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

PINOLE CITY COUNCIL
MEETING AGENDA

March 18, 2025
5:00 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. Zoom also allows you to join the meeting by phone.

From a PC, Mac, iPad, iPhone or Android:
https://us02web.zoom.us/j/89335000272

Webinar ID: 893 3500 0272

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

- Speakers will be asked to provide their name and city of residence, although providing this is not required for participation.
- Each speaker will be afforded up to 3 minutes to speak (subject to modification by the Mayor)
- Speakers will be muted until their opportunity to provide public comment.

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

Written Comments:

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

OTHER WAYS TO WATCH THE MEETING

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

VIDEO-STREAMED LIVE ON THE CITY'S WEBSITE, www.pinole.gov and remain archived on the site for five (5) years.

If none of these options are available to you, or you need assistance with public comment, please contact the City Clerk, Heather Bell at (510) 724-8928 or hbell@pinole.gov.

Americans With Disabilities Act: In compliance with the Americans With Disabilities Act of 1990, if you need special assistance to participate in a City Meeting or you need a copy of the agenda, or the agenda packet in an appropriate alternative format, please contact the City Clerk's Office at (510) 724-8928. Notification at least 48 hours prior to the meeting or time when services are needed will assist the City staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

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

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

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

2. LAND ACKNOWLEDGMENT

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

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

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

4. CONVENE TO A CLOSED SESSION

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

A. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
Gov. Code § 54957
Title: City Manager

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

6. CITIZENS TO BE HEARD (Public Comments)

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

7. REPORTS & COMMUNICATIONS

A. Mayor Report

   1. Announcements

B. Mayoral & Council Appointments

C. City Council Committee Reports & Communications

D. Council Requests for Future Agenda Items

E. City Manager Report / Department Staff

F. City Attorney Report

8. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

A. **Proclamations**

1. American Red Cross Month

2. Developmental Disability Awareness Month

3. Nowruz

B. **Presentations**

1. ConFire Update by Chief Broschard

9. CONSENT CALENDAR

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

A. Approve the Minutes of the Regular City Council Meeting on March 4, 2025.

B. Receive the March 1, 2025 – March 14, 2025 List of Warrants in the Amount of $1,160,911.17 and the March 14, 2025, Payroll in the amount of $534,480.33.

C. Second Read and Adoption of a Pinole Municipal Code Amendment related to (A) Housing Element Programs No. 4, 5 12 and 13, focusing on accessory dwelling units (ADUs), junior accessory dwelling units (JADUs), and unit and lot split projects proposed under Senate Bill 9 (SB 9) and Regulatory Consistency; (B) Housing Element Program No. 4, to establish an Accessory Dwelling Unit Amnesty Program; and (C) Housing Element Programs No. 5-9, 10, 12 and 15, focusing on parking standards, affordable housing requirements, and administrative review processes. **Action: Adopt Ordinance on Second Reading (David Hanham, Justin Shiu)**

D. Adopt a Resolution to Amend the Master Salary Schedule **Action: Adopt Resolution per Staff Recommendation (Stacy Shell, Charlene Davis)**

E. Receive and File Annual Progress Report on Housing Element Implementation **Action: Receive Report (David Hanham, Justin Shiu)**

F. Receive and File Housing Successor Annual Report for Fiscal Year 2023-24 **Action: Receive, file and submit to HCD (Lilly Whalen)**

G. Resolution Affirming City and Community Values **Action: Adopt Resolution per Staff Recommedation (Heather Bell)**

10. PUBLIC HEARINGS

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

None

11. **OLD BUSINESS**

None

12. **NEW BUSINESS**

None

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

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

14. **ADJOURNMENT** to the Regular City Council Meeting of April 1, 2025 in Remembrance of Amber Swartz.

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

Heather Bell, CMC
City Clerk
POSTED: Thursday, March 13, 2025 at 4:30 pm

Proclamation

AMERICAN RED CROSS MONTH
MARCH 2025

WHEREAS, *more than 75 years ago, March was first proclaimed Red Cross Month in 1943 by President Franklin D. Roosevelt to raise awareness of the organization and its humanitarian mission; and*

WHEREAS, *for more than a century, the American Red Cross has been at the forefront of helping Americans prevent, prepare for and respond to large and small disasters. Families and communities depend on the Red Cross in times of need, and the Red Cross depends on American people to sustain the foundation; and*

WHEREAS, *American Red Cross heroes are on the front lines every day. They volunteer their time, give blood, take life-saving courses, or provide financial donations to help those in need; and*

WHEREAS, *The Bay Area Chapter serves nearly 4.5 million people across the counties of Alameda, Contra Costa, San Francisco, and San Mateo; and*

WHEREAS, *with a volunteer network of more than 3,000 youths, adults and seniors combined with community partnerships, local government and donors allow the Red Cross to provide all lines of service within the Bay Area; and*

WHEREAS, *last year the bay area chapter responded to 805 disaster events, the majority of these home fires, and opened 1,584 disaster cases to help those affected to recover, collected 132,216 units of lifesaving blood from 4,192 local blood drives, trained 72,927 people in First Aid/CPR/AED and 14,747 people in aquatics and water safety; and*

WHEREAS, *this lifesaving work is vital to strengthening our community's resilience. Nearly 200 years since the birth of American Red Cross founder Clara Barton, we dedicate this month of March to all those who continue to advance her noble legacy, and we ask others to join in their commitment to care for people in need.*

NOW, THEREFORE, I, CAMERON SASAI *Mayor of the City of Pinole, County of Contra Costa, State of California, proclaim* ***MARCH 2025*** *as* ***AMERICAN RED CROSS*** *MONTH in the City of Pinole, dedicating the month of March to all those who support the American Red Cross mission to prevent and alleviate human suffering in the face of emergencies, and encourage all citizens to support this organization and its noble humanitarian mission.*

CAMERON SASAI
MAYOR of the City of Pinole

Dated: March 18, 2025

Proclamation

DEVELOPMENTAL DISIBILITIES AWARENESS MONTH
MARCH 2025

***WHEREAS**, Developmental Disabilities Awareness Month is an annual event that takes place in March and spreads awareness about developmental disabilities; and*

***WHEREAS**, Developmental Disabilities Awareness Month traces its origins back to 1987 when President Ronald Reagan officially declared the observance.; and*

***WHEREAS**, Every March, the National Association of Councils on Developmental Disabilities (NACDD) and its partners collaborate to lead Developmental Disabilities Awareness Month (DDAM). The annual campaign highlights how people with and without disabilities come together to form strong communities; and*

***WHEREAS**, since then, organizations, advocates, and communities have come together annually to promote understanding, inclusion, and the rights of individuals with developmental disabilities, aiming for a more inclusive society; and*

***WHEREAS**, everyone, regardless of their abilities, has the right to be respected, embraced, and provided with opportunities to thrive. Developmental Disabilities Awareness Month serves as a profound reminder of these principles, emphasizing the value, rights, and aspirations of those with developmental disabilities; and*

***WHEREAS**, the 2025 theme, "We're Here All Year", emphasizing that community, accessibility, and opportunities for people with developmental disabilities should be recognized and championed every day—not just in March.*

***NOW, THEREFORE, I, CAMERON SASAI,** Mayor of the City of Pinole, County of Contra Costa, State of California, on behalf of the City Council and the City of Pinole, proudly recognize **MARCH 2025,** as **"DEVELOPMENTATL DISIBILITIES AWARENESS MONTH"** and encourage all citizens to recognize the importance of the inclusion of people with developmental disabilities in all areas of society.*

CAMERON SASAI
MAYOR of the City of Pinole

Dated: March 18, 2025

Proclamation

DAY OF NOWRUZ
MARCH 21, 2025

WHEREAS, *Nowruz, in Persian means "New Day," marks the vernal equinox and the beginning of spring, and is about celebrating renewal, connecting with loved ones, and honoring nature; and*

WHEREAS, *Nowruz begins precisely at the vernal equinox, on the 1st day of spring, usually between March 19th and March 22nd when the days and nights are equal lengths, with days then becoming longer signifying the arrival of warmer weather; and*

WHEREAS, *this year, Nowruz falls on Friday, March 21, 2025; and*

WHEREAS, *Nowruz is the beginning of the year for the people of Afghanistan, Azerbaijan, Iran, Tajikistan, and a few of the Asian republics of the former Soviet Union. It is also celebrated as the new year by people descended from Persian and Iranian ancestors. The Kurds in Georgia, Iraq, Syria, and Turkey celebrate Nowruz as the new year festival. Many communities where people from these countries have settled also join in the celebrations; and*

WHEREAS, *it is a time of great joy and family celebrations that are shared by people of all faiths in many countries and traces its history back through the centuries to the ancient Mesopotamian civilization and the Persian Empire; and*

WHEREAS, *it is mankind's oldest known holiday and is still celebrated by more than 300 million people around the world. It celebrates the triumph of hope over despair and promotes values of peace and solidarity between generations and within families; and*

WHEREAS, *Nowruz is also a celebration of humanity's rich cultural heritage and Diversity: a chance – for all of us – to be guided by its values of peace, dialogue, and solidarity; to reaffirm our commitment to human rights and dignity; to promote mutual respect and reconciliation; to protect the planet and live in harmony with nature; and*

WHEREAS, *Nowruz is the messenger of better, brighter days ahead and a reminder of what connects Pinole as a community; and*

NOW, THEREFORE, I, CAMERON SASAI , *Mayor of the City of Pinole, County of Contra Costa, State of California, do hereby proclaim* ***March 21, 2025*** *as* ***"DAY OF NOWRUZ"*** *in the City of Pinole and encourages all citizens to choose hope and compassion, embrace the opportunities that lie ahead, and work together to building a more peaceful, sustainable, and inclusive world for all.*

CAMERON SASAI
MAYOR of the City of Pinole

Dated: March 18, 2025

CITY COUNCIL MEETING
MINUTES
March 4, 2025

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

The City Council Meeting was held in a hybrid format (in-person and via Zoom videoconference and broadcast) from the Pinole Council Chambers, 2131 Pear Street, Pinole, California. Mayor Sasai called the Regular Meeting of the City Council to order at 5:00 p.m. and led the Pledge of Allegiance.

2. 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.

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

An official who has a conflict must, prior to consideration of the decision; (1) publicly identify in detail the financial interest that causes the conflict; (2) recuse himself/herself from discussing and voting on the matter; and (3) leave the room until after the decision has been made, Cal. Gov. Code § 87105.

A. COUNCILMEMBERS PRESENT

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

B. STAFF PRESENT

Kelcey Young, City Manager
Heather Bell, City Clerk
Melissa Klawuhn, Police Chief
Eric Casher, City Attorney
Heba El-Guindy, Public Works Director
Lilly Whalen, Community Development Director
David Hanham, Planning Manager
Justin Shiu, Senior Planner
Roxane Stone, Deputy City Clerk

City Clerk Heather Bell announced the agenda had been posted on February 27, 2025 at 3:30 p.m. with all legally required written notices. A correction memo had been published and distributed for Item 10A and was available in the Council Chambers for public viewing.

Following an inquiry, the Council reported there were no conflicts with any items on the agenda.

4. CONVENE TO A CLOSED SESSION:

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

A. CONFERENCE WITH LABOR NEGOTIATORS

Gov. Code § 54957.6
Agency designated representatives: City Manager Kelcey Young, City Attorney Eric Casher, Human Resources Director Stacy Shell and Gregory Ramirez, IEDA
Employee Organizations: AFSCME Local 1, AFSCME Local 512 and the Pinole Police Employees Association (PPEA)

B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Gov. Code § 54956.8
Property: 2100 San Pablo Avenue
Agency negotiators: City Manager Kelcey Young and City Attorney Eric Casher
Negotiating party: Art Pakpour
Under negotiation: Price and Terms

PUBLIC COMMENTS OPENED

Lori Kauth reported she was working on the Rancho Project in collaboration with the Contra Costa County Historical Society, and as part of the project she had been assigned to the City of Pinole. She understood Pinole resident Jeff Rubin, who passed away, had stored some historical information in his house and she had been led to believe the Faria House would be made into a history museum/event center. She now understood the City was moving ahead to dispose of the property to a developer. She referred to a 2022 Facebook post about the City having agreed to a history area at the Faria House and she asked about the status of allocated funds given her understanding that project was to be completed in 2023. She had spoken to Pinole citizens who wanted to know why there was no progress with the Faria House and why the property was for sale.

Council member Toms asked the City Attorney whether a response from the City Council could be provided given that this was also an item on the meeting agenda.

City Attorney Eric Casher reported the Mayor may direct or allow responses.

Mayor Sasai commented that since this was a Closed Session item related to Item 4B, he deferred to the City Attorney as to how much could be disclosed and noted that the commentor could also reach out to City staff for a response.

City Attorney Casher confirmed the City Council had a confidential Closed Session item related to Item 4B to discuss the matter. Also, Consent Calendar Item 9G involved the same property where a decision would be further discussed, and there would be another opportunity for more public comment on this particular topic. The questions the speaker mentioned were noted and staff could provide a response at a later date.

Ms. Kauth reported a group of people were trying to access some of the history documents/memorabilia that were being stored in the garage of Mr. Rubin's personal residence and they needed accessibility. She asked about the status of those documents going forward if the City had no history room.

Mayor Sasai thanked the speaker for the comments and reiterated the item would be discussed as part of the public meeting and as part of Item 9G later on the agenda.

Peter Murray also spoke to Item 4B as it related to the Faria House and excess properties beyond Quinlan Street in the City of Pinole, which had been considered at one time the most practical site for a History Museum. He spoke to the history of the City having convinced the Faria Sisters to sell the property so the City would benefit by having a greater and larger development on the site and one that would benefit the entire community. He highlighted the history of the Faria House and the promise to the Faria Sisters the house would be preserved and the City would create some kind of living museum for the community which was why the house had been moved from its original location. Generations of City Councils had been supportive of this effort and had put money into the project to accommodate that promise; however, the City was now considering the property as excess property, to be tossed aside. While a developer may save the property, the house could be demolished and replaced with something else that may impact the existing residents near Quinlan Street

Mr. Murray pointed out this was the 50th anniversary of the Pinole Historical Society. He could attest to the character of those who came before and worked to preserve the history of the community in a continuous process. One of the founders of the Pinole Historical Society, George Vincent, had passed in the last week and was someone who had been a historian for Pinole and Contra Costa County. He also referenced the Land Acknowledgement statement read into the record during each City Council meeting, which he described as history and noted that the Pinole Historical Society kept history, which was intertwined with the time when Native Americans were present on these lands up to the present.

Debbie Long also referenced Item 4B and the potential sale of the Faria House and noted it was actually two separate units; the land and the house itself. She assumed the value of the land would be used for housing but hoped the house itself could be preserved as a meeting area for the community and used to house some of the historical documents that had been referenced, like Applebee's had done with school events. She asked the City Council to do everything it could to preserve the Faria House. If that meant it had to be sold at a price that allowed the developer to completely rehabilitate the property, so be it, since it would be a value to the community and a compromise since it could not be a museum but still sit as a reference point in Pinole's history and working with the developer could actually incorporate some of that history.

Ms. Long asked the City Council to consider that possibility and also consider a restricted deed where the home could only be torn down in the event of a disaster, which would help everyone to follow this matter more easily while also taking into account promises made over the years. While the City would not have a history museum, it would have the history that had been promised years ago to the majority of the community.

