET Speed Limit	25	mph
Percentage of Vehicles in Pace	84%	2010 ET Speed Limit	25	mph
Average Daily Traffic (ADT)	7,494			
Date of ADT	2/2024			

ROADWAY CHARACTERISTICS

Sidewalks	Yes	On-Street Parking	Yes
Driveways	Yes	Lighting	Yes
Type of Traffic Control	Signal at San Pablo, Pinole Vly; Stop at Park, La Salle		
Marked Uncontrolled X-Walks	At Pear & Plum		
Adjacent Land Use	Residential, Park, Church		
Length of Segment	0.90 miles		
Width	34-44 feet		
Pedestrian Traffic	Light		
Truck Traffic	Light		
Vertical Curve	No		
Horizontal Curve	No		
Visibility	Good		
Roadway Conditions	Good		

CRASH HISTORY

Date Range	4/1/2021-3/31/2024
Total Fatal and Injury Crashes	0
Number of Lanes	2
Crash Rate	0.00 fatal and injury crashes/MVM
Statewide Average Crash Rate	0.65 fatal and injury crashes/MVM

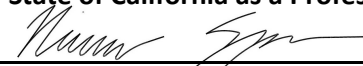
RECOMMENDATION

Speed Limit	25 mph
Justification	Residential Density

Field Study By GL

Checked By NS

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Nicolle Spann

11/26/2024

Date

TR 2933

State Registration Number

APPENDIX C

Survey Equipment

Survey Equipment Used

The radar equipment used by National Data & Surveying Services to collect speed measurements for this survey was a Stalker Solo-III Model Hand-Held Traffic Radar and a Astro Products Phantom-III Model Hand-Held Traffic Radar manufactured by Applied Concepts of Plano, Texas and US Radar, Inc of Decatur, Illinois respectively. The calibration of each unit was checked before each series of measurements were taken. Tests of the units were conducted in accordance with the manufacturer's specifications. The Stalker Solo-III Hand-Held Traffic Radar and Astro Products Phantom-III Model Hand-Held Traffic Radar were last calibrated on September 12, 2016 by RHF Inc and December 16, 2013 respectively.



TRAFFIC RADAR CERTIFICATION

TESTED TO NHTSA SPECIFICATIONS / IACP CRITICAL PERFORMANCE STANDARDS
(NHTSA) National Highway and Traffic Safety Administration.
(IACP) International Association of Chiefs of Police.

16202 Keats Circle
Westminster, Calif. 92683

R.H.F. is a certified independent testing and repair facility.

