



PINOLE PLANNING COMMISSION MEETING AGENDA

January 27, 2025

7:00 PM

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

Attend VIA ZOOM TELECONFERENCE – Details provided below

How to Submit Public Comments:

In Person:

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

Via Zoom:

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

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

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

Webinar ID: 865 0537 5301

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

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

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

Written Comments:

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

OTHER WAYS TO WATCH THE MEETING

LIVE ON CHANNEL 26. They are retelecast the following week. The Community TV Channel 26 schedule is published on the city's website at www.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 Planning Manager David Hanham at (510) 724-8912 or dhanham@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.

CITIZEN PARTICIPATION:

Persons wishing to speak on an item listed on the Agenda may do so when the Chair asks for comments in favor of or in opposition to the item under consideration. After all of those persons wishing to speak have done so, the hearing will be closed and the matter will be discussed amongst the Commission prior to rendering a decision.

Any person may appeal an action of the Planning Commission or of the Planning Manager by filing an appeal with the City Clerk, in writing, within ten (10) days of such action. Following a Public Hearing, the City Council may act to confirm, modify or reverse the action of the Planning Commission and the Planning Commission may act to confirm, modify, or reverse the action of the Planning Manager. The cost to appeal a decision is \$500 and a minimum \$2,500 deposit fee.

Note: If you challenge a decision of the Commission regarding a project in court, you may be limited to raising only those issues you or someone else raised at the public hearing or in writing delivered to the City of Pinole at, or prior to, the public hearing.

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

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. LAND ACKNOWLEDGMENT

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

D. ROLL CALL

E. CITIZENS TO BE HEARD

The public may address the Planning Commission on items that are within its jurisdiction and not otherwise listed on the agenda. Planning Commissioners may discuss the matter brought to their attention, but by State law (Ralph M. Brown Act), action must be deferred to a future meeting. Time allowed: five (5) minutes each.

F. MEETING MINUTES:

1. Planning Commission Meeting Minutes for December 9, 2024

G. PUBLIC HEARINGS

At the beginning of an item, the Chair will read the description of that item as stated on the Agenda. The City Staff will then give a brief presentation of the proposed project. The Commission may then ask Staff questions about the item.

For those items listed as Public Hearings, the Chair will open the public hearing and ask the applicant if they wish to make a presentation. Those persons in favor of the project will then be given an opportunity to speak followed by those who are opposed to the project. The applicant will then be given an opportunity for rebuttal.

The Public Hearing will then be closed and the Commission may discuss the item amongst themselves and ask questions of Staff. The Commission will then vote to approve, deny, approve in a modified form, or continue the matter to a later date for a decision. The Chair will announce the Commission's decision and advise the audience of the appeal procedure.

Note: No Public Hearings will begin after 11:00 p.m. Items still remaining on the agenda after 11:00 p.m. will be held over to the next meeting.

1. PA25-0001 MUNICIPAL CODE AMENDMENTS FOR HOUSING ELEMENT IMPLEMENTATION (PARKING, AFFORDABLE HOUSING, GENERAL APPLICATION PROCESSING)

H. OLD BUSINESS

I. NEW BUSINESS

J. CITY PLANNER'S/COMMISSIONER'S REPORT

K. COMMUNICATIONS

1. Staff Updates (Verbal)

L. NEXT MEETING(S)

1. Planning Commission Regular Meeting on February 10, 2025 at 7:00PM

M. ADJOURNMENT

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

David Hanham
Planning Manager
POSTED: _____

DRAFT

MINUTES OF THE REGULAR MEETING
PINOLE PLANNING COMMISSION

December 9, 2024

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

A. **CALL TO ORDER:** 7:00 p.m.

B. **PLEDGE OF ALLEGIANCE**

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

D. **ROLL CALL**

Commissioners Present: Bender, Lam-Julian, Sandoval, Uch, Vice-Chairperson
Martinez, Chairperson Menis

Commissioners Excused: Huey

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

Chairperson Menis reported he had ex parte communications having sent emails to his mailing list covering the items on the meeting agenda.

E. **CITIZENS TO BE HEARD**

Cathy McFarland, a resident of Rogers Way not far from the project for Public Hearing Item H1, reported her Internet had recently gone out due to digging on the property, with service disrupted for around nine hours. Before any further work was done in the area, she asked that a utility survey be conducted.

Chairperson Menis noted the comments were related to public hearing Item H1. He asked whether the speaker had any comments for items not on the meeting agenda.

Ms. McFarland expressed concern with the size and brightness of the pole sign to be installed as part of Item H1.

1 Chairperson Menis asked that the comments related to Item H1 be saved until the
2 Planning Commission considered the item.

3
4 Ms. McFarland otherwise understood the City was pro-housing and supported high density
5 as part of Senate Bill (SB) 1123. She suggested the federal government and state had
6 made a lot of bad decisions that impacted residents financially, both directly and indirectly.
7 She highlighted the cost of maintaining metering lights, two bills that had been vetoed
8 related to homelessness and the fact Pinole Valley Road, San Pablo Avenue, Appian Way
9 and Fitzgerald Drive would be gridlocked due to planned and future development of high-
10 density housing with little to no regard to parking, traffic or open space. Such development
11 oftentimes resulted in overflow parking on City streets and in residential areas. She
12 suggested when the senior housing project had been built, workers would routinely park
13 in the residential areas.

14
15 Ms. McFarland also expressed concern that additional development would significantly
16 impact Fitzgerald Drive and commercial areas. She reiterated the decisions made by the
17 state would impact residents, homeowners and business owners and she urged the City
18 of Pinole to oppose SB 1123. She added that she had been unaware of many of the
19 projects proposed in Pinole since she had not received a notice other than for the senior
20 housing project. She expressed concern future developments could significantly impact
21 City resources such as water and sewer and suggested many of the buildings would be
22 occupied by people who were not likely to put down roots in Pinole, a pattern she would
23 like to see changed.

24
25 Anthony Vossbrink suggested the public had not been provided an explanation for all of
26 the No Parking signs that had been installed along the major thoroughfares in Pinole.
27 While the Mayor mentioned during a recent City Council meeting the signs were part of
28 daylighting laws or the Active Transportation Plan (ATP) since they were not along
29 unpainted curbs, that information was inaccurate since the signs had been installed absent
30 approval or notification to the public. He opposed those signs as clutter and unnecessary
31 unless there was a law requiring their installation. He asked about the cost for the
32 installation of the signs.

33
34 Mr. Vossbrink also understood new solar street lights would be installed along Pinole
35 Valley Road and he asked if the existing vintage lantern lights would be removed. Those
36 light fixtures had provided a unique appearance to the Pinole Valley Shopping area. He
37 pointed out there had been no discussion with the general public or the Traffic and
38 Pedestrian Safety (TAPS) Committee about where and when the solar lights would be
39 installed. He sought clear information on the status of the lights and emphasized that
40 many of the existing lights required repair. He further requested the status of the recycle
41 bins and toilet seat covers that had been promised for Pinole Valley Park.

42
43 Planning Manager David Hanham clarified the No Parking signs were part of SB 413
44 related to daylighting legislation with some areas of Pinole Valley Road already red-curbed
45 where some signs had been installed. The signs had been budgeted and there would be
46 no additional costs.

47
48 Chairperson Menis noted a large segment of Pinole Valley Road was in a Business District
49 and he asked whether the new solar lights would affect the aesthetics of the existing
50 vintage pole lights.

1 Mr. Hanham advised he would follow-up with Public Works staff.
2

3 For the benefit of the public, Chairperson Menis described how parking and traffic impacts
4 for projects approved in the City were evaluated and explained how the state had changed
5 how a city may assess traffic impacts, which had previously been based on a Level of
6 Service (LOS) but were now analyzed by Vehicle Miles Traveled (VMTs). While a city
7 may note whether a project would lead to more Greenhouse Gas Emissions (GHGs) or
8 make traffic worse, a city could not use that as a reason to stop or modify a project. The
9 environmental impacts of a project fell under the guidance of the California Environmental
10 Quality Act (CEQA), which he highlighted.
11

12 Mr. Hanham clarified LOS had been based on traffic in intersections while VMTs were
13 based on vehicle miles traveled, which was why the identification of traffic was now
14 different than it had been in the past.
15

16 Commissioner Lam-Julian responded to the concerns related to the lack of public
17 notification about City projects and explained the public notification process was based on
18 the distance from a project. She explained that information on City projects had been
19 posted on the City website.
20

21 Mr. Hanham clarified the typical 300-foot public notification process, although for larger
22 projects the City had expanded the notification radius to 1,500 feet from the project area,
23 above and beyond the legal requirement.
24

25 (Comments were made from the audience but not captured on the audio or video.)
26

27 Chairperson Menis advised that a list of future events including information on City
28 meetings was available on the City's webpage.
29

30 **F. MEETING MINUTES**

31
32 **1. Planning Commission Meeting Minutes for November 18, 2024**
33

34 Chairperson Menis requested a revision to Lines 31 through 35, of Page 8, as follows:
35

36 *He [Chairperson Menis] added the Draft Active Transportation Plan (ATP) was*
37 *available for public comment until December 6, 2024, was available for review on*
38 *the City website and the City Council meeting of November 19 would include a*
39 *discussion of the creation of a City Council Ad-Hoc Subcommittee to serve on a*
40 *Downtown Pedestrian Improvements Subcommittee.*
41

42 **MOTION** with a Roll Call vote to approve the Planning Commission Meeting Minutes for
43 November 18, 2024, as amended.
44

45 **MOTION: Menis**

SECONDED: Martinez

APPROVED: 5-0-

46 **2**

ABSTAIN: Bender

ABSENT: Huey
47
48
49
50

1
2 **G. NEW BUSINESS**
3

4 1. Planning Commission Regular Meeting Schedule 2025
5

6 The Planning Commission was presented the Planning Commission Regular Meeting
7 Schedule for 2025. There were no recommendations for modification to the schedule.
8

9 PUBLIC COMMENTS OPENED
10

11 There were no comments from the public.
12

13 PUBLIC COMMENTS CLOSED
14

15 **MOTION** with a Roll Call vote to approve the Planning Commission Regular Meeting
16 Schedule for 2025, as shown.
17

18 **MOTION: Martinez**

SECONDED: Uch

APPROVED: 6-0-

19 **1**

ABSENT: Huey
20
21

22 **H. PUBLIC HEARINGS**
23

24 1. **VA24-002 and DR24-004 Marathon Sign at 1007 San Pablo Avenue**
25

26 Commissioner Bender reported he had recently visited the site.
27

28 Commissioner Lam-Julian reported she had also conducted a recent site visit both during the
29 day and the evening.
30

31 Senior Planner Justin Shiu provided a PowerPoint presentation for VA24-002 and DR24-004
32 Marathon Sign at 1007 San Pablo Avenue. He recommended the Planning Commission
33 adopt Resolution 24-07 approving VA24-002 and DR24-004, a Variance and Administrative
34 Design Review application allowing for a pole sign with modified setbacks at a commercial
35 business at 1007 San Pablo Avenue, subject to Exhibit A: Conditions of Approval.
36

37 Responding to questions from the Planning Commission, Messieurs Shiu and Hanham
38 clarified the following:
39

- 40 • The applicant had not been required to pull permits for a change of light fixtures.
41 (Bender)
42
- 43 • The applicant requested modification to the standard setback for pole signs
44 through a variance approval and rather than the typical 10 feet from the right-of-
45 way (ROW), the proposed adjustment would reduce the setback to 2 feet from the
46 property line along the San Pablo Avenue side and 6 feet from the Rogers Way
47 side. The applicant had proposed this location due to desired visibility and since
48 that was where the sign had initially been installed. Staff analyzed the application
49 based on the applicant's request. A possible alternate location on the site for the

1 pole sign to be located nearer to Foster Freeze along the western elevation had
2 not been proposed by the applicant or evaluated by staff. (Martinez)

- 3
- 4 • Condition 4 of Exhibit A, Conditions of Approval, required the sign appearance to be
5 maintained in good condition including paint colors being neatly kept and any damage
6 being promptly repaired. Any required maintenance would be complaint driven and
7 be enforced by Code Enforcement, although the Planning Commission may specify
8 a specific timeframe. (Chairperson Menis)
- 9

10 PUBLIC HEARING OPENED

11

12 Aaron Hamilton, the applicant, clarified an alternate location (planter) for the pole sign had
13 been considered but it involved even more utilities and would have disturbed existing
14 vegetation. The proposed location had been determined to be the best route. The height of
15 the sign would ensure line of sight for pedestrians and traffic and the lighting must comply
16 with Title 24 requirements for energy usage. The sign would not be illuminated after dark.
17 He otherwise apologized for any inconvenience to the public, reporting that a fiber optic line
18 had been disturbed. He hoped the new proposal was something that could be approved and
19 allow the application to move forward.

20

21 Georgia Manassis, a resident of Rogers Way, reported that recently there had been extra
22 lighting installed, three lights had been installed half-way up the side of the building, which
23 were strong and had a glare; the site did not have adequate vegetation; there were two new
24 poles with bright lights directed towards the street and while they had been adjusted, they
25 remained blinding to drivers; the gas station was very busy with traffic oftentimes blocking
26 the street and another pole with a light up high also shined down on the area. She noted an
27 existing gas station on Tennent and San Pablo Avenues involved a larger intersection with a
28 signal, as opposed to the subject location that was narrower than Tennent Avenue. She
29 expressed concern with the number of lights at the property that were annoying, a safety
30 issue and were not necessary. She recognized the canopies also had new lights but they
31 were not as offensive. Not opposed to the sign, she agreed that placing it closer to Foster
32 Freeze was a better idea but did not want it to impact an existing tree at the corner. She also
33 found the size of the sign to be enormous but the building canopy looked nicer.

34

35 REBUTTAL:

36

37 The applicant did not provide rebuttal comments.

38

39 PUBLIC HEARING CLOSED

40

41 Commissioner Bender found the sign to be too large but he appreciated that the lower section
42 was open given the tight corner and need to provide visibility. While it would have been nice
43 for the sign to be located on the west side of the property, he understood that was infeasible
44 given the existing utilities and the fact the applicant preferred the subject location. In
45 response to the public comments, he suggested the concerns with the glare from the lights
46 should be raised with code enforcement. Having visited the site, he identified three lights on
47 the side of the building that had not been shielded and was a code enforcement issue.
48 Pursuant to the Pinole Municipal Code (PMC), the applicant must meet Title 24 requirements.
49 In this case, the light fixtures were fully exposed with no shielding and were Light Emitting
50 Diode (LED) fixtures that resulted in more light.

1 Vice Chairperson Martinez thanked the public for their comments and urged the members of
2 the public to contact Code Enforcement to address the lighting issues.