PUBLIC COMMENTS CLOSED

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

At 7:05 p.m., Mayor Sasai reconvened the meeting into open session. There was no reportable action from the Closed Session.

6. CITIZENS TO BE HEARD (Public Comments)

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

Irma Ruport thanked the City Manager and staff for hosting the Measure I Workshop at the Senior Center, which had been well attended by members of the community. She commented on the number of projects that had been discussed and asked the City Council to prioritize the list of projects given that the receipt of sales taxes from Measure I would be limited. She also urged the City Council to be cautious about grants given they could be taken away by the current federal administration. She noted the City Council had borrowed from the reserves in the last year and urged the City Council to be conservative with its priorities and not consider special projects but consider what citizens needed and wanted to move the City forward. She reminded the City Council of its fiscal responsibility with a focus on safety, roads and maintenance. She further suggested workshops should be considered every month or every two months at the Senior Center from 9:00 to 11:00 a.m. on Saturdays.

7. REPORTS & COMMUNICATIONS

A. Mayor Report

1. Announcements

Mayor Sasai thanked the community for attending the Grand Reopening of the Pinole Valley Park Soccer Field and thanked all participants involved in the event including the work of City Manager Kelcey Young, Communications Director Fiona Epps, the staff of Pinole Community Television (PCTV) and collaboration with the West Contra Costa County Youth Soccer League. (WCCYSL).

Mayor Sasai reported he had attended the League of California Cities East Bay Legislative Dinner and highlighted the electeds in attendance and the topics of discussion, which included transportation, housing and wildfire safety.

Mayor Sasai had also attended a meeting of the West Contra Costa Transportation Commission (WCCTC), which had adopted the Final Draft of the Richmond Parkway Transportation Plan, received a presentation from the Contra Costa Transportation Authority (CCTA) and provided feedback on the Countywide Transportation Plan.

Mayor Sasai thanked staff for the Measure I Workshop at the Senior Center, appreciated those in attendance, and although he had been unable to attend due to a family commitment, he was pleased to see the community involvement and participation in the community survey. He invited everyone to the WestCAT Community Open House at the Pinole Library on March 5, 2025, from 6:00 to 8:00 p.m., which would include light refreshments and an opportunity for the community to share any concerns and discuss the new initiative WestCAT Evolution.

Mayor Sasai further reported he would present the State of the City Address at the Bay Front Chamber of Commerce on March 13, 2025 at 7:30 a.m., at Leila by the Bay in the City of Hercules. There may be another opportunity to present the State of the City Address after the budget season when more solid information would be available.

B. Mayoral & Council Appointments: None

C. City Council Committee Reports & Communications

Council member Toms reported she had attended the Police Officer of the Year Dinner, sponsored by the Elk's Club, which had honored Police Officer of the Year Amy Eubanks, a second-generation recipient of the award with her father a two-time recipient in the cities of San Pablo and El Cerrito; along with several East Bay City Council members as part of the League of California Cities had met with Senator Jesse Arreguín to discuss his legislative priorities including a bill to relax some of the Brown Act requirements for committees; the Grand Reopening of the Pinole Valley Park Soccer Field; East Bay Wildfire Coalition, East Bay Regional Communications, East Bay Division of League of California Cities meetings and the Measure I Workshop, and briefed the Council on all discussions.

Council member Murphy commended City staff for making the Measure I Workshop a priority. He was pleased with the participation from the community and the continued opportunity to brainstorm the new vision for the City and consider new ways to come together and address the needs in the City. He had also attended a meeting of the Marin Clean Energy (MCE) Executive Committee, and briefed the Council on budget discussions, with the next MCE meeting on March 20, 2025 to discuss its budget, with more information on the MCE website or interested persons may reach out to him via email.

Council member Murphy had also attended an East Bay Economic Development Alliance Board of Directors meeting and highlighted presentations on the Bay Conservation and Development Commission (BCDC) Regional Shoreline Adaptation Plan and Contra Costa Economic Partnership, with more information on this presentation at cccpartnership.org/data. In addition, he highlighted his participation with the West Contra Costa Unified School District (WCCUSD) Systems for Change Collaborative and reported there was an opening for the Superintendent position for the WCCUSD. The WCCUSD Board of Directors would meet on March 12, 2025 to finalize the job description for the Superintendent position.

Council member Murphy also acknowledged Women's History Month, highlighted the women who impacted his life and acknowledged members of the City's leadership team. In particular, he provided the background and highlighted the life of his mother Dolores Hadiya Williams, who had a profound impact on those in her community during her life, was committed to improving the lives of others and had devoted her entire career to education and social justice. He lost his mother to brain cancer in the past month and emphasized his mother always instilled power and understanding in him. He emphasized the importance of Women's History Month, with women having led and continuing to lead in so many ways in this world and he honored his mother as someone who had been a trailblazer in his life and in other lives. His mother's life had been celebrated on February 22, 2025, and he would continue to celebrate her life through his actions on the City Council and through continued commitments to Equity, Diversity and Inclusion. He again recognized the many women who mattered and who were appreciated. He emphasized the importance of reflecting and taking action to create and continue to create equity in an ever-changing world to promote and uplift women across the globe.

Mayor Pro Tem Tave reported the Grand Reopening of the Pinole Valley Park Soccer Field had been well received. He thanked staff for the great job and also recognized the collaboration with partners in the community. He had also attended the Measure I Workshop, appreciated the discussions and feedback from the community and appreciated staff's hard work and participation.

Council member Martinez-Rubin reported she had attended the Police Officer of the Year Dinner, sponsored by the Elk's Club; Grand Reopening of the Pinole Valley Park Soccer Field and thanked staff for identifying and executing the soccer field reopening; League of California Cities East Bay Division meeting and Measure I Workshop. She appreciated the input from participants to identify priorities and thanked everyone who had participated and staff for promoting the event. She also invited all residents to join together for WestCAT's Open House on March 5, 2025 from 6:00 to 8:00 p.m. at the Pinole Library. She wished everyone a Happy Mardi Gras and recognized March 5, 2025 as Ash Wednesday.

D. Council Requests for Future Agenda Items: None

Mayor Sasai offered a motion, seconded by Council member Murphy for staff to return with a summary report to the City Council with a recap of the outcome of the Council Retreat including minutes of the meeting and a summary of the Council priorities that had been recorded, to be presented on a date certain of March 18, 2025.

City Manager Kelcey Young reported that during the Council Retreat it had been discussed that information would come back during the budget process. To add that now would delay other projects staff was working on.

Mayor Sasai asked whether a recap of the outcome of the Council Retreat and everything where the Council had reached consensus could be brought back in a report.

City Manager Young commented that some of those things would come back, as discussed during the Council Retreat. The future agenda item request would change the process that had been discussed and could delay other projects staff was working on, including bringing new staff onboard, working on the budget process and items being discussed in Closed Sesson.

Mayor Sasai again requested a recap of the shared priorities that had been discussed during the Council Retreat. It was important for the City Council and public to understand what had been discussed, which could inform decisions for the budget process.

City Manager Young explained if staff was to come back with the information for the March 18, 2025 City Council meeting it would delay other items scheduled for the same meeting and this was something that had not been discussed until now. She reported that the agenda for the March 18 meeting was packed. A short recap from the Council Retreat would be possible, but she requested continuing with the same process as previously discussed during the Council Retreat, to bring back a more comprehensive recap later.

Council member Martinez-Rubin preferred not to have staff do busy work now than have something integrated into the processes underway.

Mayor Pro Tem Tave asked whether the main sticking point for staff was the date certain for the item to return to the City Council. He asked if there was a way to see that information prior to going into the budget conversation.

City Manager Young expressed a preference that Council members make such requests prior to open City Council meetings and follow the Council Norms, where she could discuss whether staff was available. She noted the Council Retreat had been a two-day event, an Intern was working on compiling something and she again would have preferred a conversation prior to the open meeting to discuss when staff could return with such information and where they could all be in agreement. When asked when she could return with a recap, she confirmed the information could return as a basic summary for everyone to review in mid-April.

Council member Toms clarified she would vote no on the motion since it was getting into too much micromanaging; the topic had already been discussed and requiring a date certain return was the reason she would vote no.

ACTION: Motion by Mayor Sasai/Council member Murphy for staff to return with a summary report to the City Council with a recap of the outcome of the Council Retreat, including minutes of the meeting and a summary of the Council priorities that had been recorded, to be presented to the City Council at the second meeting of April.

Vote:	**Passed**	**3-2**
	Ayes:	**Sasai, Tave, Murphy**
	Noes:	**Toms, Martinez-Rubin**
	Abstain:	**None**
	Absent:	**None**

Motion by Mayor Sasai, seconded by Council member Murphy for staff to prepare a resolution for City Council approval and direction to pursue the Clean California Designation, as presented by Caltrans at a prior City Council meeting.

Council member Murphy understood this was something staff was already working on.

City Manager Young explained that staff would like for this particular item to come forward since this would be something interesting for the City; however, she commented on the current time constraints to try to move this item forward and she preferred the City Council wait until it had a discussion about the process for future agenda items that would be considered during the March 18 City Council meeting. She noted that City staff was a small team working six days a week, staff was overextended and the more future agenda items added the more challenging it became to be able to continue to work on those projects. Again, while this was something staff would like to work on and was something staff strongly supported, she asked that this request be tabled until staff was able to bring forward the discussion about the future agenda process.

Council member Murphy reiterated the future agenda item request and his understanding staff was already working on a resolution and the game plan was to bring it back.

City Manager Young clarified staff was not currently working on a resolution but wanted to take a look at which of the checkpoints as part of the Clean California Designation the City would be able to follow and staff wanted to be able to review the overall project, which was a much bigger piece than just a resolution. Staff would want to look at the resolution, the staff reports, and all other pieces. She did not have a timeframe when the item could return since the presentation had just recently been made and the City had just recently become fully staffed.

Mayor Pro Tem Tave asked how future agenda item requests were managed since he understood the work would fit into the current work load. He understood if a date certain was not identified it would be up to the City Manager to work in at some point. He understood the challenges with identifying a date certain for staff to get something done but asked how it was problematic.

City Manager Young described the process for a City to be able to get things done with a work plan and set priorities that were followed. When adding pieces to the work plan teams would end up ping-ponging, which was why the Council Retreat had been held to set priorities. She noted it was unusual for a Council to add items to the staff work load without taking some items off. She expressed concern with the fact that oftentimes with no set timelines, they were letting the community down. The community was expecting the City would get to these items and she was concerned with overpromising and not delivering. She wanted to make sure as a group that everything put on an agenda was something that was being done and being done together quickly, which was why she was pushing back since she felt they owed it to the community and each other and she owed it to the City Council.

Mayor Pro Tem Tave understood the work load and the limited resources and staff attached to it.

City Attorney Casher cautioned the discussion was getting far afield from the agenda item. This was not a discussion item but a request for future agenda items. There was a request for a specific future agenda item and he asked for a focus on that request. He confirmed the Council Procedures would be brought forward at the next City Council meeting where this item in particular would be discussed.

On the motion, Mayor Pro Tem Tave suggested it made sense to wait for the next meeting and have that discussion, but the City Council needed more conversation about how this conversation actually happened.

Mayor Sasai agreed to table the item for consideration at this time given the expected conversation during the March 18 City Council meeting.

E. City Manager Report / Department Staff

City Manager Young reported on the successful Pinole Valley Park Soccer Field Grand Reopening and announced the Community Services Department had received an award for the soccer field. She expressed her appreciation to the Public Works Department for filling potholes and removing graffiti and other items prior to the event. She too commented on the success of the Measure I Workshop and thanked everyone who participated and provided feedback with a recording of the session available on the City of Pinole Facebook Page. She added the Measure I survey was still live and available at pinolespeaks.com, with over 2,500 responses currently received. She also reported for the first time in years the Community Services Department had opened spring and summer camp registration.

City Manager Young announced she had been with the City for six months, would take a few days off prior to the budget season and would return on March 11, 2025, with City Clerk Bell to serve as Acting City Manager in her absence.

F. City Attorney Report: None

PUBLIC COMMENTS OPENED (Items 7D through 7F)

City Clerk Bell reported there were no comments from the public.

PUBLIC COMMENTS CLOSED

8. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

A. Proclamations

1. International Women's History Day and Women's History Month

The City Council read into the record a proclamation recognizing March 8, 2025 as International Women's History Day and March 2025 as Women's History Month, with the proclamation presented to the City's executive team which was now all female.

City Manager Young emphasized this moment was special and rare where the City of Pinole was currently comprised of an entirely female executive team, the first time this had happened in the City of Pinole. She recognized the City had an exceptional team regardless of gender. She was proud and humbled to recognize the team she had the honor to lead.

PUBLIC COMMENTS OPENED

City Clerk Bell reported there were no comments from the public.

PUBLIC COMMENTS CLOSED

B. Presentations

1. Introduction of Police Chief Melissa Klawuhn
2. Introduction and Swearing in of Public Works Director, Heba El-Guindy

City Manager Young introduced new Police Chief Melissa Klawuhn and new Public Works Director Heba El-Guindy to the City of Pinole; highlighted both of their backgrounds and experiences and welcomed them both to the City of Pinole. She thanked Commander Jeremy Crone for his service as Acting Police Chief during this time.

Police Chief Melissa Klawuhn thanked the City Manager and the City Council for the opportunity to serve as the Chief of Police, was excited and looked forward to working with everyone and stated she had already received a warm welcome from City staff and the Pinole Police Department.

City Clerk Bell presented the Oath of Office to new Public Works Director Heba El-Guindy.

Public Works Director Heba El-Guindy thanked the City Council for the opportunity to become a member of the City team. She was honored and excited to contribute to the City's objectives and goals and looked forward to collaborations along the way.

PUBLIC COMMENTS OPENED

Deputy City Clerk Roxane Stone reported there were no comments from the public.

PUBLIC COMMENTS CLOSED

3. Northern California College Promise Coalition (NCCPC) Presentation

Community Services Department Director Andrea Dwyer introduced Meredith Curry-Nunez, Executive Director and Janae Aptaker, Interim Director, Member Engagement & Strategy, Northern California College Promise Coalition (NCCPC), who provided a PowerPoint presentation on NCCPC, a cross sector collaboration of cities and programs that believed in and strived towards equity, collectively tackling large issues by concentrating on four different pillars including: policy, communities of practice, work force and campus partnerships. Each member of the coalition would come together and focus on tackling issues under that particular umbrella to advance opportunities for education equity for multiple marginalized students and underrepresented students.

The number of programs provided across the Northern California region, particularly Education Cities Initiative and CSA Coalition & CalKIDS, were highlighted. NCCPC hoped to grow the number of students being served and cross sector partnerships and welcomed the City of Pinole to partner and explore what it meant to be an Education City. Handouts with QR codes were provided. The City of Pinole was asked to connect with NCCPC.