1	TEST ID	Date Received 12-16-13	Certification Number 65948			
2	DEVICE ID	Manufacturer ASTRO PRODUCTS	Model: PHANTOM	Type (I-IV) III	Directional radar ☒ Yes ☐ No	Same direction ☒ Yes ☐ No
		Counting unit S/N 1619	Antenna-1 S/N N/A		Antenna-2 S/N N/A	
3	§ 2.4 / § 5.4 TUNING FORK CALIBRATION	Low speed fork S/N 1619TF	Last date calib.	Freq. (Hz)	Speed (mph)	Measured (Hz)
		High speed fork S/N	Last date calib.	Freq. (Hz)	Speed (mph)	Measured (Hz)
					55	3979
4	§ 2.5 / § 5.5 RADAR DEVICE TUNING FORK TESTS	Lo fork		High fork		
		Stationary mode	Fork speed (mph)	35	65	
			Disp. Speed (mph)	35	65	
		Moving mode Opposite Direction	TARGET SPEED (Hi fork - Lo fork)	Expected. (mph) N/A	Displayed. (mph) N/A	
		Moving mode Same Direction	TARGET SPEED Hi fork + Lo fork Ho fork - Lo fork	Expected. (mph) N/A	Displayed. (mph) N/A	
5	§ 2.6.1 / § 5.6.1 TRANSMISSION FREQUENCY STABILITY	Standard supply Voltage (V) 13.6 V	Antenna 1 Freq. GHz 24.163	Antenna 2 Freq. GHz N/A		
		Standard supply Voltage - 20% (V) 10.8 V	Antenna 1 Freq. GHz 24.163	Antenna 2 Freq. GHz N/A		
		Standard supply voltage + 20% (V) 16.3 V	Antenna 1 Freq. GHz 24.163	Antenna 2 Freq. GHz N/A		
6	§ 2.6.5 / § 5.6.5 POWER DENSITY	Mfg. Spec. (max mW/cm) ≤ 5	Antenna 1 Power (mW/cm) .4	Antenna 2 Power (mW/cm) N/A		
7	§ 2.8 / § 5.8 LOW VOLTAGE	Mfg. spec. (V) ≤ 10.8V	LVA activates (V) 7.9	LVA deactivates (V) 8.5		
8	§ 2.9.1 / § 5.9.1 DOPPLER AUDIO	A. Audio tone correlates with received Doppler signal ☒ Yes ☐ No		B. Functioning audio volume-adjustment control ☒ Yes ☐ No		
9	§ 2.12.4 / § 5.12.4 INTERNAL CIRCUIT	Mfg. Spec. 60	Test results 60			
10	§ 2.12.6.5 / § 5.12.6.5 DIRECTIONAL	A. Selects only targets moving towards radar ☒ Yes ☐ No ☒ N.A.		B. Selects only targets moving away from radar ☒ Yes ☐ No ☒ N.A.		
11	§ 2.12.7 / § 2.12.8 / 5.12.7 / 5.12.8 LOW AND HIGH SPEED DISPLAY TEST	Stationary mode: target channel (mph)	Low speed spec. 20	Lo speed disp. 20		
			Hi speed spec. 199	Hi speed disp. 199		
		Moving Mode target channel (mph)	Low speed spec. N/A	Lo speed disp. N/A		
			Hi speed spec. N/A	Hi speed disp. N/A		
		Moving Mode: patrol channel (mph)	Low speed spec. N/A	Lo speed disp. N/A		
			Hi speed spec. N/A	Hi speed disp. N/A		
12	§ 2.13 / § 5.13 RFI TEST					
13	LABORATORY COMMENTS					
14	NHTSA/IACP CERTIFICATION	<i>This radar device meets or exceeds the minimal operational standards of the National Traffic Highway Safety Administration. California Vehicle Code Section 40802</i> ☒ PASS ☐ FAIL Certified by: Ford T. Bauman Date: 12-16-13				
15	INVENTORY	☐ Fork Cert ☐ Manual ☐ 2 nd Ant. ☐ Remote ☐ Bat. ☐ Carrying Case Other: (please list)				



TRAFFIC RADAR CERTIFICATION

TESTED TO NHTSA SPECIFICATIONS / IACP CRITICAL PERFORMANCE STANDARDS
(NHTSA) National Highway and Traffic Safety Administration.
(IACP) International Association of Chiefs of Police.

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Westminster, Calif. 92683

R.H.F. is a certified independent testing and repair facility.