3 As to the site maintenance, Vice Chairperson Martinez read into the record Condition 5,
4 which required *The owner shall ensure orderly maintenance of the site, including clearance*
5 *of any waste and debris on site. The surrounding area shall be cleaned of any waste and*
6 *debris that may result from the project. All exterior on-site lighting shall be maintained in*
7 *good condition at all times. Any graffiti that appears shall be removed or painted over*
8 *within 72 hours.* Having patronized the gas station for a number of years, he found there
9 had been consistent issues with maintenance, including a lack of maintenance in the trash
10 bin area and the storage of stacked cartons and crates outside in violation of Condition 5.
11 He emphasized the need for the property owner to maintain the site. He otherwise asked
12 whether staff could work with the building owner to move the light pole to the western
13 elevation and review the infrastructure underneath to possibly move the pole light to the
14 western lot line near Foster Freeze.
15

16
17 Mr. Hanham clarified this was a legal non-conforming use, as detailed in the December 9,
18 2024 staff report. The pole sign had been proposed to be installed in the area shown and by
19 moving it to a new location, the applicant may lose the legal non-conformity status for the
20 existing sign by the creation of a new sign. If the applicant moved the sign, they could not
21 move any sign to the corner in the future. Also, there were more utilities in the area at the
22 western lot line but possibly the applicant could provide documentation of the utilities in the
23 area to determine whether relocation of the sign could even work.
24

25 Mr. Hamilton explained that with the relocation of the sign, they would also have to relocate
26 the power and it would require threading a needle through different utilities for conduit and
27 power to the planter along with required footings for the structure.
28

29 Moe Hamadi, the property owner, explained he had owned the property for the past 12
30 months. He described the effort to secure the Marathon brand to enhance the site strategy
31 and shops, and there were many things that would change in the operations pursuant to the
32 Marathon standards to keep that brand. He operated a similar Marathon Gas Station in the
33 City of Benicia and he invited the Planning Commission to view that site. He added that lights
34 installed by the previous owner had been immediately removed once he had become aware
35 of issues.
36

37 Chairperson Menis thanked everyone for sharing their various positions on the project.
38 Speaking again to Condition 5, Site Maintenance, he asked staff whether the condition
39 applied to the area around the sign itself or the entire parcel, and was informed by Mr.
40 Hanham the condition applied to the entire parcel.
41

42 Chairperson Menis asked that Condition 5 be modified to integrate the standards the property
43 owner had spoken of.
44

45 Mr. Hanham suggested Condition 5 could be modified to read:
46

47 *The owner shall ensure orderly maintenance of the site, including clearance of any*
48 *waste and debris on site. The surrounding area shall be cleaned of any waste and*
49 *debris that may result from the project. All exterior on-site lighting shall be*
50 *maintained in good condition at all times and in compliance with Section 17.46 of*

1 the Pinole Municipal Code. Any graffiti that appears shall be removed or painted
2 over within 72 hours.

3
4 Responding to the concerns with the debris and waste on the property, Mr. Hanham
5 suggested with the modification to the condition, code enforcement could enter the property
6 and conduct any code enforcement, and Condition 5 could be further amended to read:

7
8 *The owner shall ensure orderly maintenance of the site, including clearance of any*
9 *waste and debris on site concurrent with Section 8.32 of the Pinole Municipal*
10 *Code. The surrounding area shall be cleaned of any waste and debris that may*
11 *result from the project. All exterior on-site lighting shall be maintained in good*
12 *condition at all times and in compliance with Section 17.46 of the Pinole Municipal*
13 *Code. Any graffiti that appears shall be removed or painted over within 72 hours.*

14
15 Commissioner Bender reiterated in response to the Chair that at a recent visit of the site he
16 had viewed three lights on the Rogers Way elevation absent shielding with the lights blazing
17 towards the street, which corresponded with the concerns raised by members of the public.

18
19 Chairperson Menis referenced the simulation for the new sign and asked whether the open
20 space underneath the sign could have a sign board similar to the current sign. He asked if
21 that would be in opposition to the Marathon brand.

22
23 Mr. Shiu identified a 7.5-foot clearance from the grade that was required for the pole sign.

24
25 Chairperson Menis asked whether the applicant would consider adding signage within the
26 space between 10 feet and 7.5 feet. He recommended that a message board or some sort
27 of public art be considered. He wanted something like a sign board that had existed on the
28 former sign.

29
30 Mr. Hamilton suggested that with property owner approval they may be amendable but he
31 was uncertain whether or not Marathon would approve the change. He could present the
32 idea to his team to get an answer.

33
34 Vice Chairperson Martinez recognized corporations had specific guidelines and when those
35 types of signs were designed, they must meet corporate requirements. He recognized the
36 reason why the sign was much higher than the prior sign since most American vehicles and
37 trucks had grown in height.

38
39 Commissioner Bender added the corporate world had standards and rarely deviated from
40 them. He assumed the graphic package reflected the Marathon image, which Mr. Hamadi
41 confirmed.

42
43 Mr. Hanhan further commented that most corporate images and design features were
44 patented, with the actual signage to be maintained in that regard.

45
46 Chairperson Menis withdrew his recommendation as unfeasible. He otherwise requested
47 the following modifications to the Conditions of Approval:

- 48
49 - Condition 4, revise the last word to read: *repaired*.

- Condition 5, to be modified, as discussed.
- Condition 6, revise the last sentence to read: *Plantings shall be maintained so that clear visibility is maintained between 2.5 to 7 feet above grade.*
- Condition 11e, revise to read: *Newly disturbed soil surfaces shall be watered down regularly by a water truck maintained on site during all daylight hours and construction grading activity shall be discontinued in wind conditions greater than 10 miles per hour.*
- Condition 13, revise the second sentence to read: *The owner shall notify the Community Development Department at least 48 hours prior to starting any work pertaining to on-site drainage facilities, grading, or paving, as well as any work on the City's right-of-way.*
- Condition 6, clarified the condition required the maintenance of the existing tree.
- To Page 21 of the December 9, 2024 staff report, Variance 3, suggested moving the pole sign would run into issues and damage fiber optic or electrical lines moving through the planters, but was uncertain to what extent Variance 3 had taken into consideration the factors of Condition 5. As to whether compliance with Condition 5 could be taken into consideration as meeting Variance 3, staff confirmed that could be done.

On the discussion, Condition 5 was modified further to read:

The owner shall ensure orderly maintenance of the site, including clearance of any waste and debris on site. The surrounding area shall be cleaned of any waste and debris that may result from the project. All exterior on-site lighting shall be maintained in good condition at all times and shall adhere to Section 17.46 of the Pinole Municipal Code. Any graffiti that appears shall be removed or painted over within 72 hours.

MOTION with a Roll Call vote to adopt Resolution 24-07 approving VA24-002 and DR24-004, a Variance and Administrative Design Review application allowing for a pole sign with modified setbacks at a commercial business at 1007 San Pablo Avenue, subject to Exhibit A, Conditions of Approval and subject to modification of Condition 5 and the typographical errors identified by the Chair, as read into the record.

MOTION: Martinez

SECONDED: Menis

APPROVED: 6-0-

ABSENT: Huey

Chairperson Menis identified the 10-day appeal period of a decision of the Planning Commission in writing to the City Clerk.

2. UP24-02 Sprouts Farmer's Market Upgrade of Liquor License to Type 21 located at 1300 Pinole Valley Road

Planning Manager Hanham presented the December 9, 2024 staff report.

1
2
3 Mr. Hanham recommended the Planning Commission adopt Resolution 24-08, approving
4 Conditional Use Permit UP-24-02, for Sprouts Farmers Market (1300 Pinole Valley Road) to
5 upgrade its existing liquor license to a Type 21, off-site consumption of beer, wine, and spirits
6 subject to the conditions of approval contained in Exhibit A.
7

8 Responding to questions from the Planning Commission, Mr. Hanham clarified the following:
9

- 10 • Staff did not have information on crime statistics for the site at this time although the
11 information could be provided to the Planning Commission. The Police Department
12 had indicated Sprouts was not an issue in the community and at 5:00 p.m. the area
13 cleared out as compared to other shopping centers in Pinole. (Lam-Julian)
14
- 15 • Condition 27 required *Coolers containing alcohol shall be locked between 2:00 a.m.*
16 *and 6:00 a.m.*, with the condition included in the event Sprouts desired to be open
17 24-hours. (Bender)
18
- 19 • Acknowledged a recommendation for an additional condition for signage that no
20 animals shall be allowed unless service animals and require signs to be placed at
21 each entrance at a height of three to four feet, and that the signage also note that
22 emotional support animals were not service animals pursuant to Title 2 of the
23 Americans with Disabilities Act (ADA), with the tasks performed by a service animal
24 to be related to the person's disability; however, staff noted this request was outside
25 of the Conditional Use Permit (CUP) for the sale of alcohol; the store was to address
26 the request directly. Staff could discuss the request with the Police Department and
27 Code Enforcement so the applicant was made aware of this requirement at the time
28 of employee training for the Type 21 Liquor license. (Martinez)
29
- 30 • Acknowledged some of the conditions of approval in Exhibit A may appear duplicative
31 but in most cases, there were little nuances. Condition 17 could be eliminated since
32 it was a duplicate with Condition 3. (Chairperson Menis)
33
- 34 • Condition 24 was a condition outlined in the PMC and was required to be included.
35 (Chairperson Menis)
36
- 37 • Condition 26 required the applicant to: *Make attempts to limit alcohol related*
38 *problems which negatively impact those living or working in the neighborhood* and
39 limit those occurrences on the site as much as possible, with the condition meant
40 to be vague. (Chairperson Menis)
41

42 PUBLIC HEARING OPENED 43

44 Terri Dickerhoff, Sprouts Farmers Market, suggested staff had done a great job outlining all
45 of the findings and she appreciated the opportunity for the upgrade in liquor license since a
46 few select Sprouts locations in California had considered this license roll out. Sprouts would
47 try this program over the next several months in a number of California cities to see how it
48 fared and whether it would be a success. The offerings in Sprouts would not change but
49 would now include spirits such as a packet of wine coolers or Topo Chico's.

1
2 Ms. Dickerhoff referenced Condition 14, which was different from the findings, and asked for
3 clarification of the requirement for *The sale of liquor in the store shall be limited to no more*
4 *than two hundred (84 linear feet of display, which shall include the use of multi-tiered*
5 *shelving not to exceed twenty-two (22) inches in depth.*
6

7 Mr. Hanham clarified the lineal footage was the maximum and the Sprouts proposal was
8 within the maximum allowed by the City.
9

10 Ms. Dickerhoff also clarified Condition 15, *Beer, malt beverages, and wine coolers in*
11 *container of sixteen (16) ounces or less cannot be sold as single items, but must instead*
12 *be sold in manufacturer prepackaged multi-unit quantities.* She noted that Sprouts had a
13 sake product in a smaller single-serve size with a cup on top, all integrated and she was
14 uncertain whether sake would be considered beer, malt or a wine cooler. Under the
15 Department of Alcoholic Beverage Control (ABC) sake could be sold as wine and under
16 the Type 20 license. She asked staff to clarify whether or not sake could be sold.
17

18 Mr. Hanham explained that singling out products could be problematic but if sold in
19 packets would not be an issue. While the product may not initially be prepackaged, if
20 Sprouts could find a way to do that, it would be possible to sell the product.
21

22 Ms. Dickerhoff expressed the willingness to work with the store on prepacking the product.
23 She also clarified the coolers at Sprouts did not lock and she was uncertain how Sprouts
24 would comply with Condition 27.
25

26 Mr. Hanham understood that Sprouts coolers did not lock since Sprouts did not operate
27 between 2:00 and 6:00 a.m., but if the business were to operate from 2:00 to 6:00 a.m.
28 locked coolers would be required and the condition at this time was preemptive. At this
29 time Sprouts would be in compliance unless it operated between 2:00 and 6:00 a.m.
30

31 In terms of Condition 24, Ms. Dickerhoff, clarified Sprouts would have a lot of signage with
32 no unobstructed views through the storefront. She would check on the request for signage
33 related to service animals but emphasized there was some signage that would negate an
34 unobstructed view of the storefront.
35

36 Anthony Vossbrink expressed his opposition to the request for extending the alcohol
37 license for Sprouts. He asked why Sprouts had chosen the Pinole location; whether other
38 Sprouts locations sold alcohol; the experiences in those communities that may have young
39 people; suggested the San Rafael Sprouts location may be similar to the Pinole location;
40 asked why Sprouts was asking for a modification to the liquor license now when the store
41 had been open for years; whether Sprouts had made application in the past for this liquor
42 license and whether it had been denied; and expressed concern the store was sandwiched
43 between a grade school, near an open creek, with homeless camping or hanging out
44 behind the bowling alley near the creek.
45

46 Mr. Vossbrink suggested this was not a good location to expand the alcohol license. He
47 also suggested the area had experienced an increase in criminal activities, there was a
48 lack of adequate security and if Sprouts' request was approved security should be
49 provided.
50

1 Further, Mr. Vossbrink noted the proximity of Sprouts to the I-80 on-ramp, which raised
2 serious concerns along with littering in the area although trash cans had been placed
3 along the creek along with fencing. For those reasons, he opposed the request to upgrade
4 the liquor license.

5
6 **REBUTTAL:**

7
8 Ms. Dickerhoff clarified Sprouts was expanding its offerings in some cities in the state. Some
9 cities had not required a CUP or a Public Convenience or Necessity (PCN), some cities in
10 Marin County did not require CUPs for the sale of alcohol and the San Rafael Sprouts had
11 not required a license for the sale of alcohol. Sprouts had not applied for the sale of alcohol
12 when it had requested the initial CUP but had applied for a beer and wine license. Sprouts
13 was not trying to bait and switch and upsell but their model had changed a bit. She was also
14 unaware of the criminal activity referenced and would have to speak with the Store Manager.

15
16 Mr. Hanham clarified the bowling alley had a Type 47 liquor license, which allowed for on-
17 site consumption and he acknowledged there had been some issues as a result.

18
19 Ms. Dickerhoff recognized other uses such as a bowling alley and restaurants may
20 experience some of the issues described, but that was not typical for a grocery store.

21
22 Mr. Hanham noted the bowling alley shared parking with the Gateway Shopping Center with
23 the trash enclosures at the rear of the property and with the creek on the other side, and
24 there had been some issues with litter but there had been improvements due to work the City
25 has done with the property owners and the Contra Costa County Flood Control District.

26
27 Chairperson Menis asked the status of an assault of an individual in the Sprouts parking lot
28 and Mr. Hanham stated he had no information on the incident.

29
30 **PUBLIC HEARING CLOSED**

31
32 Commissioner Lam-Julian commented her son received a Sprouts t-shirt when the store
33 initially opened and she commended Sprouts for being attentive and good folks with
34 exceptional service.

35
36 Vice Chairperson Martinez was excited about the new Sprouts business model and was
37 confident in its success. He again asked for signage to prevent animals other than service
38 animals from accessing the store, and wanted some training with the Store Manager given
39 that it was a health and cleanliness issue, which he had personally witnessed. He otherwise
40 recognized the City Council had previously approved the PCN and he was confident with that
41 approval to support the project.

42
43 Chairperson Menis pointed out the role of the City Council related to its approval of the PCN
44 was different from the current request before the Planning Commission. He asked Ms.
45 Dickerhoff about her role with Sprouts.

46
47 Ms. Dickerhoff advised she had served as Land Use Consultant for Sprouts in the State of
48 California over the past 20 years.

1 Chairperson Menis asked whether the proximity of the homeless encampment near the creek
2 was within the radius of influence of Sprouts for it to be concerned for the purpose of this
3 license.

4
5 Mr. Hanham suggested no because that was more of a general item than the item before the
6 Planning Commission. He was unaware of the status of the homeless population that was
7 monitored by West County and the Pinole Police Department. Most of the homeless situated
8 more towards the trail between I-80 and the bowling alley where most of the trash and litter
9 had been concentrated. He was also only aware of sporadic incidents with the homeless
10 and would have to check with the Police Department.

11
12 Chairperson Menis was more concerned with the after effects of the Type 47 license from
13 the bowling alley than the homeless but he recognized the opinions of the community may
14 differ. As to the concern with the proximity to the elementary school, if this had involved a
15 new license he may have shared the concerns but since Sprouts' liquor license had been in
16 existence for years and Sprouts had been selling products broadly for years with no
17 complaints from the elementary school, he suggested adding spirits would not likely change
18 that condition.