Responding to questions from the City Council, Ms. Curry-Nunez clarified:

- CalKIDS was described as a child savings account, which could be seeded with funding from an outside source or a family member and which account builds when invested and was based on what had been seeded from the account when opened. These accounts were beneficial for Low-Income families, first generation students who did not have a culture of going to college and were not used to having accounts, with the challenge of how to pay for college. Child savings accounts were important since a small investment could change the attitude of someone's worthiness to pursue avenues such as college. CalKIDS had been programmed at the state level and was managed by the Treasurer's Office, which managed the budget to seed and maintain the accounts. The Treasurer's Office Team also helped to disseminate information about CalKIDS, which had been around for two years. Eligibility requirements were highlighted and more information was available at CalKIDS.org. NCCPC would act as a partner with the Treasurer's Office to help ensure this resource gets to students and families. (Martinez-Rubin)

- Clarified the accounts themselves were initially funded by the Treasurer's Office through the CalKIDS Program through public funding. Information on the sources of funding and data on how accounts for newborns versus first to 12th graders, could be provided to the City Council at a later date. (Martinez-Rubin)

- All coalition members of which there were seventy, whether city offices, scholarship programs or education, or technology non-profits, served students and families in and outside Pinole in different ways, through scholarships, mentorships, internships and some were doing advocacy work. Members ensured students had access to resources as early as kindergarten to jobs after college. (Martinez-Rubin)

- The Treasurer's Office was creating a partnership with the state's Cradle to Career Data System, which would be able to track some information, although that reporting was not available at this time. (Mayor Sasai)

PUBLIC COMMENTS OPENED

Deputy City Clerk Stone reported there were no comments from the public.

PUBLIC COMMENTS CLOSED

The City Council thanked NCCPC for the presentation and encouraged NCCPC to stay in contact with the Community Services Director who was great with partnerships.

9. CONSENT CALENDAR

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

A. Approve the Minutes of the Regular City Council Meeting on February 4, 2025 and February 18, 2025.

B. Receive the February 15, 2025 – February 28, 2025, List of Warrants in the Amount of $910,956.04 and the February 28, 2025, Payroll in the Amount of $517.097.55

C. FY 2024/25 Second Quarter Investment Report. **Action: Receive Report (Markisha Guillory)**

D. Fiscal Year (FY) 2024/25 Second Quarter CIP Status Report. **Action: Receive Report (Faby Guillen)**

E. Fiscal Year (FY) 2024/25 Second Quarter Strategic Plan Status Report. **Action: Receive Report (Kelcey Young)**

F. FY 2025/26 Budget Development Process and Timeline. **Action: Receive Report. (Markisha Guillory)**

G. Authorize the City Manager to Sign a Non-Binding Letter of Intent to Purchase. **Action: Authorize the City Manager to Sign the Non-Binding Letter of Intent to Purchase to Explore Negotiations with Palm Plaza Development on 2100 San Pablo Avenue (Kelcey Young)**

PUBLIC COMMENTS OPENED

Rafael Menis referenced Item 9C, and stated he had provided comments in writing in advance to the City Manager as she had requested. He expressed concern with the proportion of the City's Section 115 Trust investments, as of Quarter 2 (Q2) located in equities, which was less noticeable for the non-section 115 Trust, which was mostly money-market funds, given the current and ongoing sharp drops in the stock market due to the recent implementation of tariffs and the likely continued volatility in the stock market from numerous different causes. He urged the City Council to consider the proportion of its funds in the Section 115 Trust, as allocated to equity, given the City's top priority being safety above liquidity and yield and reconsider ideally before April, the allocation of funds given the current and likely to be ongoing drop in the equities market.

Lori Kauth referenced Item 9G and asked that the item be removed from the Consent Calendar until some of the questions raised during public comment had been addressed including the possible use of the Faria House and potential exclusion of the Faria House from the terms of the agreement of sale of the property, to ensure the house was not demolished as part of a proposal by the contractor, to safeguard the home and to address the potential loss of local history.

Peter Murray, also speaking to Item 9G, asked what the City Council was allowed to share from the Closed Session and whether there was anything the community could be made aware of with regards to the status of the Faria House. He reiterated this was the 50th anniversary of the Pinole Historical Society, which was comprised of volunteers. The Pinole Historical Society put a lot of time and effort collecting the City's history with Native Americans, settlers and all of their history interwoven from past to present. He also highlighted the educational work of the Pinole Historical Society where local school children had been taught about Pinole's history, which was important to keeping the City's history alive. He again asked the City Council to share what it could from the Closed Session.

Irma Ruport asked whether the Letter of Intent to Purchase contained in Item 9G was available to the public for review. She understood Item 9G would allow staff and the developer the opportunity to continue negotiations and she asked that the process also include the City Attorney given past history with some unsuccessful real estate transactions. She sought more of a team effort with the City Attorney to guide everyone to do the right thing with the contract. During City Council meetings on July 18, 2023 and September 19, 2023, by a 4-1 vote with Council member Martinez-Rubin voting no, the City Council voted to sell the Faria House and there were no grants available for a museum. She had information about the past history for a museum, emphasized the City could never afford the costs then and now to maintain the house, and she had been opposed to the City preserving the Faria House since it involved taxpayer money. She did not like the way it was coming across given former Council member Pete Murray was well aware of the history of the property since as a member of an Ad-Hoc Subcommittee in 2020 when the then-City Council voted not to maintain the property since it could not afford to maintain it. She had recorded history about the Faria House, the City Council had the same information and she emphasized the taxpayers could never afford to maintain the property. While sad, this had been discussed previously, the Pinole Historical Society never had a conversation about a museum with the taxpayers, this issue had been well documented and the City could not continue the downward spiral of losing taxpayer monies.

PUBLIC COMMENTS CLOSED

ACTION: <u>Motion by Mayor Pro Tem Tave/Council member Murphy to adopt Consent Calendar Items 9A through 9G, as shown</u>.

Vote:	**Passed**	**5-0**
	Ayes:	**Sasai, Tave, Martinez-Rubin, Murphy, Toms**
	Noes:	**None**
	Abstain:	**None**
	Absent:	**None**

10. PUBLIC HEARINGS

A. First Read of a Pinole Municipal Code Amendment Related to (A) Housing Element Programs No. 4, 5, 12 and 13, Focusing on Accessory Dwelling Units (ADUs), Junior Accessory Dwelling Units (JADUs), and Unit and Lot Split Projects Proposed Under Senate Bill 9 (SB 9) and Regulatory Consistency; (B) Housing Element Program No. 4, to Establish an Accessory Dwelling Unit Amnesty Program; and (C) Housing Element Programs No. 5-9, 10, 12 and 15, Focusing on Parking Standards, Affordable Housing Requirements and Administrative Review Processes. **Action: Conduct Public Hearing and Waive First Reading of Ordinance. (David Hanham, Justin Shiu)**

Planning Manager David Hanham introduced the item and Senior Planner Justin Shiu presented an extensive PowerPoint presentation on the Pinole Municipal Code (PMC) Amendments for Housing Element Implementation, as shown on the agenda description. As the City Clerk previously reported, an addendum to Item 10A had been provided to the City Council and included Planning Commission recommendations to Chapters 17.10, 17.32 and 17.48, which were also highlighted at this time.

Staff recommended the City Council conduct the first read and consider adoption of an ordinance consisting of the PMC Amendments related to Housing Element Programs and schedule the second read and adoption for March 18, 2025.

Responding to questions from the City Council, Community Development Director Lilly Whalen and Messiers Hanham and Shiu clarified the following:

- The minimum acceptable size for a bedroom was 70 square feet per Building Code standards regardless of lot size or size of dwelling. (Martinez-Rubin)

- The ADU Amnesty Program clarified how violations would be addressed if applicable and would refer to substandard housing conditions identified in Health and Safety Code Section 17920.3 of the State Amnesty Ordinance. As examples, if exposed wiring, plumbing and heating did not work, the unit would not function as a local unit. (Murphy)

- As part of the ADU Amnesty Program, a request for a free consultation would involve a confidential meeting with staff to review eligibility and provide information and guidance on the application process. As an example, a resident may approach staff to pursue the Amnesty Program where staff could schedule a one-on-one meeting to allow the resident a safe place to identify interest in the program and staff would not immediately consider a code enforcement case. The point was to bring people to the table to review potential units. An optional third-party inspector may be considered to ensure compliance. Certain office hours where the City Offices could be open could also be considered to allow a resident to come in to speak with staff in a conference room. (Murphy)

- Chapter 17.32 Affordable Housing Requirements, the addition of a park fee waiver on additional affordable units beyond the minimum requirement only applied if a housing development included affordable housing units beyond the minimum requirement of 15 percent of the base units. (Murphy)

- The proposed PMC amendments were intended to be consistent with the adopted Housing Element, with all programs based on state law, which the City negotiated with the State Department of Housing and Community Development (HCD) as part of the certification of the City's Housing Element. (Toms)

The City Council thanked staff for all of their hard work to ensure the City was in compliance with state law.

PUBLIC HEARING OPENED

Deputy City Clerk Stone reported there were no comments from the public.

PUBLIC HEARING CLOSED

ACTION: Motion by Council members Martinez-Rubin/Toms to conduct the first read and consider adoption of an ordinance consisting of the PMC Amendments related to Housing Element Programs and schedule the second read and adoption for March 18, 2025.

Vote:	**Passed**	**5-0**
	Ayes:	**Sasai, Tave, Martinez-Rubin, Murphy, Toms**
	Noes:	**None**
	Abstain:	**None**
	Absent:	**None**

11. OLD BUSINESS: None

12. NEW BUSINESS

A. FY 2024/25 Mid-Year Budget Review (Second Quarter Financial Report**). Action: Adopt a Resolution (Markisha Guillory)**

City Manager Young thanked Accountant Maria Mata and Communications Director Fiona Epps for their assistance in the presentation of the Fiscal Year (FY) 2024/25 Mid-Year Budget Review (Second Quarter Financial Report) and also thanked the City Council for submitting questions before hand.

City Manager Young provided a PowerPoint presentation which included an overview of the purpose for the Mid-Year Budget Review; budget highlights – General Fund and Non-General Funds; General Fund Budget Overview; General Fund Revenue, Expenditure Fund Equipment Reserve Fund, Recreation Fund, Building and Planning Fund, Growth Impact Fund, Cable Access TV Fund and Information Systems Fund Budget Summaries and a Summary of Proposed Adjustments.

In terms of the next steps, the staff recommendation was for the City Council to receive the FY 2024/25 Second Quarter (Mid-Year) Financial Report and adopt a resolution authorizing related budget adjustments.

Council member Toms thanked the City Manager for the heads up in discussing the Mid-Year Budget with her prior to the meeting and for providing a thorough staff report that answered many questions.

Council member Murphy thanked City staff, the City Manager and Finance Director Markisha Guillory for the hard work on the Mid-Year Budget.

Council member Martinez-Rubin also thanked staff for the staff report and information provided.

Responding to questions from the City Council, City Manager Young clarified:

- Page 282 of 320 of the agenda packet, FY 2024/25 Second Quarter Financial Report General Fund Overview, the second paragraph of this section which read: *At its meeting on June 25, 2024, the City Council adopted the FY 2024/25 budget, which included the use of the General Fund's unassigned fund balance to fund several Council-directed initiatives as well as several capital improvement projects. The FY 2024/25 adopted budget includes the use of General Fund (including Measure S 2006 and 2014) unassigned fund balance for a net deficit of $9 million,* would be clarified with the Finance Director to ensure accuracy. (Martinez-Rubin)

- Page 282 of 320 of the agenda packet, FY 2024/25 Second Quarter Financial Report General Fund Overview, the fourth paragraph of this section which read: *The City is projecting to end FY 2024/25 with a net deficit of $9 million, with total revenues projected at $28.7 million and expenditures at $33.9 million, and an estimated ending fund balance of $2.4 million, if all one-time initiatives and capital projects were to be completed within FY 2024/25. The table below summarizes the General Fund budget to actuals through the second quarter,* was clarified. The City did not have a deficit, there was no alarm and at most was at a shortfall of around $500,000, as referenced on Page 16 of the PowerPoint presentation. Clarified the way the City structured its Capital Improvement Plan (CIP) projects was to front load them, estimate costs and put them in initially but they were not necessarily funded. It was not a true deficit if the City chose not to move forward with those projects. There were things the City would have to continue to evaluate and monitor, although the City had additional revenue sources that could be explored. (Murphy)

- If the City were to start fresh with no CIP projects and redo this budget season with no expectations, other than what had been discussed during the Council Retreat and what had to be done, the total amount of funds available was unknown at this time, but there was room to explore some of that and there were some projects the City could look at and provide feedback. (Mayor Pro Tem Tave)

- Summary of Proposed Adjustments as reflected on Page 16 of the PowerPoint presentation was again clarified with many of the projects in the CIP not funded. Staff would have to review the funds that were committed to CIP projects to see how it would impact the net result as shown in the Summary of Proposed Adjustments, with staff clarifying many CIP projects were underfunded to sufficiently complete the project, some larger projects were not funded at all and some projects were fully funded, but in the City Manager's opinion were projects that should be deferred and this could be a useful conversation as part of the continued budget process. (Mayor Pro Tem Tave)

- Acknowledged most roofs on City facilities were close to failure. COVID-19 had caused challenges in budgeting certain items and costs for repairs had risen drastically. The City Manager suggested a need to be almost surgical with priorities and decide what could be done to stop the bleeding, what could be done to get ready for the next big thing and ensure City buildings were in shape and not causing larger failures. And, what could be done to tackle something like roads that would make the biggest impact for the community. Then continue community engagement and get feedback from the community on the next big thing. The City Manager was confident this deeper conversation could be done in three months and she had ideas to put the City in the right direction quickly. (Mayor Pro Tem Tave)

- Acknowledged the suggestion the Finance Subcommittee was the place to dig into these issues. (Murphy)

- Acknowledged the need to identify the basis for supporting certain projects. (Martinez-Rubin)

PUBLIC COMMENTS OPENED

Rafael Menis reported he had submitted some of his comments in advance to the City Manager and had received partial replies. He offered the following additional comments on the FY 2024/25 Mid-Year Budget:

- Page 287 of 320 of the agenda packet, Property Tax, noted the Q2 revenue for this year was substantially higher than prior year Q2s and asked whether that was a result of real property taxes being shifted over into the property tax segment proper with the dissolution of the Successor Agency or whether there were other causes.

- Pages 303 and 304 of 320 of the agenda packet, Refuse Management Fund (Fund 213), asked why the fund projection before and after adjustments would end at a fund balance deficit and whether the City planned to reallocate funds from the General Fund to cover that deficit.

- Page 316 of 320 of the agenda packet, there appeared to be a percentage change for Fund 276, Growth Impact Fund of 12.4 million percent, he thought, and suggested that was because of the revenue adjustment and was curious as to why that fund was carried forward as revenue rather than as fund balance since it seemed to potentially be an area of concern in the financial controls. He wanted to understand why that happened to avoid if from happening again, and

- Page 296 of 320 of the agenda packet, noted the interdepartmental adjustments negative as a percentage of the amended budget.

PUBLIC COMMENTS CLOSED

ACTION: <u>Motion by Council members Martinez-Rubin/Toms to receive the FY 2024/25 Second Quarter (Mid-Year) Financial Report and adopt a resolution authorizing related budget adjustments</u>.

Vote:	**Passed**	**5-0**
	Ayes:	**Sasai, Tave, Martinez-Rubin, Murphy, Toms**
	Noes:	**None**
	Abstain:	**None**
	Absent:	**None**

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

Only open to members of the public who did not speak under the first Citizens to be Heard, Agenda Item 6.