1	TEST ID	Date Received 12-16-13	Certification Number 65947					
2	DEVICE ID	Manufacturer ASTRO PRODUCTS	Model: PHANTOM	Type (I-IV) III	Directional radar Yes ☒ No	Same direction Yes ☒ No		
		Counting unit S/N 1618	Antenna-1 S/N N/A	Antenna-2 S/N N/A				
3	§ 2.4 / § 5.4 TUNING FORK CALIBRATION	Low speed fork S/N 1618 TP	Last date calib.	Freq. (Hz)	Speed (mph)	Measured (Hz)	(PASS) FAIL	
		High speed fork S/N	Last date calib.	Freq. (Hz)	Speed (mph)	Measured (Hz)		
4	§ 2.5 / § 5.5 RADAR DEVICE TUNING FORK TESTS	Stationary mode		Lo fork Fork speed (mph) 35 Disp. Speed (mph) 35	High fork 65 65	(PASS) FAIL		
		Moving mode Opposite Direction		TARGET SPEED (Hi fork - Lo fork) Expected. (mph) N/A	Displayed. (mph) N/A			
		Moving mode Same Direction		TARGET SPEED (Hi fork + Lo fork) Expected. (mph) N/A	Displayed. (mph) N/A			
5	§ 2.6.1 / § 5.6.1 TRANSMISSION FREQUENCY STABILITY	Standard supply Voltage (V) 13.6 V	Antenna 1 Freq. GHz 24.154	Antenna 2 Freq. GHz N/A	(PASS) FAIL			
		Standard supply Voltage - 20% (V) 10.8 V	Antenna 1 Freq. GHz 24.154	Antenna 2 Freq. GHz N/A				
		Standard supply voltage + 20% (V) 16.3 V	Antenna 1 Freq. GHz 24.154	Antenna 2 Freq. GHz N/A				
6	§ 2.6.5 / § 5.6.5 POWER DENSITY	Mfg. Spec. (max mW/cm) ≤ 5	Antenna 1 Power (mW/cm) .5	Antenna 2 Power (mW/cm) N/A	(PASS) FAIL			
7	§ 2.8 / § 5.8 LOW VOLTAGE	Mfg. spec. (V) ≤ 10.8V	LVA activates (V) 7.5	LVA deactivates (V) 8.2	(PASS) FAIL			
8	§ 2.9.1 / § 5.9.1 DOPPLER AUDIO	A. Audio tone correlates with received Doppler signal B. Functioning audio volume-adjustment control			Yes ☒ No Yes ☒ No	(PASS) FAIL		
9	§ 2.12.4 / § 5.12.4 INTERNAL CIRCUIT	Mfg. Spec. 60	Test results 60		(PASS) FAIL			
10	§ 2.12.6.5 / § 5.12.6.5 DIRECTIONAL	A. Selects only targets moving towards radar B. Selects only targets moving away from radar			Yes ☒ No Yes ☒ No	(PASS) FAIL		
11	§ 2.12.7 / § 2.12.8 / 5.12.7 / 5.12.8 LOW AND HIGH SPEED DISPLAY TEST	Stationary mode: target channel (mph)	Low speed spec. 20 Hi speed spec. 199	Lo speed disp. 20 Hi speed disp. 199	(PASS) FAIL			
		Moving Mode target channel (mph)	Low speed spec. N/A Hi speed spec. N/A	Lo speed disp. N/A Hi speed disp. N/A				
		Moving Mode: patrol channel (mph)	Low speed spec. N/A Hi speed spec. N/A	Lo speed disp. N/A Hi speed disp. N/A				
12	§ 2.13 / § 5.13 RFI TEST	(PASS) FAIL						
13	LABORATORY COMMENTS							
14	NHTSA/IACP CERTIFICATION	This radar device meets or exceeds the minimal operational standards of the National Traffic Highway Safety Administration. California Vehicle Code Section 40802 ☒ PASS ☐ FAIL						
		Certified by: Ford Trauman				Date: 12-16-13		
15	INVENTORY	☐ Fork Cert ☐ Manual ☐ 2nd Ant. ☐ Remote ☐ Bat. ☐ Carrying Case Other: (please list)						



TRAFFIC RADAR CERTIFICATION

TESTED TO NHTSA SPECIFICATIONS / IACP CRITICAL PERFORMANCE STANDARDS
(NHTSA) National Highway and Traffic Safety Administration.
(IACP) International Association of Chiefs of Police.

16202 Keats Circle
Westminster, Calif. 92683

R.H.F. is a certified independent testing and repair facility.