19
20 Chairperson Menis referenced Condition 15 and suggested it could be modified to address
21 the applicant's concerns but was uncertain it could be modified without violating the PMC.

22
23 Mr. Hanham suggested the applicant could prepackage the sake product.

24
25 Ms. Dickerhoff provided comments from the audience that were not audible on the recording.

26
27 Mr. Hanham suggested the sake item may be difficult to sell unless prepackaged. If Sprouts
28 had an idea how to address the sale of the item it could be brought back to the Planning
29 Commission as an administrative item.

30
31 Chairperson Menis suggested the City Council could also be asked to modify the PMC but
32 was informed by Mr. Hanham that would not be a quick process.

33
34 Chairperson Menis asked that Condition 27 be modified, to read:

35
36 *Coolers containing alcohol shall be locked between 2:00 a.m. and 6:00 a.m. if the*
37 *store is open during those hours.*

38
39 Mr. Hanham clarified if Sprouts were to change its business hours related to the sale of
40 alcohol, it would have to return to the Planning Commission for review and approval.

41
42 **MOTION** with a Roll Call vote to adopt Resolution 24-08, approving Conditional Use Permit
43 UP-24-02, for Sprouts Farmers Market (1300 Pinole Valley Road) to upgrade its existing
44 liquor license to a Type 21, off-site consumption of beer, wine, and spirits subject to the
45 conditions of approval contained in Exhibit A, and subject to:

- 46
47
 - Eliminate Condition 17; and
 - Condition 27, to be revised to read:

48
49
50

Coolers containing alcohol shall be locked between 2:00 a.m. and 6:00 a.m. if the store is open during those hours.

MOTION: Menis

SECONDED: Lam-Julian

APPROVED: 5-0-

2

ABSENT: Huey, Sandoval

Commissioner Sandoval, who was not present at the dais when the vote was taken, asked that the vote be reopened to allow him to participate.

Mr. Hanham asked that the motion and second be restated for the record.

Commissioner Sandoval withdrew his request for a revote on the item.

Chairperson Menis identified the 10-day appeal period of a decision of the Planning Commission in writing to the City Clerk.

Vice Chairperson Martinez left the meeting at 10:00 p.m.

3. PA24-002 Municipal Code Amendments for Housing Element Implementation

Senior Planner Justin Shiu provided a PowerPoint presentation for PA24-002, Municipal Code Amendments for Housing Element Implementation. He recommended the Planning Commission adopt Resolution 24-09, recommending to the City Council the adoption of proposed Municipal Code amendments as provided in Resolution 24-09 of Attachment A, Exhibit A, or with additional recommendations for revisions provided by the Planning Commission.

Responding to questions from the Planning Commission, Messieurs Shiu and Hanham clarified the following:

- Section 17.24.040, Objective Design Standards for Single Family Districts, applied to primary dwelling units to be constructed such as new Single-Family homes or duplexes. (Sandoval)
- Section 17.71.060, Standards and Requirements for Urban Lot Splits, Page 83 of 88 of the agenda packet, E. Setbacks, clarified the front yard setback requirements. (Bender)
- Section 17.71.060, Standards and Requirements for Urban Lot Splits, Page 83 of 88, again clarified the proposed Municipal Code Amendments; Senate Bill (SB) 9 only applied to lots with Single-Family Residential Zoning, with general subdivision requirements for the subdivision of a Commercial lot. (Uch)
- Section 17.70.040, Performance Standards, Page 75 of 88 of the agenda packet, the added language was required by state law. (Chairperson Menis)

- Section 17.70.040, Performance Standards, Page 76 of 88 of the agenda packet, 4. Exterior Access and Design b., clarified the proposed amendment, as shown. (Chairperson Menis)
- Section 17.24.040 Objective Design Standards for Single Family Zoning Districts, Pages 71 and 72 of 88 of the agenda packet, acknowledged concern more objective design standards had been discussed at the subcommittee level; clarified the subcommittee had focused mostly on the Three Corridors Specific Plan and general guidelines with the proposed amendments focused more on Single-Family Zoning Districts. Clarified SB 9 objective design standards had been included as separate standards. (Chairperson Menis)

PUBLIC HEARING OPENED

There were no comments from the public.

PUBLIC HEARING CLOSED

Commissioner Bender referenced the full paragraph under Section 17.24.020 Development Standards, Page 70 of 88 of the agenda packet and the language shown in Section 17.71.040 Eligibility on Page 81 of 88 of the agenda packet, subparagraph (d)(3)(a), which referenced Chapter 7A of the California Building Code (Title 24 of the California Code of Regulations). He commented the Uniform Building Code (UBC) had last been published in 1997 and had disappeared and there had been a 15-year effort to consolidate the codes nationally, with all three buildings codes and Title 24 having morphed into the International Building Code, which the State of California used but added on to. He pointed out the UBC no longer existed and the reference in the document should be to the California Building Code.

Commissioner Bender also commented that while setbacks could be waived if a certain minimum standard was achieved per the state, he was not a fan of such developments which ultimately created problems with parking in a neighborhood, although he recognized it was state law and the Planning Commission, as a body, must follow state law.

Commissioner Uch referenced Section 17.70.040 Performance Standards 4, Exterior Access and Design (b), related to ADUs as shown on Page 76 of 88 of the agenda packet, and understood an ADU could never be built directly in front of a home as a detached unit, but for a particular property could be sized not to appear as the main residence.

Mr. Shiu explained that ADUs may be constructed at the side and rear provided they met the required setback and they did not need to appear differently from the main residence. The standard was merely the location and to not have the ADU detached in front of a small lot.

Commissioner Uch also understood a property could have both an ADU and a Junior ADU (JADU) but not two ADUs, and Mr. Shiu advised that state law only required one ADU and one JADU but the City could adopt more flexible standards than state law to allow more ADUs. Single-Family homes were allowed to have one JADU and one ADU, and with a multi-family property there could be multiple ADUs detached or within the existing building.

Commissioner Uch further understood ADUs may be two-stories, and Mr. Shiu confirmed the ADU could be two-stories if it met the height standards, as shown. If the ADU was attached

1 to the main residence, it could be a second story attached and must comply with the height
2 limits set for the Single-Family Residential Zoning District, typically 35-feet.

3
4 Chairperson Menis referenced the third bullet point as shown on Page 87 of 88 of the agenda
5 packet, and identified a typographical error in the paragraph, and Mr. Shiu recommended the
6 first sentence of the third bullet be revised to read:

7
8 *The City will reduce the level of approval for a parking reduction or shared parking*
9 *agreement from a conditional use permit to an administrative use permit, which is*
10 *approved by the Zoning Administrator.*

11
12 **MOTION** with a Roll Call vote to adopt Resolution 24-09, with Exhibit A: Municipal Code
13 Amendments, Recommending that the City Council adopt an Ordinance Amending Chapters
14 17.12, 17.24, and 17.70 of the Pinole Municipal Code and Adding Chapter 17.71 to the Pinole
15 Municipal Code.

16
17 **MOTION: Menis**

SECONDED: Lam-Julian

APPROVED: 5-0-

18 **2**

ABSENT: Huey, Martinez

19
20
21 **I. OLD BUSINESS:** None

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

24
25 Mr. Hanham reported the Planning Commissioners Academy would be held on March 5
26 through March 7, 2025 in the City of Santa Rosa. Commissioners desirous to attend were
27 asked to contact staff immediately so that reservations could be made.

28
29 Commissioner Bender reported two start ups had been working to implement a type of stove
30 range that was battery powered and functioned like a car, and when not in use would take
31 the power from the grid and store in the battery. It was being considered because of the fact
32 many houses built prior to 1970 were expensive if upgraded with gas stoves. The first
33 installation in the Bay Area was occurring in an apartment building in Martinez. He suggested
34 this was a technological breakthrough.

35
36 Commissioner Uch understood the deadline for public comment for the Draft ATP was now
37 closed but encouraged everyone to review the document.

38
39 Chairperson Menis reported the TAPS Committee had been scheduled to meet on
40 December 11, 2024 at 6:00 p.m. and the Draft ATP would be discussed at that time.

41
42 **PUBLIC COMMENTS OPENED**

43
44 There were no comments from the public.

45
46 **PUBLIC COMMENTS CLOSED**

47
48 **K. COMMUNICATIONS**

49
50 Chairperson Menis wished everyone Happy Holidays and reported on upcoming events

1 including Senior Food Distribution on December 10, 2024 at the Senior Center from 10:00
2 to 11:00 a.m. for Low Income Seniors; Coffee with the City, December 11, 2024 from 8:00
3 to 10:00 a.m. at Pinole Value Starbucks; TAPS Committee meeting December 11, 2024
4 at 6:00 p.m. at City Hall.

5 In addition, there would be a Holiday Breakfast, December 14, 2024 from 9:00 to 11:00
6 a.m. at the Senior Center; deadline for registration for Glow Pinole was December 15,
7 2024; and Pinole Community Television (PCTV) continued to have a survey available
8 online on the City website.

9 10 PUBLIC COMMENTS OPENED

11
12 Anthony Vossbrink understood the Holiday Breakfast scheduled for December 14 involved
13 a deadline given there were limited reservations; there had been no public notice about
14 the groundbreaking for 16 Tesla Charging Stations to be located at the Lucky Supermarket
15 on Fitzgerald Drive, and the public should have been notified with a public announcement
16 or signage. He also asked for an update on the Safeway Tara Hills project, other building
17 projects in the City, the caretaker's home on Adobe Road, the Adobe Road Trail and the
18 dog park.

19
20 Mr. Vossbrink also commented on the number of telephone poles banded together along
21 Pinole Valley Road by the telephone company with plastic ropes and the like, in violation
22 of ADA regulations and causing safety hazards. The telephone company was to remove
23 the poles after build out of Pinole Valley High School with the utility lines to be buried
24 underground. He asked someone on City staff to contact the telephone company and
25 possibly consult with resident Peter Murray who had raised concerns about this situation
26 during a recent City Council meeting.

27 28 PUBLIC COMMENTS CLOSED

29
30 In response to the public comments, Mr. Hanham stated he had not been employed with
31 the City when the work had been done at Pinole Valley High School and the concerns with
32 the telephone poles was a Public Works issue, not a Planning Department issue. He
33 would have to check with Public Works. As to the status of the Adobe Road Trail, he
34 noted the former Public Works Director had provided updates at City Council meetings but
35 with the position currently vacant, there was no new information. He also understood
36 there had been general maintenance work at the caretaker's house and staff continued to
37 work with the new property owner to improve the Safeway Tara Hills property. Staff was
38 working with the property owner to ensure the site remained clean, the property owner
39 was doing their due diligence but no proposal has been presented to the City at this time.

40
41 Mr. Hanham added that Vista Woods was due to receive a temporary occupancy permit
42 for Wings C and D and the sign permit had been approved, with additional tenants
43 expected in the building in the next couple of months; Appian Village was working on
44 utilities and had bond estimates for the subdivision improvements and were working on
45 the Final Map; he had no new updates for BCRE; Pinole Vista had received an extension
46 to 2026; and he was uncertain of the status of the Adobe Trail, although he understood
47 material that had been placed in the area was intended to repair the trail. He was unaware
48 of the schedule of the repairs and more information would be available when the new
49 Public Works Director was on board.

1 Mr. Hanham clarified the 16 Tesla Supercharges were part of the improvements to the
2 shopping center and staff was unaware of the start date, but Tesla was now moving
3 forward with the hope the work would be done in the next few weeks.

4
5 Mr. Hanham clarified that building permits were not noticed to the public, were processed
6 quickly and administratively and staff was not always aware when building permits would
7 be pulled, but staff was working on a new public engagement process with the City
8 Manager and City Attorney's Office.

9
10 Chairperson Menis reported he had checked during the meeting and there remained
11 openings for the Holiday Breakfast.

12
13 **L. NEXT MEETING(S)**

14
15 The next meeting of the Planning Commission to be a Regular Planning Commission
16 meeting scheduled for January 13, 2025 at 7:00 p.m.

17
18 **M. ADJOURNMENT: 11:00 p.m.**

19
20 Transcribed by: Edited by:
21
22 Sherri D. Lewis City Staff
23 Transcriber



PLANNING COMMISSION REPORT

G.1.

DATE: JANUARY 27, 2025
TO: PLANNING COMMISSION
FROM: JUSTIN SHIU, CONSULTANT PLANNER
SUBJECT: PA25-0001 MUNICIPAL CODE AMENDMENTS FOR HOUSING ELEMENT IMPLEMENTATION (PARKING, AFFORDABLE HOUSING, GENERAL APPLICATION PROCESSING)

RECOMMENDATION

Adopt Resolution 25-01 (Attachment A) recommending to City Council the adoption of proposed Municipal Code amendments as provided in Resolution 25-01 Attachment A, Exhibit A, or with additional recommendations for revisions provided by Planning Commission.

BACKGROUND

The Planning Commission previously reviewed the first set of Municipal Code Amendments related to Housing Element Program Implementation on September 9, 2024 and the second set of Municipal Code Amendments on December 9, 2024. The Municipal Code Amendments presented under this item contain the third set of amendments, which focus on parking standards, affordable housing requirements, and general application processing procedures.

The 2023-2031 Housing Element contains programs identifying amendments to the municipal code. The adoption of the proposed revisions would further the implementation of the Housing Element. The third set of proposed amendments consist of several remaining items under Housing Element programs, including reduction of minimum parking requirements and modification of parking standards, affordable housing incentives, and streamlining the level of review needed for certain permits such as lot consolidation and parking reductions/shared parking. Additionally, proposed edits have been included in modified chapters to better explain or refine existing text with the goal of clarifying requirements, reducing ambiguities, and improving internal consistency of the Zoning Code.

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

The Planning Commission serves as the body conducting review and providing recommendations to the City Council, which is the final review and approval body for amendments to the Pinole Municipal Code. Following Planning Commission review, further modifications may be made to the Zoning Code amendments for City Council review.

REVIEW AND ANALYSIS

The proposed revisions in the Zoning Code are provided in **Attachment A, Exhibit A**. These revisions address Housing Element Programs 5-10, 12, and 15, with the relevant program text and portions impacted by the revisions highlighted in **Attachment B**. The target timeline for completing all revisions is within two years of the Housing Element's adoption, by April 2025.

Proposed revisions are summarized below:

Chapter 17.10. General Application Processing Procedure

1. In Table 17.10.060-1, added the lot consolidation permit type and set approval at the Community Development Director level for ministerial review. Codifies and clarifies existing procedure for lot consolidation, and addresses Housing Element programs (Programs 8 and 15).
2. In Table 17.10.060-1, added ADU/JADU and SB9 project review bodies as a clarification in this table reflecting existing procedures described in other Zoning Code chapters.
3. In Table 17.10.060-1, corrected Community Development Director approval role in Administrative Design Review and Temporary Use Permit by striking out "ZA" (Zoning Administrator). The Zoning Administrator is not required for these types and the Community Development Director may provide final approval, as described in the more detailed review procedures for the respective permit types in Chapter 17.12 Entitlements.