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

Rafael Menis reported on the COVID-19 rate in the State of California based on the latest wastewater surveillance data, with the rate having decreased to a rate of 3.49 per 100,000 as opposed to a rate of 4.46 per 100,000 the last time this subject had been discussed. While a decline, it was still relatively elevated and he continued to encourage people who were immunocompromised, elderly and at greater risk from COVID-19 to wear masks in indoor crowded settings, get vaccinated and receive booster shots.

Mr. Menis also spoke about honor and commented that recently the President and Vice President of the United States had ambushed an ally, President Vladimir Zelenskyy of Ukraine, having berated and insulted him in the Oval Office for not surrendering to Russia and for not being willing to give lots of monetary resources to the United States for no security guarantees in return. He found this to be a question of honor since the United States had signed the Budapest Agreement in the early 1990s when Ukraine voluntarily got rid of its nuclear weapons in return for guarantees from the United Kingdom, the United States and Russia, saying they were giving up these weapons, putting the country at risk and in return Russia agreed not to invade.

Mr. Menis noted the United States and United Kingdom would then back Ukraine if Russia were to invade. Now, the current administration was saying they were not going to honor past agreements, were saying might makes right and demanded money for something the country already agreed they would back them on and which he found to be dishonorable and a disgrace to the United States.

Anthony Vossbrink asked the Mayor and City Council whether they would consider closing the meeting in honor of late long-time resident/historian/educator, George Vincent, who recently passed away. Mr. Vincent taught for over 30 years at Ellerhorst Elementary School and was a Co-Founder of the Pinole Historical Society.

Mr. Vossbrink also echoed the comments made by former Mayors and Council members Murray and Long, with respect to their comments about doing something to save the Faria House, and asked the City Council to consider whether the home could be moved, fenced, or converted into a multi-purpose residence. He also asked about the status of the caretaker's house and the area behind the Adobe Trail where renovations to the trail were to be done. The area remained in rubble and disrepair and was not suitable for pedestrians. In addition, the condition of Pinole Dog Park was a concern and recyclable trash bins remained to be provided in some City parks. He otherwise reported witnesses had seen members of the Public Works Department loading recyclables into one large garbage bag and tossing it into the back of a pickup truck to take to the Corporation Yard to be treated as garbage as opposed to being processed as recyclables.

Mayor Sasai thanked the public commenter for the suggestion to adjourn the meeting in memory of George Vincent and Council member Martinez-Rubin who was close to the Vincent Family, who had given him a note to consider the family's space at this time.

14. ADJOURNMENT to the Regular Meeting of March 18, 2025 in Remembrance of Amber Swartz.

At 9:58 p.m., Mayor Sasai adjourned the meeting to the Regular City Council Meeting of March 18, 2025 in Remembrance of Amber Swartz.

Submitted by:

Heather Bell, CMC
City Clerk
Approved by City Council:

WARRANT LISTING
By Vendor Name

City of Pinole, CA

Payment Dates 3/1/2025 - 3/14/2025

Payable Number	Payment Number	Payment Date	Account Number	Description (Payable)	Amount
Vendor: 4LE00 - 4LEAF, INC.					
J0605-25A	106832	03/14/2025	212-462-42101	PLAN REVIEW JANUARY 2025	595.89
				Vendor 4LE00 - 4LEAF, INC. Total:	**595.89**
Vendor: ADA03 - ADAMSON POLICE PRODUCTS					
INV429528	106833	03/14/2025	100-221-44410	RESPONSE JACKET DAKR NAVY	71.27
				Vendor ADA03 - ADAMSON POLICE PRODUCTS Total:	**71.27**
Vendor: 2073 - ALLIED FLUID PRODUCTS CORP					
INV56963	106790	03/07/2025	500-641-44306	KANALINE SR PVC HOSE WPCP	298.23
				Vendor 2073 - ALLIED FLUID PRODUCTS CORP Total:	**298.23**
Vendor: ARM04 - ARMOR LOCKSMITH SERVICES					
104756	106834	03/14/2025	100-343-44306	YOUTH CENTER KEYS FOR NEW EMPLOYEES	42.74
				Vendor ARM04 - ARMOR LOCKSMITH SERVICES Total:	**42.74**
Vendor: ATT01 - AT&T					
000023008651	106792	03/07/2025	525-118-43101	PW PHONE	317.10
000023008653	106792	03/07/2025	525-118-43101	RECREATION DPT. PHONE	864.22
000023067362	106792	03/07/2025	525-118-43101	PD PHONE	705.29
0519560149-02152025	106791	03/07/2025	525-118-43101	LONG DISTANCE CHARGES 5107412078	41.50
				Vendor ATT01 - AT&T Total:	**1,928.11**
Vendor: 2976 - AUTUMN PRESS, INC.					
847068-1	106793	03/07/2025	100-111-42514	MEASURE I WORKSHOP MAILER CITYWIDE	2,081.59
				Vendor 2976 - AUTUMN PRESS, INC. Total:	**2,081.59**
Vendor: BAY34 - BAY AREA NEWS GROUP- EAST BAY					
0001438607	106835	03/14/2025	212-461-42514	LEGAL ADS NEWSPAPER	266.75
0001438607	106835	03/14/2025	212-461-42514	LEGAL ADS NEWSPAPER	453.48
				Vendor BAY34 - BAY AREA NEWS GROUP- EAST BAY Total:	**720.23**
Vendor: BIR05 - BIRITE FOODSERVICE DISTRIBUTORS					
6925977	106794	03/07/2025	209-552-43804	FOOD PROGRAM PSC	-96.86
6949134	106794	03/07/2025	209-552-43804	FOOD PROGRAM PSC	1,240.99
6952821	106794	03/07/2025	209-552-43804	FOOD PROGRAM PSC	-31.08
				Vendor BIR05 - BIRITE FOODSERVICE DISTRIBUTORS Total:	**1,113.05**
Vendor: CAL04 - CALCON SYSTEMS,INC.					
58628	106836	03/14/2025	500-641-42107	SERVICE CALL WPCP	860.00
				Vendor CAL04 - CALCON SYSTEMS,INC. Total:	**860.00**
Vendor: CAL01 - CALTEST ANALYTICAL LAB					
727333	106795	03/07/2025	500-641-44305	TRIBUTYLTIN STANDARD LAB SUPPLIES WPCP	435.00
727844	106837	03/14/2025	500-641-44305	CHEMICALS FOR LAB WPCP	712.50
				Vendor CAL01 - CALTEST ANALYTICAL LAB Total:	**1,147.50**
Vendor: 2229 - CHAPLIN AND HILL INVESTIGATIVE SERVICES LLC					
25-08_01	106796	03/07/2025	100-221-42101	PD INVESTIGATION	2,025.00
				Vendor 2229 - CHAPLIN AND HILL INVESTIGATIVE SERVICES LLC Total:	**2,025.00**
Vendor: CIT08 - CITY MECHANICAL, INC					
112421	106838	03/14/2025	100-343-42108	HVAC POST OFFICE	557.00
				Vendor CIT08 - CITY MECHANICAL, INC Total:	**557.00**
Vendor: LAF02 - CITY OF LAFAYETTE					
03032025	106797	03/07/2025	100-110-42301	DINNER TICKET FOR MAYOR'S CONFERENCE	70.00
				Vendor LAF02 - CITY OF LAFAYETTE Total:	**70.00**

Payable Number	Payment Number	Payment Date	Account Number	Description (Payable)	Amount
Vendor: 2405 - CLIENTFIRST CONSULTING GROUP, LLC.					
17846	106839	03/14/2025	525-118-42101	PINOLE LAND MGMT SYSTEM ADMINISTRATION FY25	5,572.50
17873	106839	03/14/2025	525-118-42101	PINOLE LAND MANAGEMENT GIS MAINTENANCE FY 25	2,422.50
			Vendor 2405 - CLIENTFIRST CONSULTING GROUP, LLC. Total:		**7,995.00**
Vendor: COM20 - COMCAST					
0050875-02182025	106798	03/07/2025	525-118-43105	CABLE CH	29.76
0210511-02162025	106798	03/07/2025	100-222-43105	CABLE PD	249.40
0413784-02182025	106798	03/07/2025	525-118-43106	INTERNET 2454 SIMAS AVENUE	336.50
0419492-03022025	106840	03/14/2025	525-118-43106	PINOLE SEIM CNTR INTERNET	181.32
232855883	106799	03/07/2025	525-118-43106	INTERNET SERVICES PD	895.52
			Vendor COM20 - COMCAST Total:		**1,692.50**
Vendor: CON09 - CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT					
FY2024-25 02242025	106800	03/07/2025	100-231-42101	DISPATCH SERVICES COST FY 2024-25	186,574.00
FY2425-MAR	106800	03/07/2025	100-231-42101	FIRE PROTECTION SERVICES MARCH 2025	231,797.19
FY2425-MAR	106800	03/07/2025	105-231-42101	FIRE PROTECTION SERVICES MARCH 2025	119,169.07
FY2425-MAR	106800	03/07/2025	106-231-42101	FIRE PROTECTION SERVICES MARCH 2025	110,670.07
			Vendor CON09 - CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT Total:		**648,210.33**
Vendor: 1310 - CONTRA COSTA TRANSPORTATION AUTHORITY					
2025-00000010	106841	03/14/2025	215-342-42106	STREET LIGHT DATE & SERVICES SUBCRIPTION COST SHAR	4,700.00
2025-00000015	106841	03/14/2025	200-342-42514	FY2023- CONGESTION MANAGEMENT	2,925.00
			Vendor 1310 - CONTRA COSTA TRANSPORTATION AUTHORITY Total:		**7,625.00**
Vendor: 1539 - CORE PSYCHOLOGICAL CORPORATION					
8091	106801	03/07/2025	100-221-42101	PEPS RQ GALINDO PD	500.00
			Vendor 1539 - CORE PSYCHOLOGICAL CORPORATION Total:		**500.00**
Vendor: COR12 - CORELOGIC SOLUTIONS LLC					
82237175	106842	03/14/2025	525-118-42510	REALQUEST CITYWIDE	710.41
			Vendor COR12 - CORELOGIC SOLUTIONS LLC Total:		**710.41**
Vendor: 1445 - CORTEZ TIRES AND AUTO REPAIR					
27457	106802	03/07/2025	100-221-42107	OIL CHANGE TIRE ROTATIO...	70.00
27506	106802	03/07/2025	100-221-42107	OIL CHANGE AND REMOVE OIL PRESSURE SWITCH CAR 802	230.09
27527	106802	03/07/2025	100-221-42107	FRONT BRAKES CAR 811	495.79
27564	106843	03/14/2025	100-221-42107	NEW TIRE PACKAGE AND ALIGMENT	706.20
			Vendor 1445 - CORTEZ TIRES AND AUTO REPAIR Total:		**1,502.08**
Vendor: 2982 - CRAIG HEALY					
03032025	106803	03/07/2025	100-000-31510	REFUND PRORATED BL 23-00820	184.50
			Vendor 2982 - CRAIG HEALY Total:		**184.50**
Vendor: 2767 - CRAIG WHITTOM CONSULTING					
00096	106804	03/07/2025	100-341-42101	PROF ENGINEERING SERVICES FEBRUARY 2025	4,767.00
			Vendor 2767 - CRAIG WHITTOM CONSULTING Total:		**4,767.00**
Vendor: CSI01 - CSI FORENSIC SUPPLY					
PINOLEPD-0008	106805	03/07/2025	100-222-42514	FORENSIC SUPPLIES PD	302.80
			Vendor CSI01 - CSI FORENSIC SUPPLY Total:		**302.80**
Vendor: 1443 - DIESEL DIRECT WEST, INC.					
86406887	106844	03/14/2025	100-10601	GASOLINE UNL CY	3,899.95
			Vendor 1443 - DIESEL DIRECT WEST, INC. Total:		**3,899.95**

Payable Number	Payment Number	Payment Date	Account Number	Description (Payable)	Amount
Vendor: 2480 - DTS LANGUAGE SERVICES, INC.					
I-0017996	106845	03/14/2025	100-465-42101	TRANSLATION SERIVCES FOR CE	113.37
			Vendor 2480 - DTS LANGUAGE SERVICES, INC. Total:		**113.37**
Vendor: EBM01 - EBMUD					
464595-03032025	106846	03/14/2025	209-554-43102	635 Tennent Ave--Pinole Youth Center/CTV	43.10
464595-03032025	106846	03/14/2025	505-119-43102	635 Tennent Ave--Pinole Youth Center/CTV	43.10
464596-03032025	106846	03/14/2025	100-345-43102	2310 Park St--Fernandez Park Baseball Field	2,501.02
465190-02272025	106846	03/14/2025	201-343-43102	813 Fernandez Ave--Irrigation Use Only	70.96
465395-03042025	106846	03/14/2025	100-345-43102	1095 Nob Hill Ave--Parks & Gardens--Meadow Park	306.46
465422-03032025	106846	03/14/2025	500-641-43102	80 TENNENT AVE--WASTE WATER TREATMENT PLANT	2,691.52
465553-02272025	106846	03/14/2025	100-343-43102	2301 1/2 San Pablo Ave--Irrigation Use Only	107.20
465569-03032025	106846	03/14/2025	100-343-43102	601 Tennent Ave--Memorial Hall	122.44
465922-02272025	106846	03/14/2025	100-343-43102	636 Tennent Ave--Irrigation Use Only	70.96
465923-03032025	106846	03/14/2025	100-231-43102	880 Tennent Ave--Public Safety Facility/Building	720.16
465924-03032025	106846	03/14/2025	100-222-43102	880 Tennent Ave--Public Safety Facility/Building	1,172.93
465924-03032025	106846	03/14/2025	100-223-43102	880 Tennent Ave--Public Safety Facility/Building	260.65
465924-03032025	106846	03/14/2025	100-231-43102	880 Tennent Ave--Public Safety Facility/Building	1,172.92
466363-02272025	106846	03/14/2025	100-345-43102	1818 Canyon Dr--Irrigation Use Only	70.96
466641-02272025	106846	03/14/2025	100-343-43102	880 San Pablo Ave--Irrigation Use Only	1,120.66
524589-03042025	106846	03/14/2025	100-345-43102	592 Marlesta Rd--Irrigation Use Only	197.82
529821-03032025	106846	03/14/2025	209-552-43102	2500 Charles St--Senior Center	1,142.26
529852-03032025	106846	03/14/2025	209-552-43102	2500 Charles St--Senior Center	1,001.07
532187-02282025	106846	03/14/2025	100-343-43102	2601 Charles St--Irrigation Use Only	70.96
541397-02282025	106846	03/14/2025	100-343-43102	1601 Marlesta Rd--Irrigation Use Only	70.96
544461-03032025	106846	03/14/2025	100-110-43102	2131 Pear St--Offices--City Hall	4.19
544461-03032025	106846	03/14/2025	100-111-43102	2131 Pear St--Offices--City Hall	10.05
544461-03032025	106846	03/14/2025	100-112-43102	2131 Pear St--Offices--City Hall	9.21
544461-03032025	106846	03/14/2025	100-115-43102	2131 Pear St--Offices--City Hall	27.30
544461-03032025	106846	03/14/2025	100-116-43102	2131 Pear St--Offices--City Hall	9.21
544461-03032025	106846	03/14/2025	100-117-43102	2131 Pear St--Offices--City Hall	73.70
544461-03032025	106846	03/14/2025	100-343-43102	2131 Pear St--Offices--City Hall	131.31
544461-03032025	106846	03/14/2025	200-342-43102	2131 Pear St--Offices--City Hall	23.45
544461-03032025	106846	03/14/2025	212-461-43102	2131 Pear St--Offices--City Hall	8.88
544461-03032025	106846	03/14/2025	212-462-43102	2131 Pear St--Offices--City Hall	23.62
544461-03032025	106846	03/14/2025	285-464-43102	2131 Pear St--Offices--City Hall	7.03
544461-03032025	106846	03/14/2025	505-119-43102	2131 Pear St--Offices--City Hall	7.03
545474-03032025	106846	03/14/2025	100-110-43102	2131 Pear St--Offices--City Hall	9.00
545474-03032025	106846	03/14/2025	100-111-43102	2131 Pear St--Offices--City Hall	21.60
545474-03032025	106846	03/14/2025	100-112-43102	2131 Pear St--Offices--City Hall	19.80
545474-03032025	106846	03/14/2025	100-115-43102	2131 Pear St--Offices--City Hall	58.69
545474-03032025	106846	03/14/2025	100-116-43102	2131 Pear St--Offices--City Hall	19.80
545474-03032025	106846	03/14/2025	100-117-43102	2131 Pear St--Offices--City Hall	158.44
545474-03032025	106846	03/14/2025	100-343-43102	2131 Pear St--Offices--City Hall	282.33