1	TEST ID	Date Received 9-12-16	Certification Number 70958					
2	DEVICE ID	Manufacturer STALKER	Model: 5040	Type (I-IV) III	Directional radar ☐ Yes ☒ No	Same direction ☐ Yes ☒ No		
		Counting unit S/N 24702	Antenna-1 S/N N/A	Antenna-2 S/N N/A				
3	§ 2.4 / § 5.4 TUNING FORK CALIBRATION	Low speed fork S/N	Last date calib.	Freq. (Hz)	Speed (mph)	Measured (Hz)	PASS	FAIL
		High speed fork S/N	Last date calib.	Freq. (Hz)	Speed (mph)	Measured (Hz)		
4	§ 2.5 / § 5.5 RADAR DEVICE TUNING FORK TESTS	Stationary mode		Lo fork Fork speed (mph) 35 Disp. Speed (mph) 35	High fork 65 65	PASS		FAIL
		Moving mode Opposite Direction		TARGET SPEED (Hi fork - Lo fork) Expected. (mph) N/A	Displayed. (mph) N/A	PASS		FAIL
		Moving mode Same Direction		TARGET SPEED (Hi fork + Lo fork Ho fork - Lo fork) Expected. (mph) N/A	Displayed. (mph) N/A	PASS		FAIL
5	§ 2.6.1 / § 5.6.1 TRANSMISSION FREQUENCY STABILITY	Standard supply Voltage (V) 13.6 V	Antenna 1 Freq. GHz 24.143	Antenna 2 Freq. GHz N/A	PASS			FAIL
		Standard supply Voltage - 20% (V) 10.8 V	Antenna 1 Freq. GHz 24.143	Antenna 2 Freq. GHz N/A	PASS			FAIL
		Standard supply voltage + 20% (V) 16.3 V	Antenna 1 Freq. GHz 24.143	Antenna 2 Freq. GHz N/A	PASS			FAIL
6	§ 2.6.5 / § 5.6.5 POWER DENSITY	Mfg. Spec. (max mW/cm) ≤ 5	Antenna 1 Power (mW/cm) .41	Antenna 2 Power (mW/cm) N/A	PASS			FAIL
7	§ 2.8 / § 5.8 LOW VOLTAGE	Mfg. spec. (V) ≤ 10.8V	LVA activates (V) 4.9	LVA deactivates (V) N/A	PASS			FAIL
8	§ 2.9.1 / § 5.9.1 DOPPLER AUDIO	A. Audio tone correlates with received Doppler signal B. Functioning audio volume-adjustment control		☐ Yes ☐ No ☒ N/A ☐ Yes ☐ No ☒ N/A		PASS		FAIL
9	§ 2.12.4 / § 5.12.4 INTERNAL CIRCUIT	Mfg. Spec. 5040	Test results 5040	PASS				FAIL
10	§ 2.12.6.5 / § 5.12.6.5 DIRECTIONAL	A. Selects only targets moving towards radar B. Selects only targets moving away from radar		☐ Yes ☐ No ☒ N/A. ☐ Yes ☐ No ☒ N/A.		PASS		FAIL
11	§ 2.12.7 / § 2.12.8 / 5.12.7 / 5.12.8 LOW AND HIGH SPEED DISPLAY TEST	Stationary mode: target channel (mph)	Low speed spec. 20 Hi speed spec. 199	Lo speed disp. 20 Hi speed disp. 199	PASS			FAIL
		Moving Mode target channel (mph)	Low speed spec. N/A Hi speed spec. N/A	Lo speed disp. N/A Hi speed disp. N/A	PASS			FAIL
		Moving Mode: patrol channel (mph)	Low speed spec. N/A Hi speed spec. N/A	Lo speed disp. N/A Hi speed disp. N/A	PASS			FAIL
12	§ 2.13 / § 5.13 RFI TEST	N/A				PASS		FAIL
13	LABORATORY COMMENTS							
14	NHTSA/IACP CERTIFICATION	This radar device meets or exceeds the minimal operational standards of the National Traffic Highway Safety Administration. California Vehicle Code Section 40802 ☒ PASS ☐ FAIL						
		Certified by: Ford Bauman				Date: 9-12-16		
15	INVENTORY	☐ Fork Cert ☐ Manual ☐ 2nd Ant. ☐ Remote ☐ Bat. ☐ Carrying Case ☐ Other: (please list)						



Willdan Engineering

13191 Crossroads Pkwy N Suite 405
City of Industry, CA 91746
562.908.6200

www.willdan.com

ORDINANCE NO. 2024-XX

AN ORDINANCE AMENDING CHAPTER 10.56 “SPEED ZONES” OF THE PINOLE MUNICIPAL CODE TO CODIFY SPEED LIMITS LOWERED IN ACCORDANCE WITH ENGINEERING AND TRAFFIC SURVEY

WHEREAS, the California Vehicle Code requires that cities establish speed limits in a prescribed manner, including conducting an Engineering and Traffic Survey every five (5) years; and

WHEREAS, an Engineering and Traffic Survey was recently prepared by Wildan Engineering, recommending several speed limits throughout the City be lowered; and

WHEREAS, at the November 19, 2024, regular meeting of the City Council of Pinole, the City Council accepted the 2024 Engineering and Traffic Survey prepared by Wildan Engineering, adopted a resolution establishing safety corridors and land or facility that generates high concentrations of bicycles or pedestrians, and establishing the speed limits recommended in the study; and

WHEREAS, the City Council now desires to codify those certain adopted speed limits established that were lowered into Chapter 10.56 of the Pinole Municipal Code.