Chapter 17.32. Affordable Housing Requirements

1. In 17.32.020(A), revised wording to provide clarification and additional detail explaining the existing affordable housing requirements.
2. In 17.32.020(B), added language clarifying that the applicability of affordable housing to residential subdivisions resulting in the eventual development of four units does not necessarily apply to SB9 projects. An exemption is added for SB 9 projects as the original text assumed four lot residential subdivisions.
3. In 17.32.020(B), added the option for an agreement to develop affordable housing as another method to provide alternative methods of compliance.
4. In 17.32.020(E), added reference to relevant definitions contained in state law.
5. In Table 17.32.020-1, revised wording to clarify existing affordability requirements.
6. In 17.32.040(B), revised the granting of design modification incentives from "City Council" to the "approval authority of the project". Added reference to Chapter 17.38 Density Bonus and State Density Bonus Law for density bonus projects. In general, density bonus projects are lowered from City Council to Planning Commission per Housing Element programs and modification of approval authority language to be "approval authority of the project" minimizes potential for inconsistencies (Program 15).
7. In 17.32.040(B), added a waiver of park impact fees for additional affordable units provided above and beyond the minimum 15% inclusionary requirement as specified in Housing Element programs (Programs 6, 8, and 9).

8. In 17.32.050, added new language to create objective standards for ensuring affordable units are the same size and quality as market rate units.
9. In 17.32.050, changed the approval of affordable housing agreements from City Council to City Manager. Approval of an affordable housing project would have been considered by the approval authority of the project, and the preparation and signing of the affordable housing agreement can be processed as an administrative task. The modification is consistent with the Housing Element program to expedite the permitting and review process through reducing the necessary levels of approval (Program 15).
10. In 17.32.060(B) and 17.32.090, changed the approval authority for “Alternative Methods of Compliance” and “Adjustments” from Planning Commission (or City Council) to the “approving authority of the project.” This minimizes potential inconsistencies with review processes described in other Zoning Code chapters.
11. In 17.32.070(C), added language to require a preference be given to households that live or work in Pinole when selecting tenants for affordable units.

Chapter 17.48. Parking and Loading Requirements

1. In 17.48.040(B), revised the loading berth standards text so that the text instead references the existing Zoning Code section, which contains more detailed requirements and standards.
2. In 17.48.040(B), resolved ambiguity in parking space and aisle dimension requirements between the standards in the existing figure and the text description by removing the brief text description and referencing the figure, which contains more details.
3. In 17.48.040(B), added a provision to clarify how proposed modifications to aisle width requirements can be considered. The City Engineer and Fire Department will evaluate and consider applicable standards and requirements related to maintaining safety and access.
4. In Table 17.48.050-1, modified multifamily residential minimum parking requirements to line up with general parking requirements otherwise applicable to multifamily residential density bonus projects under State Density Bonus Law (Government Code Section 65915(p)(1)). Reduction of parking standards addresses Housing Element programs (Program 12).
5. Multifamily residential parking per Studio unit stays the same at 1 space but guest parking requirements are removed (Program 12).
6. Multifamily residential parking per 1-bedroom unit reduced from 1.5 spaces to 1 space per unit. The guest parking requirement is removed (Program 12).
7. Multifamily residential parking per 2-3 bedroom unit reduced from 2 spaces to 1.5 spaces. The guest parking requirement is removed (Program 12).
8. Multifamily residential parking per 4+ bedroom unit stays the same as the minimum spaces would be less restrictive State Law, which is 2.5 units per dwelling. The guest parking requirement is removed (Program 12).
9. Removed covered parking requirement, which implements an option to remove parking constraints per Housing Element programs (Program 12).
10. Removed guest parking requirement, which implements an option to remove parking constraints per Housing Element programs (Program 12).
11. In Table 17.48.050-1, revised minimum senior unit parking requirement to 1

space per unit regardless of bedrooms (previously 1 space or 2 spaces depending on the number of bedrooms). The revision is based on minimum parking standards for senior units under State Density Bonus standards when providing affordable units. Included a parking waiver derived from State Density Bonus standards for senior housing (GC 65915(p)(3)(b)), which addresses the Housing Element program to reduce parking for senior housing (Program 10).

12. In Table 17.48.050-1, updated formatting and text for single family dwelling units.
13. In Table 17.48.050-1, added reference to Chapter 17.71 (proposed in the second set of Zoning Code amendments) for parking standards specific to SB 9 projects (Program 12).
14. In 17.48.060(A) and (B), changed the permit type of shared parking and reduced parking applications from Conditional Use Permits to Administrative Use Permits, as specified in Housing Element programs (Program 12).

ATTACHMENTS

- A. Attachment A. Resolution 25-01 with Exhibit A
- B. Attachment B. Housing Element Programs Associated with Third Set Revisions

**PLANNING COMMISSION RESOLUTION 25-01
WITH EXHIBIT A: MUNICIPAL CODE AMENDMENTS**

RESOLUTION OF THE CITY OF PINOLE PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING CHAPTERS 17.10, 17.32, 17.48 TO THE PINOLE MUNICIPAL CODE.

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

WHEREAS, amendments to the municipal code are made to PMC Chapters 17.10, 17.32, and 17.48 regarding parking, affordable housing, general application processing to implement Housing Element programs and to clarify requirements, reduce ambiguities, and improve internal consistency of the Zoning Code; and

WHEREAS, the proposed revisions to amend the Zoning Code 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 January 27, 2025; 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 17.10, 17.32, and 17.48 of the Pinole Municipal Code, 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 27th day of January, 2025, by the following vote:

- AYES:**
- NOES:**
- ABSTAIN:**
- ABSENT:**

Rafael Menis, Chair, 2024-2025

ATTEST:

David Hanham, Planning Manager

ATTACHMENT A, EXHIBIT A. MUNICIPAL CODE AMENDMENTS

1. Pinole Municipal Code Chapter 17.10 General Application Processing Procedure
[Amendment]

2. Pinole Municipal Code Chapter 17.32 Affordable Housing Requirements
[Amendment]

3. Pinole Municipal Code Chapter 17.48 Parking and Loading Requirements
[Amendment]

1. Pinole Municipal Code Chapter 17.10 General Application Processing Procedure [Amendment]

Full Chapter included.

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

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

CHAPTER 17.10

GENERAL APPLICATION PROCESSING PROCEDURES

Sections:

- 17.10.010 Purpose.
- 17.10.020 Application and fee.
- 17.10.030 Determination of completeness.
- 17.10.040 Application review and report.
- 17.10.050 Public hearing and public notice.
- 17.10.060 Approving authority.
- 17.10.070 Appeals.
- 17.10.080 Effective date.
- 17.10.090 Permit to run with land.
- 17.10.100 Permit time limits, extensions, and expiration.
- 17.10.110 Modification.
- 17.10.120 Revocation.
- 17.10.130 Reapplications.

17.10.010 PURPOSE.

The purpose of this chapter is to establish procedures necessary for the efficient processing of planning and development applications and requests. (Ord. 2010-02 § 1 (part), 2010)

17.10.020 APPLICATION AND FEE.

Applications pertaining to this title shall be submitted in writing to the Community Development Director on a completed city application form designated for the particular request. Every application shall include applicant and property owner signature(s), agent authorization as appropriate, and the fee prescribed by City Council resolution to cover the cost of investigation and processing. Applications shall be submitted together with all plans, maps, and data about the proposed project development or land use entitlements requested, project site, and vicinity deemed necessary by the Community Development Director to provide the approving authority with adequate information on which to base decisions. Each permit application form lists the minimum necessary submittal materials for that particular type of permit. (Ord. 2010-02 § 1 (part), 2010)

17.10.030 DETERMINATION OF COMPLETENESS.

A. Application Completeness. Within thirty (30) days of application submittal, the Community Development Director shall determine whether or not the application is complete. The Community Development Director shall notify the applicant of the determination that either:

1. All the submittal requirements have been satisfied and the application has been accepted as complete.
2. Specific information is still necessary to complete the application. The letter may also identify preliminary information regarding the areas in which the submitted plans are not in compliance with city standards and requirements.

B. Application Completeness without Notification. If the written determination is not made within thirty (30) days after receipt, the application shall be deemed complete for purposes of this chapter.

C. Resubmittal. Upon receipt and resubmittal of any incomplete application, a new thirty (30)-day period shall begin during which the Community Development Director shall determine the completeness of the application. Application completeness shall be determined as specified in division A. of this section (Application Completeness).

D. Incomplete Application. If additional information or submittals are required and the application is not made complete within six (6) months of the completeness determination letter, the application shall be deemed by the city to have been withdrawn and no action will be taken on the application. Unexpended fees, as determined by the Community Development Director, will be returned to the applicant. If the applicant subsequently wishes to pursue the project, a new application, including fees, plans, exhibits, and other materials, must then be filed in compliance with this article.

E. Right to Appeal. The applicant may appeal the determination in accordance with Section 17.10.070 (Appeals) and the Permit Streamlining Act (California Government Code Section 65943). (Ord. 2010-02 § 1 (part), 2010)

17.10.040 APPLICATION REVIEW AND REPORT.

After acceptance of a complete application, the project shall be reviewed in accordance with the environmental review procedures of the California Environmental Quality Act (CEQA). The Community Development Director will consult with other departments as appropriate to ensure compliance with all provisions of the Municipal Code and other adopted policies and plans. The Community Development Director will prepare a report (the staff report) to the designated approving authority describing the project, along with a recommendation to approve, conditionally approve, or deny the application. The report shall be provided to the applicant prior to consideration of the entitlement request. The report may be amended as necessary or supplemented with additional information at any time prior to the hearing to address issues or information not reasonably known at the time the report is prepared. (Ord. 2010-02 § 1 (part), 2010)

17.10.050 PUBLIC HEARING AND PUBLIC NOTICE.

A. Public Hearing Required. The following procedures shall govern the notice and public hearing, where required pursuant to this title. A public hearing shall be held for the consideration of all sign programs, variances, conditional use permits, comprehensive design reviews, development agreements, specific plans and subsequent specific plan amendments, Prezonings, zoning code amendments (text and map), and general plan amendments considered by the Planning Commission or City Council. The hearing shall be held before the designated approving authority as identified in this title.

B. Notice of Hearing. Pursuant to California Government Code Section 65090 to 65094, not less than ten (10) days before the scheduled date of a hearing, public notice shall be given of such hearing in the manner listed below. The notice shall state the date, time, and place of hearing, identify the hearing body, and provide a general explanation of the matter to be considered and a general description of the real property (text or diagram), if any, which is the subject of the hearing.

1. Notice of public hearing shall be published in at least one (1) newspaper of general circulation in the city.
2. Except as otherwise provided herein, notice of the public hearing shall be mailed, postage prepaid, to the owners of property within a radius of three hundred (300) feet of the exterior boundaries of the property involved in the application, using for this purpose the last known name and address of such owners as shown upon the current tax assessors records. If the number of owners exceeds one thousand (1,000), the city may, in lieu of mailed notice, provide notice by placing notice of at least one eighth (1/8) page in one (1) newspaper of general circulation within the city.
3. Notice of the public hearing shall be mailed, postage prepaid, to the owner of the subject real property or the owner's authorized agent and to each local agency expected to provide water, sewerage, streets, roads, schools, or other essential facilities or services to the proposed project.
4. Notice of the public hearing shall be posted at City Hall.
5. Notice of the public hearing shall be mailed to any person who has filed a written request for notice.
6. In addition to the notice required by this section, the city may give notice of the hearing in any other manner it deems necessary or desirable.

C. Requests for Notification. Any person who requests to be on a mailing list for notice of hearing shall submit such request in writing to the City Clerk. The city may impose a reasonable fee for the purpose of recovering the cost of such notification.

D. Receipt of Notice. Failure of any person or entity to receive any properly issued notice required by law for any hearing required by this title shall not constitute grounds for any court to invalidate the actions of a designated approving authority for which the notice was given.

E. Hearing Procedure. Hearings as provided for in this chapter shall be held at the date, time, and place for which notice has been given as required in this chapter. The approving authority shall conduct the public hearing and hear testimony from interested persons. The summary minutes shall be prepared and made part of the permanent file of the case. Any hearing may be continued to a date certain. If the hearing is not continued to a specific date/time, then the hearing shall be re-noticed. (Ord. 2010-02 § 1 (part), 2010)

17.10.060 APPROVING AUTHORITY.

A. Approving Authority. The approving authority as designated in Table 17.10.060-1 (Approving Authority for Land Use Entitlements) shall approve, conditionally approve, or deny the proposed land use or development permit in accordance with the requirements of this title. Table 17.10.060-1 (Approving Authority for Land Use Entitlements) identifies both recommending (R) and final (F) authorities for each permit. In acting on a permit, the approving authority shall make the applicable findings as established in Chapter 17.12 (Entitlements) and as may be required by other laws and regulations. An action of the approving authority may be appealed pursuant to procedures set forth in Section 17.10.070 (Appeals).

1. Multiple entitlements. When a proposed project requires more than one (1) permit with more than one (1) approving authority, all project permits shall be processed concurrently and final action shall be taken by the highest-level designated approving authority for all such requested permits.

TABLE 17.10.060-1

APPROVING AUTHORITY FOR LAND USE ENTITLEMENTS

Type of Permit or Decision	Designated Approving Authority “R” symbolizes the “Recommending Body” “F” symbolizes the “Final Decision-Making Body”		
	Community Development Director	Planning Commission	City Council
Plan Check	F		
Similar Use Determination	F		
Reasonable Accommodations	F		
Administrative Use Permit ⁽¹⁾	ZA/F		
Temporary Use Permit (1)	ZA/F		
Administrative Design Review (1)	ZA/F		
Sign Permit	F		
Creative Sign Program	F		
Sign Program	R	F	
Minor Deviation	F		
Variance	R	F	
Conditional Use Permit	R	F	
Comprehensive Design Review	R	F	
Development Agreement	R	R	F
Specific Plan or Specific Plan Amendment	R	R	F
Prezoning	R	R	F
Zoning Amendment (Text and Map)	R	R	F
General Plan Amendment	R	R	F
Small Cell Attachment Permit ⁽²⁾	ZA/F		
<u>Accessory Dwelling Unit and Junior Accessory Dwelling Unit</u>	F		
<u>SB 9 Urban Lot Split and Unit Development</u>	F		
<u>Lot Consolidation, Lot Merger, Lot Line Adjustment</u>	F		

Notes:

(1) As specified in Chapter 17.12, the Zoning Administrator is the final decision maker for these permit applications.

(2) As specified in Chapter 17.77, the Zoning Administrator is the final decision maker for these permit applications.

B. Referral.

1. Referral to Planning Commission. At any point in the application review process, the Community Development Director or Zoning Administrator may transfer decision making authority to the Planning Commission at his or her discretion because of policy implications, unique or unusual circumstances, or the magnitude of the project.

2. Public hearing. A referred application shall be considered at a noticed public hearing.

3. Referral is not an appeal. A referral to another decision-maker is not an appeal and requires no appeal application or fee.

4. Subsequent applications. The decision-maker on the referral may consider subsequent amendments, time extensions or revocations of the referred application. (Ord. 2019-03 § 2, 2019; Ord. 2010-02 § 1 (part), 2010)

17.10.070 APPEALS.

A. Purpose and Applicability. The purpose of these provisions is to prescribe the procedure through which an appeal may be made in case an interested person is dissatisfied with any order, requirement, permit, decision, determination, approval or disapproval, made in the administration, interpretation or enforcement of this title.

B. Appeal Authority. Any person dissatisfied with a determination or action of the Community Development Director, Zoning Administrator, or Planning Commission made pursuant to this Article may appeal such action to the designated

Appeal Authority listed in Table 17.10.070-1 (Appeal Authority) below, within ten (10) days from the date of the action. Actions by the City Council are final and no further administrative appeals are available.