Payable Number	Payment Number	Payment Date	Account Number	Description (Payable)	Amount
545474-03032025	106846	03/14/2025	200-342-43102	2131 Pear St--Offices--City Hall	50.41
545474-03032025	106846	03/14/2025	212-461-43102	2131 Pear St--Offices--City Hall	19.08
545474-03032025	106846	03/14/2025	212-462-43102	2131 Pear St--Offices--City Hall	50.77
545474-03032025	106846	03/14/2025	285-464-43102	2131 Pear St--Offices--City Hall	15.12
545474-03032025	106846	03/14/2025	505-119-43102	2131 Pear St--Offices--City Hall	15.12
554167-02272025	106846	03/14/2025	100-345-43102	1600 Primrose Lane--Irrigation Use Only	107.20
554625-03032025	106846	03/14/2025	100-343-43102	601 Tennent Ave--Memorial Hall	368.42
565167-02272025	106846	03/14/2025	201-343-43102	2100 San Pablo Ave--Offices--Faria House	70.96
565169-03032025	106846	03/14/2025	201-343-43102	2100 San Pablo Ave--Offices--Faria House	129.18
570108-03042025	106846	03/14/2025	310-347-43102	1303 Pinole Valley Rd--Irrigation Use Only	1,046.32
610134-02272025	106846	03/14/2025	201-343-43102	2100 SAN PABLO AVE-IRRIGATION USE ONLY	70.96
				Vendor EBM01 - EBMUD Total:	**15,806.29**
Vendor: 2948 - FEDERAL REALTY OP LP					
967149	106806	03/07/2025	201-343-42513	FEBRUARY 2025 RENT SPACES	100.00
				Vendor 2948 - FEDERAL REALTY OP LP Total:	**100.00**
Vendor: 2921 - FORD PRO					
INV32600444	106848	03/14/2025	100-221-42107	FORD TELEMATICS LAW ENFORCEMENT	81.20
				Vendor 2921 - FORD PRO Total:	**81.20**
Vendor: 2457 - GEOLINKS					
BD0232903	106849	03/14/2025	525-118-43101	CLEAR FIBER	499.00
				Vendor 2457 - GEOLINKS Total:	**499.00**
Vendor: GLO08 - GLOBALSTAR					
000000084370081	106807	03/07/2025	525-118-43101	TELECOMMUNICATIONS SERVICES PD	135.14
000000086123684	106807	03/07/2025	525-118-43101	TELECOMMUNICATIONS PD	135.14
				Vendor GLO08 - GLOBALSTAR Total:	**270.28**
Vendor: GRA03 - GRAINGER					
9414719287	106808	03/07/2025	500-641-44305	NON FOAMING DETERGENT SUPPLIES FOR LAB WPCP	272.10
9415202655	106808	03/07/2025	500-641-44305	CYLINDER FUNNELS LAB SUPPLIES WPCP	44.91
9427204541	106850	03/14/2025	100-345-44306	EASY FILL DRIAN JUG WPCP	221.52
9430089798	106850	03/14/2025	500-641-44303	IODINE PRECISION SOLUTION WPCP	189.02
				Vendor GRA03 - GRAINGER Total:	**727.55**
Vendor: 1112 - GRAY-BOWEN-SCOTT					
22611	106809	03/07/2025	325-342-47205	PM SERVICES: DESIGN PHASE OF SPA BRIDGE REPLACMNT	3,213.50
				Vendor 1112 - GRAY-BOWEN-SCOTT Total:	**3,213.50**
Vendor: 2371 - GREEN HALO SYSTEMS INC					
5303	106851	03/14/2025	212-462-42106	HOST AND ACCESS	175.00
5365	106851	03/14/2025	212-462-42106	HOST AND ACCESS	175.00
5486	106851	03/14/2025	212-462-42106	HOST AND ACCESS	175.00
				Vendor 2371 - GREEN HALO SYSTEMS INC Total:	**525.00**
Vendor: HAC01 - HACH COMPANY					
14374168	106810	03/07/2025	500-641-44305	BEAKER LOW FROM LAB SUPPLIES WPCP	100.48
14381833	106810	03/07/2025	500-641-44305	FILTER GLASS LAB SUPPLIES WPCP	586.07
				Vendor HAC01 - HACH COMPANY Total:	**686.55**

Payable Number	Payment Number	Payment Date	Account Number	Description (Payable)	Amount
Vendor: HAR01 - HARRINGTON INDUSTRIAL PLASTIC, LLC					
006O8326	106852	03/14/2025	500-641-44306	SUPPLIES FOR WPCP	713.38
			Vendor HAR01 - HARRINGTON INDUSTRIAL PLASTIC, LLC Total:		**713.38**
Vendor: 2984 - HEBA EL-GUINDY					
02112025	106811	03/07/2025	100-116-42110	LIVE SCAN SVCS REIMBURSEMENT	25.00
				Vendor 2984 - HEBA EL-GUINDY Total:	**25.00**
Vendor: HIL03 - HILLTOP FORD					
FOCS411426	106853	03/14/2025	100-345-42107	MAINTENANCE ON CHPPER DUMP TRUCK	292.95
				Vendor HIL03 - HILLTOP FORD Total:	**292.95**
Vendor: HOM01 - HOME DEPOT CREDIT SERVICE					
FEBRUARY 2025	106854	03/14/2025	100-222-42108	CITYWIDE SUPPLIES	186.69
FEBRUARY 2025	106854	03/14/2025	100-231-42108	CITYWIDE SUPPLIES	88.42
FEBRUARY 2025	106854	03/14/2025	100-343-44306	CITYWIDE SUPPLIES	99.37
FEBRUARY 2025	106854	03/14/2025	100-343-44306	CITYWIDE SUPPLIES	166.99
FEBRUARY 2025	106854	03/14/2025	100-343-44306	CITYWIDE SUPPLIES	157.29
FEBRUARY 2025	106854	03/14/2025	100-343-44306	CITYWIDE SUPPLIES	194.49
FEBRUARY 2025	106854	03/14/2025	100-343-44306	CITYWIDE SUPPLIES	19.20
FEBRUARY 2025	106854	03/14/2025	100-343-44306	CITYWIDE SUPPLIES	78.03
FEBRUARY 2025	106854	03/14/2025	100-343-44306	CITYWIDE SUPPLIES	68.83
FEBRUARY 2025	106854	03/14/2025	100-343-44306	CITYWIDE SUPPLIES	74.73
FEBRUARY 2025	106854	03/14/2025	100-343-44306	CITYWIDE SUPPLIES	15.23
FEBRUARY 2025	106854	03/14/2025	100-343-44306	CITYWIDE SUPPLIES	89.03
FEBRUARY 2025	106854	03/14/2025	100-345-44306	CITYWIDE SUPPLIES	13.38
FEBRUARY 2025	106854	03/14/2025	100-345-44306	CITYWIDE SUPPLIES	21.25
FEBRUARY 2025	106854	03/14/2025	100-345-44306	CITYWIDE SUPPLIES	23.25
FEBRUARY 2025	106854	03/14/2025	100-345-44306	CITYWIDE SUPPLIES	26.91
FEBRUARY 2025	106854	03/14/2025	100-345-44306	CITYWIDE SUPPLIES	197.20
FEBRUARY 2025	106854	03/14/2025	100-345-44306	CITYWIDE SUPPLIES	188.36
FEBRUARY 2025	106854	03/14/2025	100-345-44306	CITYWIDE SUPPLIES	75.49
FEBRUARY 2025	106854	03/14/2025	100-345-44306	CITYWIDE SUPPLIES	24.25
FEBRUARY 2025	106854	03/14/2025	209-552-44306	CITYWIDE SUPPLIES	43.45
FEBRUARY 2025	106854	03/14/2025	209-552-44306	CITYWIDE SUPPLIES	130.46
FEBRUARY 2025	106854	03/14/2025	209-552-44306	CITYWIDE SUPPLIES	130.07
FEBRUARY 2025	106854	03/14/2025	209-552-44306	CITYWIDE SUPPLIES	98.69
FEBRUARY 2025	106854	03/14/2025	209-552-44306	CITYWIDE SUPPLIES	70.23
FEBRUARY 2025	106854	03/14/2025	209-552-44306	CITYWIDE SUPPLIES	95.51
FEBRUARY 2025	106854	03/14/2025	500-641-44306	CITYWIDE SUPPLIES	11.47
FEBRUARY 2025	106854	03/14/2025	500-641-44306	CITYWIDE SUPPLIES	10.64
FEBRUARY 2025	106854	03/14/2025	500-641-44306	CITYWIDE SUPPLIES	144.40
FEBRUARY 2025	106854	03/14/2025	500-641-44306	CITYWIDE SUPPLIES	19.08
FEBRUARY 2025	106854	03/14/2025	500-642-42514	CITYWIDE SUPPLIES	25.06
			Vendor HOM01 - HOME DEPOT CREDIT SERVICE Total:		**2,587.45**
Vendor: CUL03 - ISING'S CULLIGAN-LIVERMORE					
379X11803504	106812	03/07/2025	500-641-44305	DEIONIZATION WPCP	592.40
			Vendor CUL03 - ISING'S CULLIGAN-LIVERMORE Total:		**592.40**
Vendor: JWE01 - J. W. ENTERPRISES - NORTH					
264574	106813	03/07/2025	100-551-42511	PORTABLE TOILET RENTAL	599.20
			Vendor JWE01 - J. W. ENTERPRISES - NORTH Total:		**599.20**
Vendor: 1285 - JACKSON LEWIS P.C.					
8726991	106855	03/14/2025	100-116-42102	PROFESSIONAL SERVICES INVESTIGATION	461.50
8727008	106855	03/14/2025	100-116-42102	PROFESSIONAL SERVICES INVESTIGATION	35.50
				Vendor 1285 - JACKSON LEWIS P.C. Total:	**497.00**
Vendor: JAN92 - JAN-PRO OF THE GREATER BAY AREA					
27806	106814	03/07/2025	209-554-42108	JANITORIAL SERVICES MARCH 2025 PYC	483.34

Payable Number	Payment Number	Payment Date	Account Number	Description (Payable)	Amount
27807	106814	03/07/2025	209-552-42108	JANITORIAL SERVICES MARCH 2025 PSC	447.27
27808	106814	03/07/2025	209-552-43810	JANITORIAL SERVICES MARCH 2025 PSC KITCHEN	429.67
27809	106814	03/07/2025	209-553-42108	JANITORIAL SERVICES MARCH 2025 TINY TOTS	516.23
				Vendor JAN92 - JAN-PRO OF THE GREATER BAY AREA Total:	**1,876.51**
Vendor: 2963 - JAZMINE LOUIS					
03062025	106856	03/14/2025	100-221-42302	REIMBURSEMENT OTAC INSTRUCTOR SCHOOL	55.16
03062025	106856	03/14/2025	100-221-42303	REIMBURSEMENT OTAC INSTRUCTOR SCHOOL	345.00
				Vendor 2963 - JAZMINE LOUIS Total:	**400.16**
Vendor: 2364 - JEFFREY TEEL					
03032025	106815	03/07/2025	100-221-42302	REIMBURSEMENT MILEAGE, FUEL RENTAL FOR TRAINING	544.22
03032025	106815	03/07/2025	100-221-42303	REIMBURSEMENT MILEAGE, FUEL RENTAL FOR TRAINING	345.00
				Vendor 2364 - JEFFREY TEEL Total:	**889.22**
Vendor: 2977 - JOSE A. VARGAS					
03082025	106816	03/07/2025	209-20012	SECURITY GURAD PYC RENTAL ON 3/8/25	160.00
03232025	106816	03/07/2025	209-20012	SECURITY GUARD RENTAL ON 3/23/25	120.00
				Vendor 2977 - JOSE A. VARGAS Total:	**280.00**
Vendor: KEL09 - KELLER CANYON LANDFILL					
4212-000033841	106817	03/07/2025	500-641-44302	SLUDGE REMOVAL WPCP	8,103.56
4212-000033872	106857	03/14/2025	500-641-44302	SLUDGE REMOVAL	5,092.99
				Vendor KEL09 - KELLER CANYON LANDFILL Total:	**13,196.55**
Vendor: KEN09 - KENNEDY AND ASSOCIATES, INC.					
24-183	106858	03/14/2025	207-344-42101	STORMWATER SUPPORT	69.90
				Vendor KEN09 - KENNEDY AND ASSOCIATES, INC. Total:	**69.90**
Vendor: 2986 - KIMBERLY KARKOV					
03042025	106859	03/14/2025	212-461-34221	PARTIAL REFUND OF VARIANCE APPLICATION VA24-0001	5,936.00
				Vendor 2986 - KIMBERLY KARKOV Total:	**5,936.00**
Vendor: KNO03 - KNORR SYSTEMS,INC.					
261866	106860	03/14/2025	209-557-42108	SODIUM HYPOCHLORITE AND MURIATIC ACID WPCP	2,193.85
				Vendor KNO03 - KNORR SYSTEMS,INC. Total:	**2,193.85**
Vendor: LAN15 - LANGUAGE LINE SERVICES					
11552154	106861	03/14/2025	100-223-42101	OVER THE PHONE TRANSLATION PD	38.54
				Vendor LAN15 - LANGUAGE LINE SERVICES Total:	**38.54**
Vendor: 1253 - LIL' FROG CREATIONS					
1179	106818	03/07/2025	209-552-43809	JANUARY NEWSLETTER PSC	240.35
				Vendor 1253 - LIL' FROG CREATIONS Total:	**240.35**
Vendor: 2981 - OPENGOV, INC.					
INV17815	106819	03/07/2025	100-111-42101	OPENGOV PROCUREMENT- CM	40,227.00
				Vendor 2981 - OPENGOV, INC. Total:	**40,227.00**
Vendor: PAC55 - PACIFIC SITE MANAGEMENT					
4213288	106862	03/14/2025	100-222-42108	MONTHLY LANDSCAPE SERVICES	157.66
4213288	106862	03/14/2025	100-231-42108	MONTHLY LANDSCAPE SERVICES	422.44
4213288	106862	03/14/2025	100-343-42108	MONTHLY LANDSCAPE SERVICES	225.37
4213288	106862	03/14/2025	100-345-42108	MONTHLY LANDSCAPE SERVICES	7,246.19