NOW THEREFORE, the City Council of the City of Pinole does ordain as follows:

SECTION 1. Findings

The City Council finds that the foregoing recitals are true and correct and are incorporated into the Ordinance by this reference.

SECTION 2. Amendment of Chapter 10.56 “Speed Limits” of the Pinole Municipal Code

The City Council hereby amends Chapter 10.56 “Speed Limits” of the Pinole Municipal Code to read as displayed in Exhibit A of this Ordinance, attached hereto and incorporated herein by this reference. Text in ~~strikethrough~~ shall indicate a deletion, whereas underlined text shall indicate an addition.

SECTION 3. Severability.

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed the Ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of this Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 4. **Publication and Effective Date.**

This Ordinance shall become effective thirty (30) days after its adoption. The City Clerk shall have this Ordinance published in a newspaper of general circulation within fifteen (15) days after its adoption or have a summary of the Ordinance published twice in a newspaper of general circulation, once five days before its adoption and again fifteen days after its adoption.

The foregoing Ordinance was PASSED AND ADOPTED by the City Council of the City of Pinole, at a regular meeting of said Council on _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

City Clerk

APPROVED:

Maureen Toms, Mayor

EXHIBIT A

CHAPTER 10.56 SPEED ZONES

10.56.010 RAISING SPEED LIMIT IN CERTAIN ZONES.

~~Pursuant to the provisions of Vehicle Code Section 22357, it is determined upon the basis of an engineering and traffic investigation that the speed permitted by state law upon the following streets is less than is necessary for safe operation of vehicles thereon by reason of the designation and signposting of the streets as through highways and/or by reason of widely spaced intersections, and the prima facie speed limit shall be set forth on those streets or parts of streets designated as follows when signs are erected giving notice of such:~~

Name of Street or Portion Affected	Declared Prima Facie Speed Limit
Tara Hills Drive between Kildare Way and Appian Way	35
San Pablo Avenue – Oak Ridge Road to western city limit	35
Pinole Valley Road between Julia Court and seven hundred feet north of Ramona Street	(25 during school hours)

Section Reserved.

10.56.020 LOWERING SPEED LIMIT IN CERTAIN ZONES

It is determined upon the basis of an engineering and traffic investigation that the speed permitted by state law outside of business and residence districts as applicable upon the following streets is greater than is reasonable or safe under the conditions found to exist upon such streets, and the prima facie speed limit shall be as set forth on those streets or part of streets designated as follows when signs are erected giving notice of such:

Name of Street or Portion Affected	Declared Prima Facie Speed Limit
Pinole Valley Road between seven hundred feet north of Ramona Street and Tennent Avenue	25
<u>Pinole Valley Road between Tennent Avenue and Granda Court</u>	<u>25</u>
<u>Pinole Valley Road between Granda Court and Simas Avenue</u>	<u>30</u>
<u>Pinole Valley Road between Simas and south city limit</u>	<u>30</u>
<u>San Pablo Avenue between Oak Ridge Road and Sunnyview Drive</u>	<u>25</u>

<u>San Pablo Avenue between Sunnyview Drive and west city limit</u>	<u>30</u>
<u>Pinole Valley Road between south city limit and northerly intersection with Simas Avenue</u>	25
<u>Appian Way between San Pablo Avenue and city limits</u>	35
<u>Pinon Avenue between San Pablo Avenue and end of Pinon Avenue</u>	25
<u>Fitzgerald Drive between Appian Way and Fitzgerald Drive/Interstate 80 Interchange</u>	30

10.56.030 ERECTION OF SIGNS AND SIGNALS.

The city traffic engineer is authorized to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the speeds otherwise applicable within the district or at intersections, and shall erect appropriate signs giving notice thereof.