TABLE 17.10.070-1

APPEAL AUTHORITY

Approving Authority for Action Being Appealed	Appeal Authority	
	Planning Commission	City Council
Community Development Director	X	
Zoning Administrator	X	
Planning Commission		X

C. Filing an Appeal. All appeals shall be submitted in writing, identifying the determination or action being appealed and specifically stating the grounds or legal basis for the appeal. Appeals shall be filed within ten (10) days following the date of determination or action for which an appeal is made, accompanied by a filing fee established by City Council resolution, and submitted to the City Clerk. Any staff, City Attorney, or other appeals process costs beyond the filing fee shall be paid by the project applicant or developer as specified in the City's Master Fee Schedule.

D. City Councilmember Appeal. A City Councilmember may appeal an action of the Planning Commission as specified in Section 17.10.070C. A City Councilmember appeal shall be processed in the same manner as an individual appeal from a member of the public.

E. Notice and Schedule of Appeal Hearings. Unless otherwise agreed upon by the person filing the appeal and the applicant, appeal hearings should be conducted within forty-five (45) days from the date of appeal submittal. Notice of hearing for the appeal shall be provided pursuant to noticing requirements of Section 17.10.050 (Public Hearing and Public Notice).

F. Appeal Hearing and Action. Each appeal shall be considered a *de novo* (new) hearing. In taking its action on an appeal, the Appeal Authority shall state the basis for its action. The appeal authority may act to confirm, modify, reverse the action of the approving authority, in whole or in part, or add or amend such conditions as it deems necessary. The action of the appeal authority is final on the date of decision and, unless expressly provided by this chapter, may not be further appealed. (Ord. 2017-01 § 2, 2017; Ord. 2010-02 § 1 (part), 2010)

17.10.080 EFFECTIVE DATE.

Generally, the action to approve, conditionally approve, or deny a permit or entitlement authorized by this title shall be effective on the eleventh (11th) day after the date of action, immediately following expiration of the ten (10)-day appeal period. Legislative actions by the City Council (e.g., Zoning Amendment, General Plan Amendment, Specific Plans, and Development Agreements) become effective thirty (30) days from the date of final action and may not be appealed. In accordance with Section 17.06.030 (Rules of Interpretation), where the last of the specified number of days falls on a weekend or city holiday, the time limit of the appeal shall extend to the end of the next working day. Permit(s) shall not be issued until the effective date of required permit. (Ord. 2010-02 § 1 (part), 2010)

17.10.090 PERMIT TO RUN WITH LAND.

Unless otherwise conditioned, land use and development permits and approvals granted pursuant to the provisions of this chapter shall run with the land through any change of ownership of the site, business, service, use, or structures, provided that such use is compliant with this title or as specified in the permit or approval, and the permit or approval does not expire. All applicable conditions of approval shall continue to apply after a change in property ownership. (Ord. 2010-02 § 1 (part), 2010)

17.10.100 PERMIT TIME LIMITS, EXTENSIONS, AND EXPIRATION.

A. Time Limits. Unless a condition of approval or other provision of this title establishes a different time limit, any permit not exercised within one (1) year of approval shall expire and become void, except where an extension of time is approved in compliance with division C. below.

B. Exercising Permits. The exercise of a permit occurs when the property owner has performed substantial work and incurred substantial liabilities in good faith reliance upon such permit(s). A permit may be otherwise exercised pursuant to a condition of the permit or corresponding legal agreement that specifies that other substantial efforts or expenditures constitutes exercise of the permit. Unless otherwise provided, permits that have not been exercised prior to a zoning amendment, which would make the permitted use or structure nonconforming, shall automatically be deemed invalid on the effective date of the zoning amendment.

C. Permit Extensions. The approval of an extension extends the expiration date for two (2) years from the original permit date. After this initial permit extension, a final one (1)-year extension of time may be granted pursuant to the same process as set forth in this section.

1. Process. The same approving authority that granted the original permit may extend the period within which the exercise of a permit must occur. Notice and/or public hearing shall be provided in the same manner as for the original permit. An application for extension shall be filed not less than thirty (30) days prior to the expiration date of the permit, along with appropriate fees and application submittal materials.

2. Conditions. The permit, as extended, may be conditioned to comply with any development standards that may have been enacted since the permit was initially approved.

3. Permit extension findings. The extension may be granted only when the designated approving authority finds that the original permit findings can be made and there are no changed circumstances or there has been diligent pursuit to exercise the permit that warrants such extension.

D. Expiration. If the time limits are reached with no extension requested, or a requested extension is denied or expires, the permit expires. (Ord. 2010-02 § 1 (part), 2010)

17.10.110 MODIFICATION.

A. Any person holding a permit granted under this title may request a modification or amendment to that permit. For the purpose of this section, the modification of a permit may include modification of the terms of the permit itself, project design, or the waiver or alteration of conditions imposed in the granting of the permit.

B. If the Community Development Director determines that a proposed project action is not in substantial conformance with the original approval, the Community Development Director shall notify the property owner of the requirement to submit a permit modification application for consideration and action by the same approving authority as the original permit. A permit modification may be granted only when the approving authority makes all findings required for the original approval and the additional finding that there are changed circumstances sufficient to justify the modification of the approval. (Ord. 2010-02 § 1 (part), 2010)

17.10.120 REVOCATION.

This section provides procedures for the revocation previously approved land use entitlements or permit.

A. Consideration. The approving authority for the original entitlement or permit shall consider the revocation of same entitlement or permit.

B. Noticed Public Hearing. The decision to revoke an entitlement or permit granted pursuant to the provisions of this title shall be considered at a noticed public hearing. Public notice shall be provided and public hearing conducted pursuant to Section 17.10.050 (Public Hearing and Public Notice).

C. Findings. A decision to revoke an entitlement or permit may be made if any one (1) of the following findings can be made:

1. Circumstances under which the entitlement or permit was granted have been changed by the applicant to a degree that one (1) or more of the findings contained in the original entitlement or permit can no longer be met.

2. The entitlement or permit was issued, in whole or in part, on the basis of a misrepresentation or omission of a material statement in the application, or in the applicant's testimony presented during the public hearing, for the entitlement or permit.

3. One (1) or more of the conditions of the entitlement or permit have not been substantially fulfilled or have been violated.

4. The use or structure for which the entitlement or permit was granted has ceased to exist or has lost its legal nonconforming use status.

5. The improvement authorized in compliance with the entitlement or permit is in violation of any code, law, ordinance, regulation, or statute.

6. The improvement/use allowed by the entitlement or permit has become detrimental to the public health, safety, or welfare or the manner of operation constitutes or is creating a public nuisance. (Ord. 2010-02 § 1 (part), 2010)

17.10.130 REAPPLICATIONS.

An application shall not be accepted or acted upon if within the past twelve (12) months an application, which covers substantially the same real property and requests approval of substantially the same project, has been made and denied by the city unless the review authority allows the reapplication because of an express finding that one (1) or more of the following factors applies:

A. New evidence. New evidence potentially material to a revised decision is presented which was unavailable or unknown to the applicant at the previous hearing and which could not have been discovered in the exercise of reasonable diligence by the applicant.

B. Substantial and permanent change of circumstances. There has been a substantial and permanent change of circumstances since the previous hearing which materially affects the applicant's real property.

C. Mistake made at the previous hearing. A mistake was made at the previous hearing which was a material factor in the denial of the previous application. (Ord. 2010-02 § 1 (part), 2010)

2. Pinole Municipal Code Chapter 17.32 Affordable Housing Requirements [Amendment]

Full Chapter included.

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

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

CHAPTER 17.32

AFFORDABLE HOUSING REQUIREMENTS

Sections:

- 17.32.010 Purpose.
- 17.32.020 General requirements for affordable housing.
- 17.32.030 Exemptions.
- 17.32.040 Incentives for on-site housing.
- 17.32.050 Affordable housing development requirements.
- 17.32.060 Alternative methods of compliance.
- 17.32.070 Affordable housing plan processing.
- 17.32.080 Eligibility.
- 17.32.090 Adjustments.
- 17.32.100 Severability.

17.32.010 PURPOSE.

This chapter establishes policies, incentives, design standards, and alternative methods of compliance for meeting the city's affordable housing needs. The purpose of this chapter is to promote achievement of the city's general plan housing element goals for affordable housing. The policies outlined in this chapter regulate the method of determining the minimum requirements. Further, this chapter identifies the administrative procedures related to affordable housing requests. (Ord. 2010-02 § 1 (part), 2010)

17.32.020 GENERAL REQUIREMENTS FOR AFFORDABLE HOUSING.

Consistent with the City of Pinole general plan housing element, the city requires the designation of land for affordable housing to meet the city's future housing needs. The requirements of this chapter shall be governed by the requirements of the Community Redevelopment Law (California Health & Safety Code Section 33000 *et seq.*), as that statute is amended from time-to-time. Where conflict occurs between the requirements of this chapter and state law, state law shall govern. General requirements are listed below:

A. General Requirement. For all rental or ownership residential developments of four (4) or more primary dwelling units located in the City, at least fifteen percent (15%) of the total units must be constructed and offered for sale or rent as an affordable housing unit. For projects proposing rental units, a minimum of 40 percent of the 15 percent of total units (i.e., at least 6% of total units excluding density bonus units) must be affordable to households at or below the very low income level. The remaining affordable rental units must be affordable to households at or below the low income level. For projects proposing ownership units, 100 percent of the affordable units must be affordable to households at or below the moderate income level. ~~Of those units, forty percent (40%) must be affordable to very low income households.~~ For example, a proposed rental residential development for twenty (20) single-family homes must provide three (3) affordable housing units, two (2) of which are affordable to very low income households and one (1) of which is affordable to low income households. Existing units that are to be retained shall be included in the number of units in the residential development for purpose of calculating the number of affordable housing units required by this chapter.

B. Residential Parcel Maps and Subdivisions. For all residential subdivisions except for SB 9 projects under Chapter 17.71 (SB9 Urban Lot Split and Unit Development) ~~within or outside of the city's redevelopment area~~ where the lots to be approved would permit the eventual development of four (4) or more dwelling units, the applicant shall either agree to future development of affordable units under an affordable housing plan, or shall propose an alternative method of compliance to meet the affordable housing requirements, pursuant to the requirements as established in Section 17.32.060 (Alternative Methods of Compliance).

C. Density Bonus Units. Any additional units approved as a density bonus under Chapter 17.38 (Density Bonus) will not be counted in determining the required number of affordable housing units. For example, a proposed project with twenty (20) units that receives a twenty-five percent (25%) density bonus of five (5) units will calculate the affordable housing requirements based on twenty (20) units and must provide three (3) affordable housing units, two (2) of which are affordable to very low income households.

D. Rounding. In determining the number of affordable housing units required by this chapter, any decimal fraction shall be rounded up to the nearest whole number.

E. Moderate income, low-income, and very-low income shall have the meanings set forth in Health and Safety Code section 50050 et seq. A unit shall be "affordable" if it is rented at an "affordable rent" or sold at an "affordable housing cost" as defined in Health and Safety Code section 50050 et seq.

F. E. Price Limits for Affordable Housing Units. Affordable housing units must be restricted for sale or rental at affordable

prices as identified in Table 17.32.020-1 below:

TABLE 17.32.020-1

PRICE LIMITS FOR AFFORDABLE HOUSING UNITS

<u>15% of the units in any residential development must be affordable housing units and reserved for:</u>	<u>Affordability Proportion Affordable Housing Units (%)</u>	<u>Affordability Level Percentage of Area Median Income Used to Determine Housing Costs</u>	<u>Income Used to Determine Affordable Housing Costs (%)</u>
Rental Developments			
Very Low Income <u>Units</u> Occupants	40% <u>of affordable units</u> ¹	<u>Very low income level based on State Income Limits (approximately 50% of Area Median Income)</u> below 50%	30%
Low Income <u>Units</u> Occupants	60% <u>of affordable units</u> ¹	<u>Low income level based on State Income Limits (approximately 80% of Area Median Income)</u> below 80%	30%
Ownership Developments			
Moderate Income <u>Units</u> Households	100% <u>of affordable units</u> ¹	<u>Moderate income level based on State Income Limits (approximately 120% of Area Median Income)</u> below 120%	30%

¹ Affordable units are at least 15 percent of total units, excluding density bonus units, as described in Section 17.32.020(A).

(Ord. 2010-02 § 1 (part), 2010)

17.32.030 EXEMPTIONS.

The requirements of this chapter shall not apply to the following types of development projects:

- A. Manufactured Homes.
- B. Pending Complete Applications. A project which has submitted an application for approval, which application was deemed complete by the Community Development Director prior to the effective date of this title.
- C. Casualty Reconstruction Projects. The reconstruction of any residential units or structures which have been destroyed by fire, flood, earthquake, or other act of nature, which are being reconstructed in a manner consistent with the requirements of Chapter 17.14 (Nonconforming Uses and Structures). (Ord. 2010-02 § 1 (part), 2010)

17.32.040 INCENTIVES FOR ON-SITE HOUSING.

A. In the Affordable Housing Plan that is prepared and approved in accordance with Section 17.32.070 (Affordable Housing Plan Processing), the applicant shall identify the incentives or modifications requested and describe the exceptional circumstances that necessitate assistance from the city, as well as provide documentation of how such incentives increase the feasibility of providing affordable housing. Incentives will be offered only to the extent resources for this purpose are available and approved for such use by the City Council, as defined below, and to the extent that the project, with the use of incentives, assists in achieving the city's housing goals. Nothing in this chapter establishes, directly or through implication, a right of an applicant to receive any incentive from the city.

B. The following incentives may be approved for applicants who construct affordable housing units on-site:

1. Density Bonus. Consistent with California Government Code Sections 65915 through 65918, qualifying projects can receive a density bonus by right. Density bonus requirements are outlined in Chapter 17.38 (Density Bonus) of this code.
2. Fee Subsidy or Deferral. The City Council, by resolution, may subsidize or defer payment of city development impact fees and/or building permit fees applicable to the affordable housing units or the project of which they are a part. The affordability control covenant shall include the terms of the fee subsidy or deferral.
3. Design Modifications. The granting of design modifications relative to affordable housing requirements **shall be the approving authority of the project. Projects qualifying for a density bonus shall be consistent with the applicable provisions under Chapter 17.38 Density Bonus and Government Code Sections 65915 through 65918, and shall require approval of the City Council and shall meet all applicable zoning requirements of the city. Modifications to typical development standards may include, but are not limited to,** the following:

- a. Reduced minimum setbacks;
- b. Reduced minimum building separation requirements;
- c. Reduced square footage requirements;

- d. Reduced parking requirements;
- e. Reduced minimum lot sizes and/or dimensions;
- f. Reduced street standards (e.g., reduced minimum street widths);
- g. Reduced on-site open space requirements;
- h. Increased height limitations;
- i. Increased maximum lot coverage;
- j. Increased floor area ratio;
- k. Allowance for live-work units within multi-family residential zoning districts;
- l. In lieu of reduced setbacks, allowance for attached dwelling units, if shown to be necessary to make the project feasible; or
- m. Other regulatory incentives or concessions proposed by the developer or the city that result in identifiable, financially sufficient, and actual cost reductions.
- n. Priority Processing. After receiving the required discretionary approvals, the residential development that provides affordable housing units may be entitled to priority processing of building and engineering approvals, subject to the approval of the City Manager. (Ord. 2010-02 § 1 (part), 2010)

4. Park Fee Waivers for Additional Affordable Units. Additional deed-restricted affordable units beyond the minimum fifteen (15) percent inclusionary unit requirement, as described under Section 17.32.020, are eligible for waiver of park impact fees.