Payable Number	Payment Number	Payment Date	Account Number	Description (Payable)	Amount
4213288	106862	03/14/2025	200-342-42108	MONTHLY LANDSCAPE SERVICES	420.42
4213288	106862	03/14/2025	201-343-42108	MONTHLY LANDSCAPE SERVICES	687.22
4213288	106862	03/14/2025	209-552-42108	MONTHLY LANDSCAPE SERVICES	255.69
4213288	106862	03/14/2025	209-553-42108	MONTHLY LANDSCAPE SERVICES	265.79
4213288	106862	03/14/2025	209-557-42108	MONTHLY LANDSCAPE SERVICES	265.79
4213288	106862	03/14/2025	310-347-42108	MONTHLY LANDSCAPE SERVICES	77.82
4213288	106862	03/14/2025	310-348-42108	MONTHLY LANDSCAPE SERVICES	81.86
				Vendor PAC55 - PACIFIC SITE MANAGEMENT Total:	**10,106.25**
Vendor: 1469 - PAN-PACIFIC SUPPLY COMPANY					
29617647	106820	03/07/2025	500-641-44306	BORE, SLEEVE SHAFT BOOSTER PUMP WPCP	727.74
				Vendor 1469 - PAN-PACIFIC SUPPLY COMPANY Total:	**727.74**
Vendor: 1581 - PAPEMATERIAL HANDLING INC					
15195782	106821	03/07/2025	500-641-44306	BATTERY WPCP	465.83
				Vendor 1581 - PAPEMATERIAL HANDLING INC Total:	**465.83**
Vendor: 2987 - PEACH AI INC.					
000005BC	106863	03/14/2025	100-221-42106	AI NARRATIVE PROGRAM PD	300.00
				Vendor 2987 - PEACH AI INC. Total:	**300.00**
Vendor: PGE01 - PG&E					
1093-02282025	106864	03/14/2025	500-642-43103	W END/HAZEL AVE SEWAGE PLANT	958.89
1798-02262025	106864	03/14/2025	200-342-43103	2935 PINOLE VALLEY RD. TRAFFIC SIGNAL	265.75
2222-02242025	106864	03/14/2025	100-345-43103	STREET AND HIGHWAY LIGHTING	49.39
2222-02242025	106864	03/14/2025	200-342-43103	STREET AND HIGHWAY LIGHTING	17,088.80
2222-02242025	106864	03/14/2025	310-347-43103	STREET AND HIGHWAY LIGHTING	280.00
2222-02242025	106864	03/14/2025	310-348-43103	STREET AND HIGHWAY LIGHTING	400.00
3879-02252025	106864	03/14/2025	200-342-43103	N COR RAMONA ST AND PINOLE VALLEY RD	213.83
4256-02252025	106864	03/14/2025	500-641-43103	11 TENNANT AVE	88,250.87
4430-02252025	106864	03/14/2025	100-345-43103	S/O MARLESTA 1ST POLE-SPRINKLER CONTROLLER	1.31
6521-02262025	106864	03/14/2025	200-342-43103	IFO 971 SAN PABLO AVE-TRAFFIC SIGNAL CONTROL	160.84
6897-02262025	106864	03/14/2025	200-342-43103	PINOLE VALLEY RD & ESTATES AVE-TRAFFIC LIGHT CTRL	101.36
7547-02252025	106864	03/14/2025	100-222-43103	880 Tennent Ave-Public Safety Facility	4,846.70
7547-02252025	106864	03/14/2025	100-223-43103	880 Tennent Ave-Public Safety Facility	969.34
7547-02252025	106864	03/14/2025	100-231-43103	880 Tennent Ave-Public Safety Facility	3,877.36
8511-02242025	106864	03/14/2025	100-345-43103	W/S PINOLE SHORES DR-SPRINKLER CONTROLLER	9.31
9929-02242025	106864	03/14/2025	201-343-43103	790 PINOLE SHORES DR-NEW METAL BUILDING	126.64
9961-02252025	106864	03/14/2025	209-552-43103	2500 CHARLES ST-SENIOR CENTER	4,370.27
				Vendor PGE01 - PG&E Total:	**121,970.66**

Payable Number	Payment Number	Payment Date	Account Number	Description (Payable)	Amount
Vendor: PON07 - PONDER ENVIRONMENTAL SERVICES, INC.					
51201	106865	03/14/2025	500-642-42101	VACUUM TANK SERVICE	60,147.56
			Vendor PON07 - PONDER ENVIRONMENTAL SERVICES, INC. Total:		**60,147.56**
Vendor: 1009 - PRECISION IT CONSULTING					
150018	106822	03/07/2025	525-118-42510	MICROSOFT CHARGES FOR JANUARY 2025	3,200.92
15004	106822	03/07/2025	525-118-47106	LAPTOP FOR CM	2,325.19
15014	106822	03/07/2025	525-118-42510	ACROBAT SOFTWARE	6,965.65
15051	106822	03/07/2025	525-118-42201	FIREWALL REPLACEMENTS	2,437.50
15052	106822	03/07/2025	525-118-42510	ADOBE ACROBAT FIREWALL REPLACEMENTS	340.95
15059	106822	03/07/2025	525-118-42105	SUPPORT WINDOWS CISC DOU ESSENTIALS	2,100.00
15060	106866	03/14/2025	525-118-42510	MS ENTRA, VISIO, OFFICE 365 MICROSOFT SOFTWARE MAI	3,389.92
15061	106866	03/14/2025	525-118-42105	S4P6 TBR S3E12000TBR CISCO	1,950.00
15062	106866	03/14/2025	525-118-42101	PROFESSIONAL SERVICES 360 SUPPORT	27,900.00
			Vendor 1009 - PRECISION IT CONSULTING Total:		**50,610.13**
Vendor: 2388 - PRESTIGE PRINTING AND GRAPHICS					
100123	106867	03/14/2025	212-461-42201	BUSINESS CARDS FOR HOUSING FELLOW	155.07
100284	106823	03/07/2025	100-111-42201	#10 REG ENVELOPES FOR CH	603.38
100533	106867	03/14/2025	100-111-42201	POSTERS FOR MEASURE I	715.45
99362	106823	03/07/2025	100-110-42514	BUSINESS CARDS FOR COUNCIL MEMBERS	249.63
			Vendor 2388 - PRESTIGE PRINTING AND GRAPHICS Total:		**1,723.53**
Vendor: 2985 - PURETEC INDUSTRIAL WATER					
2271137	106824	03/07/2025	500-641-44305	WWTP LAB DI WATER SYSTEM WPCP	1,048.16
			Vendor 2985 - PURETEC INDUSTRIAL WATER Total:		**1,048.16**
Vendor: 2783 - READYFRESH					
05B6709280711	106868	03/14/2025	505-119-42201	WATER FOR PCTV	39.69
05C6708050237	106868	03/14/2025	100-111-42201	WATER FRO CH	127.72
25B6708050237	106825	03/07/2025	100-111-42201	WATER FOR CH	106.89
			Vendor 2783 - READYFRESH Total:		**274.30**
Vendor: 2847 - RINGCENTRAL, INC.					
INVA83938366	106826	03/07/2025	525-118-42101	TELEPHONE SERVICES	1,941.47
			Vendor 2847 - RINGCENTRAL, INC. Total:		**1,941.47**
Vendor: 2646 - ROADSAFE TRAFFIC SYSTEMS, INC.					
231054	106869	03/14/2025	100-342-42514	ALUMINUM SIGNS	429.13
231629	106869	03/14/2025	100-342-42514	ALUMINUM DIGITAL PRINT SIGN	482.90
			Vendor 2646 - ROADSAFE TRAFFIC SYSTEMS, INC. Total:		**912.03**
Vendor: ROS08 - RSG, INC.					
12930	106870	03/14/2025	285-464-42101	HOUSING CONSULTING SERVICES FY24-25	2,250.00
12977	106870	03/14/2025	285-464-42101	COMPLIANCE MONITORING FY24-25	1,563.75
			Vendor ROS08 - RSG, INC. Total:		**3,813.75**
Vendor: 2632 - SHIPLEY POOL SERVICE					
12023	106871	03/14/2025	209-557-42108	POOL MAINTENANCE FEBRUARY 2025	3,564.22
			Vendor 2632 - SHIPLEY POOL SERVICE Total:		**3,564.22**
Vendor: 2657 - SHRED CITY, LLC					
23979022425	106827	03/07/2025	100-221-42101	DOCUMENT DESTRUCTION SERVICES	320.00
			Vendor 2657 - SHRED CITY, LLC Total:		**320.00**

Payable Number	Payment Number	Payment Date	Account Number	Description (Payable)	Amount
Vendor: 2688 - SHUMS CODA ASSOCIATES, INC.					
10705	106872	03/14/2025	212-462-42101	PLAN REVIEW JANUARY 2025	3,058.90
				Vendor 2688 - SHUMS CODA ASSOCIATES, INC. Total:	**3,058.90**
Vendor: STA25 - STATE WATER RESOURCES CONTROL BOARD					
SW-0296195	106873	03/14/2025	207-344-42514	VIOLATION FINE FY2024/25 INDEX #611026	10,920.00
				Vendor STA25 - STATE WATER RESOURCES CONTROL BOARD Total:	**10,920.00**
Vendor: 2969 - TERMINIX COMMERCIAL					
456528127	106828	03/07/2025	209-554-42108	PEST CONTROL PYC	68.00
456528211	106828	03/07/2025	209-554-42108	PEST CONTROL PYC	345.00
				Vendor 2969 - TERMINIX COMMERCIAL Total:	**413.00**
Vendor: SIE04 - THATCHER COMPANY, INC					
2025250101276	106874	03/14/2025	500-641-44303	SODIUM BISULFITE BULK WPCP	8,451.07
				Vendor SIE04 - THATCHER COMPANY, INC Total:	**8,451.07**
Vendor: EDJ01 - THE ED JONES CO., INC.					
57849	106875	03/14/2025	100-221-42514	GERMAN SILVER BADGE	158.59
				Vendor EDJ01 - THE ED JONES CO., INC. Total:	**158.59**
Vendor: 2633 - TRB AND ASSOCIATES, INC.					
6020	106876	03/14/2025	212-462-42101	PLAN REVIEW & INSPECTION SERVICES	1,745.74
6061	106876	03/14/2025	212-462-42101	PLAN REVIEW AND INSPECTION SERVICES	880.00
				Vendor 2633 - TRB AND ASSOCIATES, INC. Total:	**2,625.74**
Vendor: 2668 - UBEO BUSINESS SERVICES					
4820478	106877	03/14/2025	525-118-42107	EQUIPMENT SUPPLIES AND MAINTENANCE CITYWIDE	1,284.63
				Vendor 2668 - UBEO BUSINESS SERVICES Total:	**1,284.63**
Vendor: UNI07 - UNIVERSAL BUILDING SVCS.					
17649	106878	03/14/2025	100-343-42108	JANITORIAL SUPPLIES CY	1,098.37
17651	106878	03/14/2025	209-554-42108	JANITORIAL SUJPPLIES PYC	136.41
18048	106878	03/14/2025	100-343-42108	JANITORIAL SUPPLIES CH	270.71
18576	106878	03/14/2025	209-554-42108	JANITORIAL SUPPLIES PYC	186.87
18676	106878	03/14/2025	100-343-42108	JANITORIAL SUPPLIES CY	300.85
18690	106878	03/14/2025	100-221-42108	JANITORIAL SUPPLIES PD	392.55
18691	106878	03/14/2025	100-343-42108	JANITORIAL SUPPLIES CH	331.05
533814	106878	03/14/2025	100-343-42108	JANITORIAL SERVICES FEBRUARY 2025 CH	1,354.00
533815	106878	03/14/2025	100-222-42108	JANITORIAL SERVICES PD SAFETY BLDG	2,768.00
533816	106878	03/14/2025	209-557-42108	JANITORIAL SERVICES SWIM CENTER FEBRUARY 2025	436.00
533817	106878	03/14/2025	500-641-42108	JANITORIAL SERVICES WPCP FEBRUARY 2025	559.00
				Vendor UNI07 - UNIVERSAL BUILDING SVCS. Total:	**7,833.81**
Vendor: USB06 - US BANK					
549912103	106829	03/07/2025	525-118-42107	CITYWIDE EQUIPMENT CHARGES	2,501.86
FEBRUARY 2025	106830	03/07/2025	100-20018	CITYWIDE CREDIT CARDS FEBRUARY 2025	27,686.65
				Vendor USB06 - US BANK Total:	**30,188.51**
Vendor: VER02 - VERIZON WIRELESS					
6106105078	106831	03/07/2025	525-118-43101	CITYWIDE CELL PHONES	5,423.67
				Vendor VER02 - VERIZON WIRELESS Total:	**5,423.67**
Vendor: 2828 - VESTIS					
860105970-02282025	106879	03/14/2025	100-342-44410	MONTHLY STATEMENT-GENERAL MAINTENANCE	597.12
860105970-02282025	106879	03/14/2025	100-343-44410	MONTHLY STATEMENT-GENERAL MAINTENANCE	3,039.87

Payable Number	Payment Number	Payment Date	Account Number	Description (Payable)	Amount
860105970-02282025	106879	03/14/2025	500-642-44410	MONTHLY STATEMENT-GENERAL MAINTENANCE	1,791.35
939388000	106879	03/14/2025	209-552-43804	LAUNDRY SERVICES WPCP AND PSC	181.12
939388000	106879	03/14/2025	209-552-43804	LAUNDRY SERVICES WPCP AND PSC	201.49
939388000	106879	03/14/2025	209-552-43804	LAUNDRY SERVICES WPCP AND PSC	181.12
939388000	106879	03/14/2025	209-552-43804	LAUNDRY SERVICES WPCP AND PSC	181.12
939388000	106879	03/14/2025	500-641-44410	LAUNDRY SERVICES WPCP AND PSC	474.10
939388000	106879	03/14/2025	500-641-44410	LAUNDRY SERVICES WPCP AND PSC	471.60
939388000	106879	03/14/2025	500-641-44410	LAUNDRY SERVICES WPCP AND PSC	471.60
939388000	106879	03/14/2025	500-641-44410	LAUNDRY SERVICES WPCP AND PSC	471.60
				Vendor 2828 - VESTIS Total:	**8,062.09**
Vendor: 2939 - YSI INCORPORATED					
1123482	106880	03/14/2025	500-641-42108	AERATION BASIN NUTRIENT PROBES	42,799.76
				Vendor 2939 - YSI INCORPORATED Total:	**42,799.76**
Vendor: ZOL02 - ZOLL					
INV00196325	106881	03/14/2025	525-118-42106	FIRERMS ENTERPRISE MAINT 040125-06302025	187.39
				Vendor ZOL02 - ZOLL Total:	**187.39**
				Grand Total:	**1,160,911.17**

Report Summary

Fund Summary

Fund	Payment Amount
100 - General Fund	548,232.35
105 - Measure S -2006	119,169.07
106 - MEASURE S-2014	110,670.07
200 - Gas Tax Fund	21,249.86
201 - Restricted Real Estate Maintenance Fund	1,255.92
207 - NPDES Storm Water Fund	10,989.90
209 - Recreation Fund	19,097.49
212 - Building & Planning	13,719.18
215 - Measure C and J Fund	4,700.00
285 - Housing Land Held for Resale	3,835.90
310 - Lighting & Landscape Districts	1,886.00
325 - City Street Improvements	3,213.50
500 - Sewer Enterprise Fund	227,991.94
505 - Cable Access TV	104.94
525 - Information Systems	74,795.05
Grand Total:	**1,160,911.17**

Account Summary

Account Number	Account Name	Payment Amount
100-000-31510	Other Tax/Business Lice...	184.50
100-10601	Gas Tanks/Corp Yard	3,899.95
100-110-42301	Travel & Training/Conf-R...	70.00
100-110-42514	Admin Exp/Special Depa...	249.63
100-110-43102	Utilities/Water	13.19
100-111-42101	Prof Svcs/Professional Se..	40,227.00
100-111-42201	Office Expense	1,553.44
100-111-42514	Admin Exp/Special Depa...	2,081.59
100-111-43102	Utilities/Water	31.65
100-112-43102	Utilities/Water	29.01
100-115-43102	Utilities/Water	85.99
100-116-42102	Prof Svcs/Attorney Servi...	497.00
100-116-42110	Prof Svcs/Fingerprinting	25.00
100-116-43102	Utilities/Water	29.01
100-117-43102	Utilities/Water	232.14
100-20018	Accounts Payable/CalCa...	27,686.65
100-221-42101	Prof Svcs/Professional Se..	2,845.00
100-221-42106	Prof Svcs/Software Main...	300.00
100-221-42107	Prof Svcs/Equipment Ma...	1,583.28
100-221-42108	Prof Svcs/Building-Struc...	392.55
100-221-42302	Travel & Training/Milea...	599.38
100-221-42303	Travel & Training/Meal A..	690.00
100-221-42514	Admin Exp/Special Depa...	158.59
100-221-44410	Safety Clothing	71.27
100-222-42108	Prof Svcs/Building-Struc...	3,112.35
100-222-42514	Admin Exp/Special Depa...	302.80
100-222-43102	Utilities/Water	1,172.93
100-222-43103	Utilities/Electricity & Po...	4,846.70
100-222-43105	Utilities/Cable	249.40
100-223-42101	Prof Svcs/Professional Se..	38.54
100-223-43102	Utilities/Water	260.65
100-223-43103	Utilities/Electricity & Po...	969.34
100-231-42101	Prof Svcs/Professional Se..	418,371.19
100-231-42108	Prof Svcs/Building-Struc...	510.86
100-231-43102	Utilities/Water	1,893.08
100-231-43103	Utilities/Electricity & Po...	3,877.36
100-341-42101	Prof Svcs/Professional Se..	4,767.00
100-342-42514	Admin Exp/Special Depa...	912.03

Account Summary

Account Number	Account Name	Payment Amount
100-342-44410	Safety Clothing	597.12
100-343-42108	Prof Svcs/Building-Struc...	4,137.35
100-343-43102	Utilities/Water	2,345.24
100-343-44306	Other Materials Supp/M...	1,005.93
100-343-44410	Safety Clothing	3,039.87
100-345-42107	Prof Svcs/Equipment Ma...	292.95
100-345-42108	Prof Svcs/Building-Struc...	7,246.19
100-345-43102	Utilities/Water	3,183.46
100-345-43103	Utilities/Electricity & Po...	60.01
100-345-44306	Other Materials Supp/M...	791.61
100-465-42101	Prof Svcs/Professional Se..	113.37
100-551-42511	Admin Exp/Equipment R...	599.20
105-231-42101	Prof Svcs/Professional Se..	119,169.07
106-231-42101	Prof Srvs/Professional Se...	110,670.07
200-342-42108	Prof Svcs/Building-Struc...	420.42
200-342-42514	Admin Exp/Special Depa...	2,925.00
200-342-43102	Utilities/Water	73.86
200-342-43103	Utilities/Electricity & Po...	17,830.58
201-343-42108	Prof Svcs/Building-Struc...	687.22
201-343-42513	Admin Exp/Rent	100.00
201-343-43102	Utilities/Water	342.06
201-343-43103	Utilities/Electricity & Po...	126.64
207-344-42101	Prof Svcs/Professional Se..	69.90
207-344-42514	Admin Exp/Special Depa...	10,920.00
209-20012	Accounts Payable/Contr...	280.00
209-552-42108	Prof Svcs/Building-Struc...	702.96
209-552-43102	Utilities/Water	2,143.33
209-552-43103	Utilities/Electricity & Po...	4,370.27
209-552-43804	Program Cost/Food Prog...	1,857.90
209-552-43809	Program Cost/Newsletter	240.35
209-552-43810	Program Cost/Center Ma..	429.67
209-552-44306	Other Materials Supp/M...	568.41
209-553-42108	Prof Svcs/Building-Struc...	782.02
209-554-42108	Prof Svcs/Building-Struc...	1,219.62
209-554-43102	Utilities/Water	43.10
209-557-42108	Prof Svcs/Building-Struc...	6,459.86
212-461-34221	Fees/Variance Fee	5,936.00
212-461-42201	Office Expense	155.07
212-461-42514	Admin Exp/Special Depa...	720.23
212-461-43102	Utilities/Water	27.96
212-462-42101	Prof Svcs/Professional Se..	6,280.53
212-462-42106	Prof Svcs/ Software Mai...	525.00
212-462-43102	Utilities/Water	74.39
215-342-42106	Prof Svcs/Software Main...	4,700.00
285-464-42101	Prof Svcs/Professional Se..	3,813.75
285-464-43102	Utilities/Water	22.15
310-347-42108	Prof Svcs/Building-Struc...	77.82
310-347-43102	Utilities/Water	1,046.32
310-347-43103	Utilities/Electricity & Po...	280.00
310-348-42108	Prof Svcs/Building-Struc...	81.86
310-348-43103	Utilities/Electricity & Po...	400.00
325-342-47205	Improvements/Streets	3,213.50
500-641-42107	Prof Svcs/Equipment Ma...	860.00
500-641-42108	Prof Svcs/Building-Struc...	43,358.76
500-641-43102	Utilities/Water	2,691.52
500-641-43103	Utilities/Electricity & Po...	88,250.87
500-641-44302	Other Materials Supp/Sl...	13,196.55
500-641-44303	Other Materials Supp/C...	8,640.09

Account Summary

Account Number	Account Name	Payment Amount
500-641-44305	Other Materials Supp/La...	3,791.62
500-641-44306	Other Materials Supp/M...	2,390.77
500-641-44410	Safety Clothing	1,888.90
500-642-42101	Prof Svcs/Professional Se..	60,147.56
500-642-42514	Admin Exp/Special Depa...	25.06
500-642-43103	Utilities/Electricity & Po...	958.89
500-642-44410	Safety Clothing	1,791.35
505-119-42201	Office Expense	39.69
505-119-43102	Utilities/Water	65.25
525-118-42101	Prof Svcs/Professional Se..	37,836.47
525-118-42105	Prof Svcs/Network Main...	4,050.00
525-118-42106	Prof Svcs/Software Main...	187.39
525-118-42107	Prof Svcs/Equipment Ma...	3,786.49
525-118-42201	Office Expense	2,437.50
525-118-42510	Admin Exp/Software Pur...	14,607.85
525-118-43101	Utilities/Telephone	8,121.06
525-118-43105	Utilities/Cable	29.76
525-118-43106	Utilities/Internet	1,413.34
525-118-47106	FF&E/Computer Equipm...	2,325.19
	Grand Total:	**1,160,911.17**

Project Account Summary

Project Account Key		Payment Amount
None		1,157,697.67
32534247205RO1710		3,213.50
	Grand Total:	**1,160,911.17**

Approved By: [signature]
Date: 3/13/2025

CITY COUNCIL
REPORT

9.C.

DATE: MARCH 18, 2025

TO: MAYOR AND COUNCIL MEMBERS

FROM: David Hanham, Planning Manager, 510-724-9842, dhanham@pinole.gov
Justin Shiu, Consultant Planner, 510-724-9035, jshiu@pinole.gov

SUBJECT: SECOND READ AND ADOPTION OF A PINOLE MUNICIPAL CODE AMENDMENT RELATED TO (A) HOUSING ELEMENT PROGRAMS NO. 4, 5 12 AND 13, FOCUSING ON ACCESSORY DWELLING UNITS (ADUS), JUNIOR ACCESSORY DWELLING UNITS (JADUS), AND UNIT AND LOT SPLIT PROJECTS PROPOSED UNDER SENATE BILL 9 (SB 9) AND REGULATORY CONSISTENCY; (B) HOUSING ELEMENT PROGRAM NO. 4, TO ESTABLISH AN ACCESSORY DWELLING UNIT AMNESTY PROGRAM; AND (C) HOUSING ELEMENT PROGRAMS NO. 5-9, 10, 12 AND 15, FOCUSING ON PARKING STANDARDS, AFFORDABLE HOUSING REQUIREMENTS, AND ADMINISTRATIVE REVIEW PROCESSES.

RECOMMENDATION

Staff recommends the City Council waive the second reading and adopt an Ordinance (Attachment A) amending the Pinole Municipal Code related to (A) Housing Element Programs No. 4, 5 12 and 13, focusing on accessory dwelling units (ADUs), junior accessory dwelling units (JADUs), and unit and lot split projects proposed under Senate Bill 9 (SB 9) and Regulatory Consistency; (B) Housing Element Program No. 4, to establish an Accessory Dwelling Unit Amnesty Program; and (C) Housing Element Programs No. 5-9, 10, 12 and 15, focusing on parking standards, affordable housing requirements, and administrative review processes.

BACKGROUND

The 2023-2031 Housing Element includes programs that prescribe amendments to the Municipal Code to implement the Housing Element's objectives. Specifically, these amendments are needed to update provisions in the existing Zoning Ordinance to advance the Housing Element's programs and to ensure the zoning code is consistent with State housing legislation and current regulatory procedures.

REVIEW AND ANALYSIS

At its regularly scheduled meeting on March 4, 2025, the City Council held a duly noticed public hearing to introduce and conduct the first reading of an Ordinance. This Ordinance (Attachment A) proposes amendments to Pinole Municipal Code Chapters 17.10, 17.12, 17.24, 17.32, 17.48, and 17.70; and the addition of Chapter 17.71 (Attachment B). These amendments aim to support Housing Element implementation and ensure regulatory consistency. A presentation and staff report were provided during the hearing (see Attachment

C for the staff report from the March 4 meeting).

FISCAL IMPACT

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

ATTACHMENTS

A. Ordinance
B. Municipal Code Amendments - Compiled
C. 3-4-25 Staff Report

ORDINANCE NO. XXXX-XX

AN ORDINANCE OF THE CITY OF PINOLE AMENDING CHAPTERS 17.10, 17.12, 17.24, 17.32, 17.48, AND 17.70 OF THE PINOLE MUNICIPAL CODE AND ADDING CHAPTER 17.71 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 required for accessory dwelling unit and junior accessory dwelling unit regulations to reflect current State Law for these units under California Government Code Sections 66310 to 66342; and

WHEREAS, amendments to the municipal code are required to incorporate regulations and procedures for urban lot splits and unit development proposed under Senate Bill 9 (SB9) and reflect the provisions of California Government Code Sections Section 65852.21 and 66411.7; and

WHEREAS, the City of Pinole Residential Design Criteria and Guidelines, adopted November 20, 2007, contains subjective guidelines for review of single family residential development; and

WHEREAS, a ministerial review process is required for the review of unit development proposed under SB 9 and subjective guidelines cannot be used to approve projects; and

WHEREAS, it is desirable to maintain aspects of the Residential Design Criteria and Guidelines by creating objective design standards based on subjective guidelines where possible; and

WHEREAS, objective standards would apply uniformly to the underlying single family residential districts, which include R-1 and LDR, and thereby would be applicable to SB 9 unit development projects; and

WHEREAS, amendments related to ADUs, JADUs, SB 9 projects, and objective design standards, including regulatory consistency and clarifications, are made to Chapters 17.12, 17.24, and 17.70 and Chapter 17.71 is created as a new chapter; 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 Attachment B; and

WHEREAS, the State laws concerning ADU amnesty (AB 2533) took effect on January 1, 2025; and

WHEREAS, the City proposed the establishment of an ADU Amnesty Program and amendments to Chapter 17.70 to implement the requirements under State law to provide a path to legalize previously unpermitted ADUs pursuant to State law requirements; and

WHEREAS, the Planning Commission held duly noticed public hearings related to the proposed Zoning Code amendment on December 9, 2024, January 27, 2025, and February 24, 2025; and

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

WHEREAS, the City Council held a duly noticed public hearing related to the proposed Zoning Code amendment on March 4, 2025; and

WHEREAS, after close of the public hearing, the City Council considered all public comments received both before and during the public hearing, the presentation by city staff, the staff report, and all other pertinent documents regarding the proposed amendments; and

WHEREAS, on March 18, 2025, the City Council waived the second reading of the ordinance; and

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

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

Section 2. Amendment of Municipal Code and Specific Plan. The Pinole Municipal Code is hereby amended with amendments to Chapters 17.10, 17.12, 17.24, 17.32, 17.48, and 17.70 of the Pinole Municipal Code and addition of Chapter 17.71, as set forth in Attachment B, attached hereto and incorporated herein.

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

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

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

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

PASSED AND ADOPTED at a regular meeting of the Pinole City Council held on March 4, 2025, the City Council passed this ordinance by the following vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of Pinole on March 18, 2025.

____

Cameron Sasai, Mayor

ATTEST:

____

Heather Bell, City Clerk

APPROVED AS TO FORM:

Eric S. Casher, City Attorney

ATTACHMENT B. MUNICIPAL CODE AMENDMENTS

SET A. Accessory dwelling units (ADUs), junior accessory dwelling units (JADUs), and unit and lot split projects proposed under Senate Bill 9 (SB 9)

1. Pinole Municipal Code Section 17.12.150 Comprehensive Design Review [Amendment]

2. Pinole Municipal Code Chapter 17.24 Development Standards by Zoning District [Amendment]

3. Pinole Municipal Code Chapter 17.70 Accessory Dwelling Units and Junior Accessory Dwelling Units [Amendment]

4. Pinole Municipal Code Chapter 17.71 SB9 Urban Lot Split and Unit Development [New Chapter]

SET B. Accessory Dwelling Unit Amnesty Program

5. Pinole Municipal Code Chapter 17.70 Accessory Dwelling Units and Junior Accessory Dwelling Units [Amendment]

SET C. Parking standards, affordable housing requirements, and administrative review processes.

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

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

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

1. Pinole Municipal Code Section 17.12.150 Comprehensive Design Review [Amendment]

Section 17.12.150 included (excerpt of Chapter 17.12 Entitlements).

Text to be removed shown in strikeout ~~text~~.
Text to be added shown in **bold and underline**.

17.12.150 COMPREHENSIVE DESIGN REVIEW.

A. Purpose. The purpose of comprehensive design review is to provide a process for promoting the orderly and harmonious growth of the city, to encourage development in keeping with the desired character of the city, and to ensure physical and functional compatibility between uses. This comprehensive design review is intended to provide a process for consideration of development proposals to ensure that the design and layout of commercial, retail, industrial or institutional uses, or multi-family residential development will constitute suitable development and will not result in a detriment to the City of Pinole or to the environment.