17.32.050 AFFORDABLE HOUSING DEVELOPMENT REQUIREMENTS.

Affordable housing units constructed pursuant to this chapter must conform to the following requirements:

~~A. Design.~~ Except as otherwise provided in this chapter, affordable housing units shall be integrated within and reasonably dispersed throughout the project and shall be comparable in infrastructure (including sewer, water, and other utilities), construction quality, exterior design, and materials to the market-rate units. Affordable housing units may have different interior finishes and features than market-rate units so long as the interior features are durable, of good quality, and consistent with contemporary standards for new housing as determined by the Community Development Director.

~~B. Size.~~ All affordable housing units shall reflect the range and numbers of bedrooms provided in the project as a whole, except that affordable housing units need not provide more than four (4) bedrooms.

A. 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.

B. 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 an 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.

C. 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.

~~D. Availability.~~ All affordable housing units shall be constructed concurrently with and be made available for qualified occupants at the same time as ~~or prior to~~, the market-rate units within the same project unless the city and developer agree in the Affordable Housing Agreement to an alternative schedule for development.

~~E. Affordable Housing Agreement.~~ An Affordable Housing Agreement shall be made a condition of the discretionary planning entitlements for all qualifying projects granted a density bonus, fee subsidy, fee deferral, or design modifications. The Affordable Housing Agreement shall include an affordable housing plan and shall be reviewed and approved by the ~~City~~ **Manager**City Council.

~~F. Duration of Affordability Requirement.~~ Affordable housing units produced under this chapter must be legally restricted to occupancy by households of the income levels for which the units were designated pursuant to and in conformance with

the requirements of this title, any other applicable city regulation, and state law. (Ord. 2010-02 § 1 (part), 2010)

17.32.060 ALTERNATIVE METHODS OF COMPLIANCE.

A. Applicant Proposals. If it is not practical to construct on-site affordable housing units, the city will consider alternatives of equal value. Accordingly, the applicant may propose an alternative means of compliance with this chapter by submitting to the city an affordable housing plan. One (1) alternative the applicant may consider is the construction of affordable housing units, subject to the requirements listed below:

1. Off-site construction. All or some of the required affordable housing units may be constructed off-site if the Planning Commission (or City Council on appeal) finds that the combination of location, unit size, unit type, pricing, and timing of availability of the proposed off-site affordable housing units would provide equivalent or greater benefit than would result from providing those affordable housing units on-site as might otherwise be required by this chapter. Prior to the recordation of the final subdivision map for the proposed residential development, the applicant shall post a bond, bank letter of credit, or other security acceptable to the Community Development Director, in the amount equivalent to the cost of land and improvements for the affordable housing units, as determined by the Community Development Director, to be used by the city to meet the goals of providing affordable housing in the city in the event that the off-site affordable housing units are not completed (as evidenced by the issuance of a certificate of occupancy for such units) according to the schedule stated in the affordable housing plan submitted by the applicant.

B. Discretion and Required Finding. ~~The approving authority for the project~~ ~~The Planning Commission (or City Council on appeal)~~ may approve, conditionally approve, or reject any alternative proposed by an applicant as part of an affordable housing plan. Any approval or conditional approval must be based on a finding that the purpose of this chapter would be better served by implementation of the proposed alternative, in which the ~~approving authority for the project~~ ~~Planning Commission or City Council~~ should consider the extent to which other factors affect the feasibility of prompt construction of the affordable housing units, such as site design, zoning, infrastructure, clear title, grading, and environmental review. (Ord. 2010-02 § 1 (part), 2010)

17.32.070 AFFORDABLE HOUSING PLAN PROCESSING.

A. General. The submittal of an affordable housing plan and recordation of an approved city affordable control covenant shall be a precondition on the city approval of any Final Subdivision Map, and no building permit shall be issued for any development to which this chapter applies without full compliance with the requirement of this section. This section shall not apply to exempt projects.

B. Affordable Housing Plan. Every residential development to which this chapter applies shall include an affordable housing plan as part of the application submittal for either development plan approval or subdivision approval. No application for a tentative map, subdivision map, or building permit for a development to which this chapter applies may be deemed completed until an affordable housing plan is submitted to and approved by the Community Development Director as being complete. At any time during the formal development review process, the Community Development Director may require from the applicant additional information reasonably necessary to clarify and supplement the application or determine the consistency of the project's proposed affordable housing plan with the requirements of this chapter.

C. Required Plan Elements. An affordable housing plan must include the following elements or submittal requirements:

1. The number, location, structure (attached, semi-attached, or detached), and size (bedrooms, bathrooms, and square footage) of the proposed market-rate and affordable housing units and the basis for calculating the number of affordable housing units.

2. A floor or site plan depicting the location of the affordable housing units and the market-rate units.

3. The income levels to which each affordable housing unit will be made affordable.

4. The term of affordability for the affordable housing units.

5. The methods to be used to advertise the availability of the affordable housing units and the procedures for qualifying and selecting the eligible purchasers and/or tenants, including preference to be given, if any, to applicants who live or work in the city.

6. A schedule for completion and occupancy of the affordable housing units. For phased development, a phasing plan that provides for the timely development of the number of affordable housing units proportionate to each proposed phase of development.

7. A description of any incentives or modifications as listed in Section 17.32.040 (Incentives for On-Site Housing) including a description of exceptional circumstances that necessitate assistance from the city, as well as documentation of how such incentives increase the feasibility of providing affordable housing.

8. Any alternative means, as designated in Section 17.32.060.A, proposed for the development along with information necessary to support the findings required by Section 17.32.060.B for approval of such alternatives.

9. Except when prohibited by state or federal law, the plan shall require that preference shall be given to households that live or work in Pinole when selling or leasing affordable units within a development.

~~10.9-~~ Any other information reasonably requested by the Community Development Director to assist with evaluation of the affordable housing plan under the requirements of this chapter.

D. Affordability Control Covenants. Prior to issuance of a grading permit or building permit, whichever is requested first, a standard City affordability control covenant must be approved and executed by the Community Development Director, executed by the applicant/owners, and recorded against the title of each affordable housing unit. If subdivision into individual property parcels has not been finalized at the time of issuance of a grading permit or building permit, an overall interim affordability control covenant shall be recorded against the residential development and shall be replaced by separate recorded affordability control covenants for each unit prior to issuance of a certificate of occupancy by the city for such units. The affordability control covenants must identify any incentives, modifications, or terms of any fee waiver, as permitted pursuant to Chapter 17.38 (Density Bonus), approved by the city. (Ord. 2010-02 § 1 (part), 2010)

17.32.080 ELIGIBILITY.

A. General Eligibility for Affordable Housing Units. No household may purchase, rent, or occupy an affordable housing unit unless the city has approved the household's eligibility, and the household and city have executed and recorded an affordability control covenant in the chain of title of the affordable housing unit. Such affordability control covenant is in addition to the covenant required in Section 17.32.070.D.

B. Owner Occupancy. A household which purchases an affordable housing unit must occupy that unit as a principal residence, as that term is defined for federal tax purposes by the United States Internal Revenue Code. (Ord. 2010-02 § 1 (part), 2010)

17.32.090 ADJUSTMENTS.

A. Adjustments. The requirements of this chapter may be adjusted to propose an alternative method of compliance with the chapter in accordance with Section 17.32.060 (Alternative Methods of Compliance) by the city if the applicant demonstrates to the **approving authority of the project** ~~Planning Commission (or the City Council on appeal)~~ that applying the requirement of this chapter would be contrary to the requirements of the laws or the constitutions of the United States or California.

B. Timing of Waiver Request. To receive an adjustment or waiver, the applicant must make an initial request of the **approving authority of the project** ~~Planning Commission~~ for such an adjustment or waiver and provide an appropriate demonstration of the appropriateness of the adjustment or waiver **required for when first applying to the Planning Commission for the review and approval of the proposed development plan or subdivision review as such review and approval is required by the City of Pinole Municipal Code.**

C. Waiver and Adjustment Considerations. In making a determination on an application to adjust or waive the requirements of this chapter, the **approving authority of the project** ~~Planning Commission (or City Council on appeal)~~ may assume each of the following when applicable:

1. That the applicant is subject to the affordable housing requirements of Chapter 17.32 (Affordable Housing Requirements);
2. The extent to which the applicant will benefit from affordable housing incentives under Section 17.32.040 (Incentives for On-Site Housing); and
3. That the applicant will be obligated to provide the most economical affordable housing units feasible in terms of construction, design, location, and tenure, and subject to the requirements of Chapter 17.32 (Affordable Housing Requirements). (Ord. 2010-02 § 1 (part), 2010)

17.32.100 SEVERABILITY.

If any provision of this section or its application to any property is held to be invalid by any court of competent jurisdiction, invalidity shall not affect other provisions in this section that may be implemented without the invalid sections. To this end, the provisions and clauses of this section are declared severable. (Ord. 2010-02 § 1 (part), 2010)

3. Pinole Municipal Code Chapter 17.48 Parking and Loading Requirements [Amendment]

Full Chapter included.

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

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

CHAPTER 17.48

PARKING AND LOADING REQUIREMENTS

Sections:

- 17.48.010 Purpose.
- 17.48.020 Applicability.
- 17.48.030 Permit and plan check requirements and exemptions.
- 17.48.040 General parking and loading berth requirements.
- 17.48.050 Number of parking spaces required.
- 17.48.060 Reductions in parking requirements.
- 17.48.070 Special parking standards for Old Town.
- 17.48.080 Parking requirements for the disabled.
- 17.48.090 Compact car requirements.
- 17.48.100 Parking and driveway design and development requirements.
- 17.48.110 Loading area requirements.
- 17.48.120 Bicycle parking requirements.
- 17.48.130 Maintenance.

17.48.010 PURPOSE.

This chapter establishes parking, loading and bicycle parking regulations in order to provide for safe, attractive, and convenient parking and ensure that parking areas are compatible with surrounding land uses. (Ord. 2010-02 § 1 (part), 2010)

17.48.020 APPLICABILITY.

A. The regulations contained in this chapter shall apply to the construction, change or expansion of a use or structure, and shall require that adequate parking spaces, loading areas, and bicycle parking areas are permanently provided and maintained for the benefit of residents, employees, customers, and visitors, within or outside of buildings or in a combination of both, in accordance with the requirements listed in this chapter. These requirements shall be in addition to any other development requirements contained elsewhere within the Zoning Code (e.g., landscaping).

B. Off-street parking and loading requirements of this chapter shall be recalculated as listed below.

1. New Uses and Structures. For all buildings or structures erected and all uses of land established after the effective date of this title, parking for vehicles and bicycles, and loading facilities shall be provided as required by this chapter.

2. Change in Use. When the use of any building, structure, or premises is changed, resulting in the required number of parking spaces to increase more than ten percent (10%), additional parking shall be provided consistent with Section 17.48.050 (Number of Parking Spaces Required). Previous parking modifications granted by the approving authority shall be null and void.

3. Change of Occupancy. Where a new business license is required, additional parking spaces shall be provided if the new occupancy would result in an increase of more than ten percent (10%) in the required number of parking spaces.

4. Modification to Existing Structures. Whenever an existing building or structure is modified such that it creates an increase of more than ten percent (10%) in the number of parking spaces required, additional parking spaces shall be provided in accordance with the requirements of this chapter. (Ord. 2010-02 § 1 (part), 2010)

17.48.030 PERMIT AND PLAN CHECK REQUIREMENTS AND EXEMPTIONS.

New parking lots and modifications or expansions to existing parking lots require the following entitlements:

A. Building Permit. New parking lot design and modifications to existing parking lots in conjunction with a substantial change in use to an existing structure shall be reviewed in conjunction with the building permit and any other land use or development permit.

B. Plan Check. Modification or improvements to an existing parking lot that impact the parking space layout, configuration, vehicular or pedestrian circulation, number of stalls or landscape planters shall require a site plan, drawn to scale, to authorize the change as consistent with the Zoning Code.

C. Exempt Activities. Parking lot improvements listed below shall be considered minor in nature if they do not alter the

number or configuration of parking stalls and therefore exempt from plan check requirements located in Section 17.12.030 (Plan Check). However, exempt activities listed herein may require other ministerial permits (e.g., building permit, grading permit).

1. Repair of any defects in the surface of the parking area, including repairs of holes and cracks;
2. Resurfacing, slurry coating, and restriping of a parking area with identical delineation of parking spaces;
3. Repair or replacement in the same location of damaged planters and curbs; and
4. Work in landscape areas, including sprinkler line repair, or replacement of landscape materials. (Ord. 2010-02 § 1 (part), 2010)

17.48.040 GENERAL PARKING AND LOADING BERTH REQUIREMENTS.

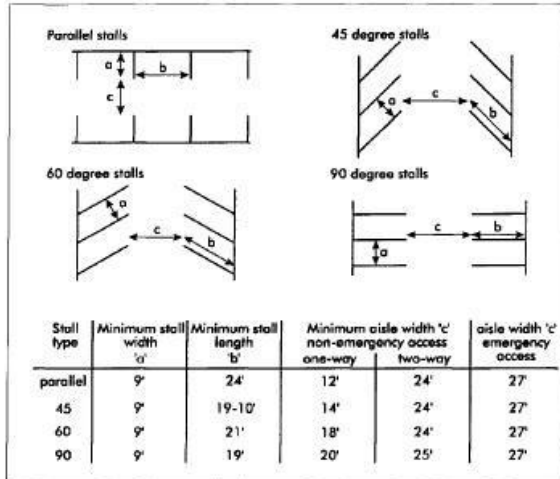
The layout of parking spaces, loading berths, and parking aisles shall comply with all the requirements listed below. These parking requirements apply to both on-street and off-street parking spaces, unless specifically stated otherwise.

A. The required parking spaces, loading berths, and parking aisles may not be located on any street right-of-way.

B. Parking Space and Drive Aisle Dimensions. Each parking space shall have a minimum size of nine (9) feet by eighteen (18) feet when outdoors and shall be free of obstructions such as columns or walls. Each parking space shall be ten (10) feet by twenty (20) feet when indoors or where columns or walls are located within the parking area. Loading space requirements and standards shall be as provided under Section 17.48.110. General parking space and drive aisle dimensions for parking lots are shown in Figure 17.48.040-1 (Parking Space and Drive Aisle Dimensions) below. Proposed modifications to minimum aisle width may be granted upon demonstration that modifications meet applicable standards and requirements for safety and access to the satisfaction of the City Engineer and Fire Department Each loading berth shall be a minimum size of twelve (12) feet by thirty (30) feet whether indoors or outdoors. Parking aisles shall have a minimum width of twelve (12) feet when spaces are parallel to the aisle or up to an angle of forty (40) degrees, seventeen (17) feet when spaces are at an angle of between forty (40) degrees and seventy (70) degrees, and twenty three (23) feet when spaces are at an angle between seventy (70) degrees and ninety (90) degrees. See Figure 17.48.040-1 (Parking Space and Drive Aisle Dimensions) below for additional requirements.

FIGURE 17.48.040-1

PARKING SPACE AND DRIVE AISLE DIMENSIONS



C. Parking spaces and aisles shall have a maximum grade of seven percent (7%).

D. Each parking space and aisle shall have a minimum eight (8)-foot vertical clearance.

E. Each loading berth and access thereto shall have a minimum fifteen (15)-foot vertical clearance.

F. Each parking space and loading berth shall have vehicular access to the street, without passing over other parking spaces, unless as specifically allowed as tandem parking spaces.

G. Neither a required side yard abutting a street nor a front yard shall be used ~~for~~ to meet minimum off-street parking requirements. (Ord. 2010-02 § 1 (part), 2010)

17.48.050 NUMBER OF PARKING SPACES REQUIRED.

A. The following number of parking spaces shall be required to serve the uses or buildings listed, as established in Table 17.48.050-1 (Parking Requirements by Land Use). Multiple property owners may apply for an Administrative Use Permit ~~use permit~~ for shared parking pursuant to Section 17.48.060 (Reductions in Parking Requirements); otherwise all uses must provide the sum of the requirements for each individual use. Where the requirements result in a fractional space, the next larger whole number shall be the number of spaces required. In addition, the requirements listed below shall apply.

1. "Square feet" means "gross square feet" and refers to the sum gross square feet of the floor area of a building and its accessory buildings unless otherwise specified.

2. For the purpose of calculating residential parking requirements, dens, studies, or other similar rooms that may be used as bedrooms shall be considered bedrooms.

3. Where the number of seats is listed to determine required parking, seats shall be construed to be fixed seats. Where fixed seats provided are either benches or bleachers, such seats shall be construed to be not more than eighteen (18) linear inches for pews and twenty-four (24) inches for dining, but in no case shall seating be less than determined as required by the Building Code.

4. When the calculation of the required number of off-street parking spaces results in a fraction of a space, the total number of spaces shall be rounded up to the nearest whole number.

5. Where private streets are proposed for residential development, resident and guest parking shall be provided as determined by the approving authority in conjunction with the required planning entitlement(s). (Ord. 2010-02 § 1 (part), 2010)

TABLE 17.48.050-1

PARKING REQUIREMENTS BY LAND USE

LAND USE TYPE	REQUIRED PARKING SPACES
Residential Uses	
Boarding and Rooming Houses	1 space per family (based on designed capacity) plus 0.8 spaces/employee during the peak employment shift and 0.8 spaces per full-time resident staff
Dwelling, Single-Family	
Studio units Dwelling, Single-Family — studio	1 space per dwelling unit (garage enclosed or covered)
One-bedroom units Dwelling, Single-Family — one bedroom	2 spaces per dwelling unit (garage enclosed or covered), tandem parking spaces permitted
Two- to four- bedroom units Dwelling, Single-Family — two to four bedrooms	2 spaces per dwelling unit (1 space must be garage enclosed or covered), tandem parking spaces permitted in Old Town
Five or more bedroom units Dwelling, Single-Family — five or more bedrooms	3 spaces per dwelling unit (2 spaces must be garage enclosed or covered and accessed independently; the third space may be tandem)
<u>SB 9 unit development</u>	<u>See Chapter 17.71 (SB9 Urban Lot Split and Unit Development)</u>
Dwelling, Multiple-Family	
Studio units	1 space per dwelling unit (garage enclosed or covered) plus 0.3 spaces per dwelling unit for visitor parking
Dwelling, Multiple-Family	
One-bedroom units	1 space 1.5 spaces per dwelling unit (1 space must be garage enclosed or covered) plus 0.3 spaces per dwelling unit for visitor parking
Dwelling, Multiple-Family	
<u>Two- to three- bedroom units</u>	<u>1.5 spaces per dwelling unit</u>
Four or more Two+ bedroom units	2 assigned spaces per dwelling unit (1 space must be garage enclosed or covered) plus 0.3 spaces per dwelling unit for visitor parking
<u>SB 9 unit development</u>	<u>See Chapter 17.71 (SB9 Urban Lot Split and Unit Development)</u>
Accessory Dwelling Unit	1 space per bedroom or ADU, whichever is less, except parking may be waived as provided in Chapter 17.70, Accessory Dwelling Units and Junior Accessory Dwelling Units
Senior units, studio, one- and two-bedroom units <u>(Age 55 and Over)</u>	1 space per dwelling unit. <u>The minimum parking requirement may be waived if affordable housing units are provided consistent with Chapter 17.32 and the</u>

	proposed development has either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.
Senior units, three + bedroom units	1 space per dwelling unit plus 1 additional off-street space
Mobile Home Park	2 parking spaces per home site
Recreation, Education, and Public Assembly Uses	
Arena, Auditorium, Theater, Assembly Hall, and Religious Institutions with Fixed Seats	Lesser of the following calculations: 1 space per 4 seats of maximum seating capacity; or 1 space per 300 sq. ft. of gross floor area
Dancehall, Assembly Halls without Fixed Seats, Exhibition Halls	1 space per 50 sq. ft. of gross floor area used for dancing or assembly
Retail, Service, Medical and Office Uses	
Grocery Store, Food Market	1 space per 250 sf. ft. of gross floor area
Retail Sales, Banks	1 space per 300 sq. ft. of gross floor area
Retail (furniture, appliances)	1 space per 500 sq. ft. of gross floor area
Retail (building materials, autos, boats, RVs)	1 space per 200 sq. ft. of gross floor area used for offices and 1 space per 300 sq. ft. of gross floor area for sales and sales display; plus 1 space per 600 sq. ft. of gross floor area used for repair or service; plus 1 space per 2,000 sq. ft. of outdoor sales, sales displays and storage areas
Restaurants, Bars, and Night Clubs	1 space per 100 sq. ft. of gross floor area, excluding kitchen and other non-public areas
Veterinary Hospitals	1 space per 250 sq. ft. of gross floor area
Animal Boarding and Grooming	1 space per 500 sq. ft. of gross floor area
Offices, Business and Professional, including medical	1 space per 250 sq. ft. of gross floor area
Hotels and Lodging Places	1 space per unit plus 1 space/full-time resident staff and 1 space/employee during the peak employment shift
Nursing Homes	1 space per 3.5 beds
Hospitals and Sanitariums	Parking study required to determine parking needs
Auto-Related Services	
Automobile/Vehicle Service and Repair, Minor	1 space per 300 sq. ft. of any convenience store and/or office space plus 1 space per service bay if repair occurs on-site (in addition to spaces at pumps, queuing areas for pumps, and self-service water and air areas)
Automobile/Vehicle Service and Repair, Major	1 space per service bay (not including areas for auto service or auto storage), plus parking for any towing vehicles used in the operation, and 1 space per 300 sq. ft. of office area
Auto Washing	1 space per 300 sq. ft. of any indoor sales, office, or lounge areas
Schools, Private	
Business, trade and other schools or colleges	1 space per 2 full-time equivalent students enrolled plus 1 space per employee during the peak employment shift
Elementary Schools	1.2 spaces per employee during the peak employment shift
Small Family Daycare	No additional spaces required (besides the required spaces for the residential dwelling)
Large Family Daycare	1 space per employee, with a minimum of 3 spaces provided
High Schools	1 space per 4 daytime students plus 1 space for each employee during the peak employment shift

Industrial, Manufacturing, and Processing Uses	
Warehousing, Wholesaling, Research, and Other Industrial	1 space per 1000 sq. ft. of gross floor area plus 1 space per four employees

B. Uses Not Listed. Other uses not specifically listed in this section shall furnish parking as required by the approving authority in determining the off-street parking requirements. The Planning Commission shall be guided by the requirements in this section generally and shall determine the minimum number of spaces required to avoid interference with public use of streets and alleys.

(Ord. 2020-04 § 2, 2020; Ord. 2010-02 § 1 (part), 2010)

17.48.060 REDUCTIONS IN PARKING REQUIREMENTS.

The required number of parking spaces may be reduced in accordance with the following requirements.

A. Shared Parking. In order to encourage efficient use of parking spaces and good design practices, the total parking requirements for conjunctive uses shall be based on the number of spaces adequate to meet various needs of the individual uses operating during the peak parking period.

1. Use permit for shared parking. An Administrative Use Permit ~~A use permit~~ may be approved for shared parking facilities serving more than one (1) use on a site or serving more than one (1) property. The Administrative Use Permit ~~use permit~~ may allow for a reduction of the total number of spaces required by this chapter if the following findings are made:

- a. The peak hours of parking demand from all uses do not coincide so that peak demand will not be greater than the parking provided;
- b. The efficiency of parking provided will equal or exceed the level that can be expected if parking for each use were provided separately.

2. Shared parking agreement. A written agreement between the landowners and in some cases the city that runs with the land shall be filed, in a form satisfactory to the City Attorney, and include:

- a. A guarantee that there will be no substantial alteration in the uses that will create a greater demand for parking without application for approval of an amended use permit;
- b. A reciprocal grant of nonexclusive license among the business operator(s) and the landowner(s) for access to and use of the shared parking facilities; and
- c. Evidence that the agreement has been recorded in the County Recorder's office.

B. Other Parking Reductions. Required parking for any use except a single-family dwelling, accessory dwelling unit, or two (2)-family dwelling may be reduced through approval of an Administrative Use Permit ~~a use permit by the Planning Commission~~.

1. Criteria for approval. An Administrative Use Permit ~~The Planning Commission will only grant a conditional use permit for reduced parking~~ may be approved ~~if it finds that~~ the project meets all of the findings for an Administrative Use Permit in Section 17.12.060 (Administrative Use Permit) and ~~conditional use permit criteria in Section 17.12.140 (Conditional Use Permits) and that~~ three (3) or more of the circumstances listed below are true.

- a. The use will be adequately served by the proposed parking due to the nature of the proposed operation; proximity to frequent transit service; transportation characteristics of persons residing, working, or visiting the site; or because the applicant has undertaken a travel demand management program that will reduce parking demand at the site.
- b. Parking demand generated by the project will not exceed the capacity of or have a detrimental impact on the supply of on-street parking in the surrounding area.
- c. The site plan is consistent with the objectives of the zoning district and incorporates features such as unobtrusive off-street parking placed below the ground level of the project with commercial uses above or enclosed parking on the ground floor.
- d. The applicant has provided on-site parking for car share vehicles via a recorded written agreement between the landowner and the city that runs with the land. Agreement shall provide for proof of a perpetual agreement with a car share agency to provide at least one (1) car share vehicle on-site.

2. Application submittal requirements. In order to evaluate a proposed project's compliance with the above criteria, the Zoning Administrator may require submittal of a parking demand study that substantiates the basis for granting a reduced number of spaces.

(Ord. 2020-04 § 2, 2020; Ord. 2010-02 § 1 (part), 2010)

17.48.070 SPECIAL PARKING STANDARDS FOR OLD TOWN.

A. Purpose. Special parking standards are established for the Old Town area for the following primary purposes:

1. Spur growth in the core of old town by not requiring uses to provide more parking spaces than presently exist in the core;

2. Manage the growth of old town by limiting the number of businesses, offices, lodges, clubs and associations in the core of old town which may generate traffic or parking demands in excess of commercial, office and public assembly parking availability, causing the overflow of traffic and parking to spill over onto adjacent residential streets;

3. Manage traffic circulation and parking capacity by periodically assessing parking capacity in the core of old town;

4. Manage traffic circulation and parking by requiring reciprocal easement agreements between new parking lots and adjacent properties zoned for public facility, commercial, office or mixed use on which new parking lots can potentially be developed. The provision of reciprocal easements is intended to reduce street traffic and the number of on-street parking spaces used by allowing customers to find a space in an adjacent parking lot which may not be full.

B. Applicability. For the purposes of these zoning regulations, the Old Town boundaries are defined by the northern side of Park Street, the eastern side of John Street, the southern side of Plum Street, and the western side of Oak Ridge Road.

C. Special Parking Requirements for Non-Residential Uses. Generally, non-residential uses in the designated Old Town area are exempt from the parking requirements outlined in Table 17.48.050-1 (Parking Requirements by Land Use). However, new non-residential uses and non-residential uses that propose to expand by fifty percent (50%) or more, which would result in a parking demand of thirty (30%) or more spaces, may be subject to parking requirements if required criteria are met through a subsequent parking capacity assessment outlined herein.

D. Parking Capacity Assessment. In order to provide development opportunity and adequate parking in Old Town, the redevelopment agency has assembled property for shared parking and reduced standards as outlined herein to rely on this shared parking rather than compelling each business to satisfy parking demand on-site. To ensure that adequate parking remains available, the Planning Commission will periodically evaluate parking conditions in the Old Town in the form of a parking capacity assessment. Through analysis of that assessment, the Planning Commission will determine whether the then current parking supply is adequate to meet the corresponding parking demand. The following standards and criteria apply to the parking assessment and determination:

1. Assessment Frequency. The city will evaluate and monitor parking supply and demand on a regular basis. A parking capacity assessment shall be conducted the sooner of every two (2) years or after every fifth new use, that would require ten (10) or more parking spaces as outlined in Table 17.48.050-1 (Parking Requirements by Land Use).

2. Responsibility and Content. City staff shall prepare the parking capacity assessment for Planning Commission consideration. The assessment shall include average and peak parking capacity in the designated Old Town area.

3. Determination of Parking Adequacy. The Planning Commission shall find that parking is adequate if parking demand does not exceed eighty-five percent (85%) of the available capacity within a two (2)-block radius of a project.

4. Parking Controls. The Planning Commission will implement parking controls (e.g., time limits, metered parking, and remotely located employee parking) before seeking to expand parking capacity.

5. Shared Parking. The Planning Commission will consider expanding available shared public parking (e.g., a parking garage) in order to relieve individual projects of the obligation to provide parking on-site as determined by a parking management study.

E. Reciprocal Easement Agreements. Property owners of new parking lots are required to provide reciprocal easements to adjacent properties zoned for public facility, commercial, office or mixed use on which new parking lots could potentially be developed as determined by the city engineer or Community Development Director. Placement of reciprocal easements will be determined by the city engineer and/or Community Development Director. (Ord. 2010-02 § 1 (part), 2010)

17.48.080 PARKING REQUIREMENTS FOR THE DISABLED.

A. Number of Spaces, Design Standards. Parking spaces for the disabled shall be provided in compliance with the Building Code and state and federal law.

B. Reservation of Spaces Required. The number of disabled accessible parking spaces required by this chapter shall be reserved by the property owner/tenant for use by the disabled throughout the life of the approved land use.

C. Upgrading of Markings Required. If amendments to state or federal law change standards for the marking, striping, and signing of disabled access parking spaces, disabled accessible spaces shall be upgraded in the time and manner required by law. (Ord. 2010-02 § 1 (part), 2010)

17.48.090 COMPACT CAR REQUIREMENTS.

The following requirements apply to parking provided for all uses or buildings except one (1) -family and two (2)-family dwellings:

A. Up to twenty-five percent (25%) of the required number of parking spaces may be sized for compact cars.

B. Compact car parking spaces shall be at least eight (8) feet in width and sixteen (16) feet in length, and shall be clearly marked, "COMPACT CARS ONLY," "COMPACT," or "C."

C. Compact car spaces shall be distributed throughout the parking lot.

D. Where a section of the parking lot is restricted to compact parking with an angle of 90 degrees, the aisle width may be reduced from the standard twenty-three (23) feet to twenty- one (21) feet. Such compact sections should be located so as to minimize the distance from the section to the appropriate building or activity. (Ord. 2010-02 § 1 (part), 2010)

17.48.100 PARKING AND DRIVEWAY DESIGN AND DEVELOPMENT REQUIREMENTS.

A. Surface Parking Area. All surface parking areas shall have the following improvements:

1. Each parking space and aisle, except those accessory to one (1)-family and two (2) -family dwellings, shall be graded, drained, and surfaced so as to prevent dust, mud, or standing water, and shall be identified by pavement markings, wheel stops, entrance and exit signing, and directional signs, to the satisfaction of the City Engineer.
2. Lighting, giving a ground-level illumination of one (1) to five (5) foot-candles, shall be provided in the parking area during the time it is accessible to the public after daylight. Lighting shall be shielded to prevent glare on contiguous residential properties.
3. Where such parking area abuts a street, it shall be separated by an ornamental fence, wall, or compact evergreen hedge having a height of not less than two (2) feet and maintained at a height of not more than four (4) feet. Such fence, wall, or hedge shall be maintained in good condition.
4. Parking spaces shall be marked and access lanes clearly defined. Bumpers and wheel stops shall be installed as necessary.
5. Landscape materials are permitted to overhang the curb/wheel stop creating a reduction in impervious surface material.

B. Driveway Location Standards. Development projects located at intersections shall be accessed as follows:

1. Driveways to access parcels located at the intersection of two (2) streets shall be gained through driveways from the lesser street. Determination of which street is lesser shall be made based on total paving width, amount of traffic, adjacent traffic controls, and likely destinations along each street in question.
2. Driveways serving parcels located at the intersection of two (2) streets shall be situated at the maximum practical distance from the intersection.
3. Where a proposed driveway is located at least seventy-five (75) feet from the nearest cross street, the requirements of subsection 17.48.090.B.1 and 17.48.090.B.2 may be waived.

C. Driveway Size and Composition. All residential driveways shall be a minimum of twenty (20) feet in length and shall be constructed with a lasting, durable surface (i.e., concrete, asphalt, grasscrete, or similar material) and shall be constructed to appropriate requirements as determined by the city. (Ord. 2010-02 § 1 (part), 2010)

17.48.110 LOADING AREA REQUIREMENTS.

A. Required Loading Spaces for Delivery and Distribution. A building, or part thereof, having a floor area of ten thousand (10,000) square feet or more that is to be occupied by any use requiring the receipt or distribution by vehicles or trucks of material or merchandise must provide at least one (1) off-street loading space, plus one (1) additional such loading space for each additional forty thousand (40,000) square feet of floor area. The off-street loading space(s) must be maintained during the existence of the building or use it is required to serve. Truck-maneuvering areas must not encroach into required parking areas, travel ways, or street rights-of-way.

B. Required Loading Spaces for Customers. Customer loading spaces allow bulky merchandise to be loaded into customers' vehicles. Each home improvement sales and service use shall provide at least two (2) customer loading spaces per business establishment or one (1) customer loading space per forty thousand (40,000) square feet of floor area, whichever is greater. Customer loading spaces shall be located adjacent to the building or to an outdoor sales area where bulky merchandise is stored and shall be clearly visible from the main building entry or through directional signage visible from the main entry. Customer loading spaces shall be not be located in such a way that they impede on-site traffic circulation, as determined by the Director of Public Works.

C. Requirements for Off-street Loading Spaces.

1. Minimum size. Each off-street loading space required by this section must be not less than twelve (12) feet wide, thirty (30) feet long, and fifteen (15) feet high, exclusive of driveways for ingress and egress and maneuvering areas. Loading spaces for customers may be twelve (12) feet wide, twenty-six (26) feet long and twelve (12) feet high.
2. Driveways for ingress and egress and maneuvering areas. Each off-street loading space required by this section must be provided with driveways for ingress and egress and maneuvering space adequate for trucks, per city standards.
3. Location of loading areas. An off-street loading space (excluding loading spaces for customers) required by this section must not be located closer than thirty (30) feet to any lot or parcel of land in a residential district, unless such off-street loading space is wholly enclosed within a building or on all sides by a wall not less than eight (8) feet in height. Except in industrial zoning districts, a loading door or loading dock that is visible from a public street must be screened with an eight (8)-foot-high, solid masonry or other sound-absorbing wall, with landscaping planted between the wall and the right-of-way. (Ord. 2010-02 § 1 (part), 2010)

17.48.120 BICYCLE PARKING REQUIREMENTS.

A. Applicability. Bicycle parking shall be provided for all new construction, additions of ten percent (10%) or more floor area to existing buildings, and changes in land use classification. Single-family homes, duplexes, and multi-family dwellings of less than four (4) units are exempt.

B. Number of Required Bicycle Parking Spaces. The required minimum number of bicycle parking spaces for each use

category is shown on Table 17.48.120-1. Uses that are not listed in the table are not required to provide bicycle parking. Required bicycle parking may be provided in floor, wall, or ceiling racks.

TABLE 17.48.120-1

REQUIRED BICYCLE PARKING

<i>Use Classification</i>	<i>Bicycle Parking Spaces</i>
Residential	
Multiple-Family Residential, Group Housing, or Transitional Housing	1 space per 4 units
Public, Semipublic, and Service	
Community Center, Religious Facility, or Cultural Institution	1 space per 40 seats or 1 space per 500 sq. ft. of assembly area, whichever is greater
Government Offices	1 space per 10,000 sq. ft.
Hospitals and Clinics	
Hospitals	1 space per 50 beds
Clinics	1 space per 3,000 sq. ft.
Park and Recreation Facilities	To be determined by the Zoning Administrator
Parking Facilities, Public	1 space per 20 auto spaces
Schools, Public or Private	
Elementary	2 spaces per classroom
Junior High, High School	4 spaces per classroom
Commercial and Entertainment	
Animal Sales and Services (except Kennels)	1 space per 10,000 sq. ft., minimum of 2 spaces per establishment
Banks and Other Financial Institutions	1 space per 10,000 sq. ft., minimum of 2 spaces per establishment
Business Services	1 space per 10,000 sq. ft., minimum of 2 spaces per establishment
Commercial Recreation	To be determined by the Zoning Administrator
Eating and Drinking Establishments	1 space per 10,000 sq. ft., minimum of 2 spaces per establishment
Food and Beverage Sales Offices	1 space per 10,000 sq. ft., minimum of 2 spaces per establishment
Live/Work Unit	1 space per 4 units
Retail Sales	1 space per 10,000 sq. ft., minimum of 2 spaces per establishment
Theaters	1 space per 40 seats
Business and Professional Offices	
Medical and Dental	1 space per 10,000 sq. ft., minimum of 2 spaces per establishment
Personal Service	1 space per 10,000 sq. ft., minimum of 2 spaces per establishment

C. Location. Bicycle parking must be located on the site of the use it serves, generally within fifty (50) feet of an entrance to the building it serves unless otherwise approved. In the case of a multi-tenant shopping center, bike parking must be located within fifty (50) feet of an entrance to each use it serves.

D. Bicycle Lockers. Where required bicycle parking is provided in lockers, the lockers must be securely anchored.

E. Bicycle Racks. Required bicycle parking may be provided in floor, wall, or ceiling racks. Where required bicycle parking is provided in racks, the racks must meet the following requirements:

1. The bicycle frame and one (1) wheel can be locked to the rack with a high-security U-shaped shackle lock if both wheels are left on the bicycle;
2. A bicycle six (6) feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheels or components; and
3. The rack must be securely anchored.

F. Special Requirements for Long Term Bicycle Parking. Mixed-use and high-density residential development have

special long-term bicycle parking needs. As such, required spaces for such uses shall be designed and located to maximize security in one (1) or more of the following locations/ways:

1. In a locked room.
2. In an area that is enclosed by a fence with a locked gate. The fence must be either eight (8) feet high or be floor to ceiling.
3. Within view of an attendant, security guard or employee work area.
4. In an area that is monitored by a security camera.
5. Within a dwelling unit, dormitory, or other group housing unit, live/work unit, or artists' studio. If provided within a unit, racks or lockers are not required.

G. **Parking and Maneuvering Areas.** Each required bicycle parking space must be accessible without moving another bicycle. There must be an aisle at least five (5) feet wide adjacent to all required bicycle parking to allow room for bicycle maneuvering. Where the bicycle parking is adjacent to a sidewalk, the maneuvering area may extend into the right-of-way. The area devoted to bicycle parking must be hard surfaced.

H. **Visibility.** If required bicycle parking is not visible from the street or main building entrance, a sign must be posted at the main building entrance indicating the location of the bicycle parking. (Ord. 2010-02 § 1 (part), 2010)

17.48.130 MAINTENANCE.

The minimum number of parking spaces required in this chapter shall be provided and continuously maintained. A parking, loading or bicycle parking area provided for the purpose of complying with the requirements of this chapter shall not be eliminated, reduced or converted unless equivalent facilities approved by the approving authority are provided elsewhere in compliance with this chapter. (Ord. 2010-02 § 1 (part), 2010)

Attachment B. Housing Element Programs Associated with Third Set of Revisions

[Highlighted] text was addressed in the revisions]

Program 5. SB 9 Technical Assistance and Facilitation

The City is in the process of creating informational materials to assist applicants and property owners in submitting applications for the development of SB 9 projects, which would highlight permit requirements and development standards to promote greater clarity in preparing submittals. Materials are anticipated to be completed in 2023. In the interim, City staff provides guidance to applicants and owners through correspondences by phone, email, and counter meetings to help applicants understand State standards and provisions under SB 9, discuss preliminary design concepts, and explain permit procedures. Additionally, the City is in the process of establishing objective design standards. Objective design standards would provide greater predictability and clarity regarding design attributes for new residential development and support ministerial review and are anticipated to be completed within two years of Housing Element adoption.

The City has recently received its first SB 9 application. In an effort to encourage and facilitate development in single family zone, the City will pursue a number of technical assistance and facilitation efforts including:

- Updating the zoning code. This will include a review of developmental standards that could constrain SB 9 development and updating the zoning code to remove such constraints.
- Creating a simplified lot split form to process SB 9 projects and provide the form online
- Ensure objective design standards for SB 9 units (Program 13)
- Provide enhanced technical assistance through Program 4, which includes implementing new software to provide residents and developers with tools to determine if an ADU or SB 9 unit can be put on their property. The software will provide information regarding zoning, rebate opportunities, opportunities for fee waivers available for affordable ADU and SB 9 development, and the ADU amnesty program. The objective design standards and simplified lot form for SB 9 units will be made available through the software.

This program works in conjunction with Program 23, ADU, JADU, and SB 9 Education, which provide a variety resources and outreach to homeowners regarding SB 9.

Program 6. Incentives for Mixed-Use Developments

The City will develop incentives to encourage residential mixed-use development in areas consistent with the Three Corridors Specific Plan Land Use Plans, and in particular along portions of the San Pablo Avenue, Pinole Valley Road, and Appian Way. Specific incentives

for mixed-used development include:

- A waiver of park development impact fees for deed-restricted affordable units beyond the inclusionary requirement in a development in coordination with the development of a Housing Successor's Low and Moderate Income Housing Asset Fund Policy (Program 7).
- Prepare, update, or revise EIR as appropriate to provide CEQA clearances for projects that comply with existing zoning . The City will review and update as necessary the EIR prepared for the GP and Specific Plan so that individual projects can utilize opportunities for tiering from environmental documentation and streamlining provided under CEQA, where applicable, which can reduce duplicative analyses and streamline environmental review. The City will begin the review within 3 years of Housing Element adoption and complete it within 6 years of adoption.
- Priority development project review and processing.

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

- Increased densities.
- Providing flexibility in parking requirements.

Program 7. Development of Housing Successor's Low and Moderate Income Housing Asset Fund Policy

The City will develop a Housing Successor's Low and Moderate Income Housing Asset Fund Policy. The policy will set priorities and goals for the use of affordable housing funds in the City as well as investigate the creation of an in-lieu fee as an alternative to the inclusionary housing requirement. The policy guide will ensure efficient and productive use of the resources. The policy guide will consider RHNA requirements, local housing needs and demographics, and fair housing objectives, among other factors. To encourage housing mobility and choice across Pinole, the City will prioritize use of limited affordable funding to create affordable housing developments and provide ownership of housing for moderate and lower-income households in higher opportunity areas of the City, including those with healthy environment, access to transportation and resources, and higher education scores, more common in eastern Pinole. The City is also including a waiver of park impact fees for affordable units beyond the inclusionary housing requirement (per Program 8).

The City will continue to require 15 percent of the units located in new residential developments of four or more to be affordable, and of those units, 40 percent must be affordable to very low income households with the construction of units off-site as an alternative. The City will pursue creation of an in-lieu fee alternative for the inclusionary housing requirement to provide flexibility for smaller projects and to create a new funding source for affordable housing projects.

Program 8. Affordable Housing Incentives

Create and adopt a set of incentives for projects that provide a minimum of 15 percent of total units affordable to low and moderate income households, and provide additional affordable housing beyond the City's 15 percent inclusionary requirement. Specific incentives include:

- Priority and expedited review for affordable housing developments. The City will create and adopt a process for expedited and priority review which may include, for example, completion of initial review within 20 days following the intake of a new application and providing subsequent review comments back to applicants at a targeted expedited review rate 50 percent faster than the regular review process. The expedited review process would apply to projects that include affordable housing beyond the City's inclusionary requirement and would include factors such as affordability level, location in City, and developments targeting special needs population.
- Waiver of park impact fees for all deed-restricted affordable units in excess of the 15 percent inclusionary units requirement.

The City will continue to provide incentives for lot consolidation requests made to facilitate low-income housing through strategies that may include, but are not limited to:

- Flexibility in development standards.
- Ministerial approval of lot consolidation requests made in order to facilitate development of affordable housing.

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

- Standard planning application fee waivers based on the affordability level proposed.

Program 9. Housing for Extremely Low, Very Low, Low, and Moderate Income Households and Special Needs Households, Including Persons with Disabilities

To encourage and facilitate the development of housing for lower income households, especially extremely low income households and special needs households, including housing for persons with disabilities, the City is pursuing a number of efforts identified in this program and in coordination with other programs in the Housing Element. As identified in the needs analysis of this Housing Element, special needs households with the greatest identified need in Pinole include the elderly and persons with disabilities. Specific actions and timelines to assist in the development of housing for extremely low-, very low-, low-, and moderate-income households, as well as housing for persons with special needs are as follows:

- Develop a Housing Successor's Low and Moderate Income Housing Asset Fund Policy that prioritizes affordable housing developments for extremely-low income households, households with special needs and households with persons with disabilities. The policy guide will consider RHNA requirements, local housing needs, such as the needs of special needs households, demographics, and fair housing objectives, among other factors and will be completed within 3 years of Housing Element adoption. (see Program 7).
- Develop a fee waiver program that would provide low or no-cost building permits to age-qualified, lower income households, and qualified special needs households to make improvements to their home for universal design. The fee waiver program will help reduce costs for qualifying special needs households to improve their homes. The City will develop a list of qualifying households and qualifying upgrades for the program. Eligible improvements may include plumbing, roofing, water damage,

accessibility/mobility modifications, and improvements to make moving around inside and outside the home easier, such as stair lifts and hand rails. The Program will be completed with 18 months of Housing Element adoption.

- Reduce parking standards for lower-income household developments. Zoning Ordinance amendments for will be completed within two years of Housing Element adoption.
- Contact housing service providers within Contra Costa County to determine the best way to facilitate development of housing for extremely low-income households and special needs households, including persons with disabilities within one year of Housing Element adoption
- Based on funding availability, explore, at least once a year, development assistance for multifamily and supportive housing to meet the needs of extremely low-income households and persons with disabilities (including persons with developmental disabilities), and other special needs households.
- Implement a waiver of park impact fees for all deed-restricted affordable units in excess of the 15 percent inclusionary units requirement within two years of Housing Element adoption (see Program 8.)
- A suite of actions to encourage development of housing for seniors as outlined Program 10. Actions include reducing parking for senior housing developments, a home sharing and tenant matching program, enhanced rebate options for energy efficient home improvements, and participation in regional programs.
- Annually contact developers of special needs and lower income housing to assist in development where feasible by:
 - Assisting and supporting new applications.
 - Providing priority processing, in coordination with Program 8.
 - Evaluate fee deferrals or subsidies and design modifications.
 - Facilitating site acquisition.
 - Hosting an annual workshop for developers to provide information on the City's regulations regarding housing development, opportunities and sites available for development, and the City's development incentives.

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 factor that would count one senior unit as a fraction of a regular dwelling 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