B. Applicability. A comprehensive design review permit is required for the following items:

1. New single-family and multi-family residential development**, except for unit development under Government Code section 65852.21, as amended and renumbered from time to time (also known as SB 9)**;

2. New non-residential development (e.g., commercial, office, industrial, public/quasi-public);

3. Additions to existing multi-family and non-residential structures equal to or greater than 500 square feet; and

4. Any item not listed in Section17.12.150.C, for which the Community Development Director determines that a comprehensive design review permit is required.

C. Exemptions. The following structures and activities are exempt from comprehensive design review. However, such structures may require additional permits, such as a building permit, and plan check to ensure compliance with adopted Building Code and related construction code standards and applicable Zoning Code provisions and public works encroachment permits.

1. Accessory dwelling units **and junior accessory dwelling units**~~, regardless of size~~.

2. Additions to a single-family home ~~of less than 500 square feet~~ when consistent with the City of Pinole Residential Design Criteria and Guidelines.

3. Additions to multi-family and non-residential structures less than five hundred (500) square feet in size.

4. Accessory structures consistent with the provisions of this title.

5. Installation of signs.

6. Repairs and maintenance to the site or existing structures that do not add to, enlarge, or expand the area occupied by the structure or the gross floor area of the structure.

7. Interior alterations that do not increase the gross floor area within the structure or change/expand the permitted use of the structure (e.g., tenant improvements).

8. Construction, alteration, or maintenance by a public utility or public agency of underground or overhead utilities intended to service existing or nearby approved developments (e.g., water, gas, electric or telecommunication supply or disposal systems, including wires, mains, drains, sewers, pipes, conduits, cables, fire-alarm boxes, police call boxes, traffic signals, hydrants, and similar facilities and equipment).

9. Alteration or maintenance of public park and recreation facilities.

10. Unit development under SB 9 (Government Code section 65852.21).

D. Approving Authority. The designated approving authority for comprehensive design review is the Planning Commission. Comprehensive design review approval is required prior to issuance of any ministerial building permits or site improvement plans and prior to or in conjunction with discretionary action of corresponding development applications (e.g., conditional use permit, variance). Comprehensive actions include, but are not limited to, new construction and wholesale redevelopment of existing sites.

E. Application Content. The application for a comprehensive design review shall be on a form prepared as prescribed by the Community Development Director.

F. Public Hearing/Notice. The city shall provide notice and a public hearing for continuation of the approval, modification, revocation or appeal of an application for a comprehensive design review in accordance with Section 17.10.050 (Public Hearing and Public Notice).

G. Approval Findings. A comprehensive design review permit or any modification thereto shall be granted only when the designated approving authority makes all of the following findings:

1. The proposed project is consistent with the objectives of the general plan and complies with applicable zoning regulations, planned development, master plan or specific plan provisions, improvement standards, and other applicable standards and regulations adopted by the city;

2. The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation;

3. The site layout (orientation and placement of buildings and parking areas), as well as the landscaping, lighting, and other development features, are compatible with and complement the existing surrounding environment and ultimate character of the area under the general plan and applicable specific plans; and

4. Qualifying single-family residential, multi-family residential, and residential mixed-use projects shall comply with all relevant standards and guidelines in the city's currently adopted design guidelines for residential development.

A. Considerations. In conducting comprehensive design review, the designated approving authority shall consider the following:

1. Considerations relating to site layout, the orientation and location of building, signs, other structures, open spaces, landscaping, and other development features in relation to the physical characteristics, zoning, and land use of the site and surrounding properties.

2. Considerations relating to traffic, safety, and traffic congestion, including the effect of the development plan on traffic conditions on abutting streets, the layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, driveways, and walkways, the adequacy of off-street parking facilities to prevent traffic congestion, and the circulation patterns within the boundaries of the development.

3. Considerations necessary to ensure that the proposed development is consistent with the general plan and all applicable specific plans or other city plans, including, but not limited to, the density of residential units.

4. Considerations relating to the availability of city services, including, but not limited to, water, sewer, drainage, police and fire, and whether such services are adequate based upon city standards.

B. Conditions/Guarantees. The approving authority may impose conditions and/or require guarantees for comprehensive design review to ensure compliance with this section and other applicable provisions of this title and to prevent adverse or detrimental impact to the surrounding neighborhood.

C. Permit Issuance. The final action on comprehensive design review by the approving authority shall constitute approval of the permit. Such permit shall only become valid after the designated appeal period has been completed, per the provisions as set forth in Section 17.10.080 (Effective Date).

D. Appeals. Appeal of the approving authority's action on the request for a comprehensive design review permit shall be made in accordance with the procedures specified in Section 17.10.070 (Appeals).

E. Expiration. All approved comprehensive design review permits are subject to the provisions set forth in Section 17.10.100 (Permit Time Limits, Extensions and Expiration).

(Ord. 2020-01, § 3, 2020: Ord. 2012-07, § 3, 2012: Ord. 2010-02 § 1 (part), 2010)

2. Pinole Municipal Code Chapter 17.24 Development Standards by Zoning District [Amendment]

Full Chapter included.

Text to be removed shown in strikeout ~~text~~.
Text to be added shown in **<u>bold and underline</u>**.

CHAPTER 17.24

DEVELOPMENT STANDARDS BY ZONING DISTRICT

Sections:

17.24.010 PURPOSE.

The purpose of this chapter is to establish development standards for lot area, allowed density, building setbacks, height, and lot coverage as appropriate for each of the city's base zoning districts as listed in Table 17.18.020-1 (Zoning Districts). These standards, along with other development standards (e.g., fences and walls, parking, sign standards) listed in Article III (Site Planning Standards) are intended to assist property owners and project designers in understanding the city's minimum requirements and expectations for high quality development. (Ord. 2010-02 § 1 (part), 2010)

17.24.020 DEVELOPMENT STANDARDS.

Table 17.24.020-1 (Development Standards for City of Pinole Base Zoning Districts) includes lot area, allowed density, building setbacks, height, and lot coverage requirements for each of the city's base zoning districts. Additional site planning requirements (e.g., landscaping, lighting) are listed in Article III (Site Planning Standards). Development within the city is also subject to compliance with all adopted Uniform Building and Fire Codes. Qualifying single family residential, multi-family residential, and residential mixed-use projects shall comply with all relevant standards and guidelines in the city's currently adopted design guidelines. Zoning district names for the zoning district symbols used in the table are as follows:

LDR = Low Density Residential Zoning District

R-1 = Suburban Residential Zoning District

R-2 = Medium Density Zoning District

R-3 = High Density Zoning District

R-4 = Very High Density Zoning District

R = Rural Zoning District

RC = Regional Commercial Zoning District

RMU = Residential Mixed Use Zoning District

CMU = Commercial Mixed Use Zoning District

OPMU = Office Professional Mixed Use Zoning District

OIMU = Office Industrial Mixed Use Zoning District

OS = Open Space Zoning District

PR = Parks and Recreation Zoning District

PQI = Public Quasi-Public Institutional Zoning District

SPBCA = San Pablo Bay Conservation Zoning District

TABLE 17.24.020-1:

DEVELOPMENT STANDARDS FOR CITY OF PINOLE BASE ZONING DISTRICTS

Development Standard\Zoning District	LDR	R-1	R-2	R-3	R-4	R	RC	RMU	CMU	OPMU	OIMU	OS	PR	PQI	SPBCA
Lot Area (minimum square footage/unit)	43,560	6,000	3,000	1,500	N/A	5 ac. (1)	5,000	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Allowed Density (units per acre)															
Minimum Density	0.21	1.1	10.1	20.1	35.1	N/A	N/A	20.1	20.1	20.1	N/A	N/A	N/A	N/A	N/A
Maximum Density	1.0	10.0	20.0	35.0	50.0	0.2	N/A	35.0	30.0	30.0	N/A	N/A	N/A	N/A	N/A
Setback (minimum distance between structure and property line in feet)															
Front Yard	20	20	0	0	0	30	0	0	0	0	0	0	10	0	10
Side Yard	10 (2)	5 (3)	5	5	5	15	0	0	0	10	10	0	10	10	10
Side Yard for Second Story	15	12	10	5	5	15	0	0	0	10	10	0	10	10	10

Street Side Yard	15 (4)	10 (4)	10	10	10	20	0	10	10	10	10	0	10	0	10
Rear Yard	20 (4)	20 (4)	15	15 (5)	15 (5)	30	0	15 (5)	15 (5)	15 (5)	15 (5)	0	10	10	10
Distance Between Buildings (minimum feet)															
For Dwelling Purposes	6	6	6	6	0	6	0	0	0	0	0	N/A	N/A	N/A	N/A
Accessory Buildings (6)	6	6	3	3	3	6	6	6	6	6	6	6	6	6	6
Building Height (maximum feet)															
Primary Buildings	35	35	35	35	50	35	50	50	50	50	50	35	35	40	35
Accessory Buildings	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15
Floor Area Ratio (maximum ratio of building to lot square footage)	N/A	N/A	N/A	N/A	N/A	N/A	0.40	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Notes:

(1) The approving authority may approve lots less than five (5) acres in size and reduced setbacks for clustering of units to preserve open space or other resources as part of comprehensive design review.

(2) The combined side yard setbacks shall not be less than twenty (20) feet.

(3) Within required side yards, at least one (1) side shall provide four (4) feet of unobstructed surface to allow unobstructed access between the front and rear yards.

(4) Listed setback distance or twenty percent (20%) of lot width in side yard and twenty percent (20%) of lot depth in rear yard, whichever is less.

(5) If abutting non-residential property, there is no minimum rear yard setback.

(6) See additional development standards for accessory structures in Chapter17.30.

(Ord. 2010-02 § 1 (part), 2010)

17.24.030 ADDITIONAL STANDARDS FOR MULTI-FAMILY ZONING DISTRICTS.

In addition to the development standards listed in Table 17.24.020-1, the following development standards apply to multi-family residential development in the Medium Density Residential (R-2), High Density Residential (R-3), Very High Density Residential (R-4), and mixed use zoning districts including residential uses.

A. Open Space Requirements for Multi-Family Residential.

1. Multi-family, attached dwelling units that are all or partially located at ground level shall have not less than eighty (80) square feet of private open space.

2. Not less than twenty percent (20%) of the total lot area of multiple-family residential projects shall be provided as improved, private or semi-private useable open space and not less than three hundred (300) square feet of improved useable open space per dwelling unit shall be provided in each multi-family development project.

3. Not less than thirty percent (30%) of the total lot area of multiple-family residential projects shall be provided as improved, landscaped open space.

B. Screening and Vegetation for Multi-Family Residential. Projects within multi-family residential zoning districts shall include vegetative screening at the project perimeter to ensure the privacy of existing and future homeowners. The city shall determine the location and extent of vegetative screening required based on site conditions and surrounding existing and planned land uses. Where required, such vegetative screening shall be maintained in a healthy and vigorous condition. Areas used as vegetative screening shall not be counted as open space. (Ord. 2010-02 § 1 (part), 2010)

17.24.040 OBJECTIVE DESIGN STANDARDS FOR SINGLE FAMILY ZONING DISTRICTS.

In addition to the development standards listed in Table 17.24.020-1, the following objective development standards apply to applicable residential development in single family residential zoning districts.

A. **Applicability**

1. **The project consists of constructing a primary dwelling unit, such as single family residence or a duplex, or modifying an existing structure to create a primary dwelling unit; and**

2. **The project is located in the Low Density Residential (LDR) or Single Family Residential (R-1) zoning district.**

B. **Design Standards**

1. **Units shall be designed with an entry feature or outdoor living area, such as a porch or courtyard, when located on a lot adjacent to the street, and include a path to the sidewalk/street.**

2. **Projects resulting in the creation of a two-story dwelling shall step back the second floor wall plane at least five (5) feet from the first floor wall plane on at least two sides. On corner lots, the second floor wall plane shall be stepped back at least five (5) feet from the first floor wall plane along street frontages.**

3. **Two-story designs shall provide visual separation between the two stories by incorporating projections, reliefs, accents, roof forms, decks, balconies, and/or variation in materials between the two stories.**

4. **Unit design shall minimize the appearance of long blank walls by including design features on each building face at intervals of no less than fifteen (15) feet. Such features may include changes in the wall plane, inclusion of different materials, windows, doors, openings, and/or architectural detailing.**

5. **Consistent materials and colors shall be applied for each type of architectural detail, including door trim, window trim, window sills, shutters, and fascia, when such architectural details are located in more than one location on the building facade. For example, when white, wood window trim is used at one location on the building, any window trim used at other locations shall be white, wood window trim.**

6. **Windows shall be offset so that they are not lined up with windows of adjoining structures, or windows shall include non-transparent glazing to obscure direct views into adjoining structures.**

3. Pinole Municipal Code Chapter 17.70 Accessory Dwelling Units and Junior Accessory Dwelling Units [Amendment]

Full Chapter included.

Text to be removed shown in strikeout ~~text~~.
Text to be added shown in **bold and underline**.
Text updates following Planning Commission in highlight.

CHAPTER 17.70

ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

Sections:

17.70.010 PURPOSE.

The purpose of this chapter is to establish procedures for reviewing the placement of accessory dwelling units and junior accessory dwelling units in residential and mixed-use zoning districts, address the state's accessory dwelling unit (ADU) and junior accessory dwelling unit (JADU) requirements, as set forth in California Government Code § **66310 to 66342**~~65852.2 and 65852.22~~ and implement the general plan policies which encourage more affordable rental housing, while maintaining the quality of existing residential neighborhoods.

(Ord. 2020-04 § 2, 2020; Ord. 2017-08 § 2 (part), 2017; Ord. 2010-02 § 1 (part), 2010)

17.70.020 APPLICABILITY.

The regulations and standards contained in this chapter shall apply to all new accessory dwelling units (ADU) and junior accessory dwelling units (JADU) in the city, including previously unpermitted ADUs that are legalized, and shall be in addition to any other development standards and regulations contained elsewhere within Title 17 Zoning Code that apply to primary dwelling units (e.g., lighting). ADUs are permitted on all lots zoned to allow single-family and multi-family residences that have an existing or proposed single-family or multi-family residence. JADUs are permitted on lots with an existing or proposed single-family residence. For the purposes of this title, ADUs and JADUs are not considered accessory structures as otherwise regulated in Chapter 17.30.

(Ord. 2020-04 § 2, 2020; Ord. 2017-08 § 2 (part), 2017; Ord. 2010-02 § 1 (part), 2010)

17.70.30 PERMIT REQUIREMENTS.

A. **Application Review**

1. All accessory dwelling units (ADU) and junior accessory dwelling units (JADU) require review and approval through the plan check process, pursuant to the requirements of Section 17.12.030 (Plan Check).

a. Applications for ADUs and JADUs shall be ministerially reviewed by the City within sixty (60) days from the date a **completed application is received if there is an existing single-family or multifamily dwelling on the lot**~~complete application is submitted~~.

b. If the permit application to create an ADU or JADU is submitted with a permit application to create a new single-family dwelling on the lot, the City may delay acting on the application for the ADU or JADU until the City acts on the permit application to create the new single-family dwelling. The application to create the ADU or JADU shall still be considered ministerially without discretionary review or a hearing.

B. All ~~plan check~~ applications for ADUs and JADUs shall include, but are not limited to, the following:

1. A completed building permit application;

2. Proof of ownership of the property or permission from the property owner;

3. **Site**~~A plot~~ plan showing the location of any and all easements, structures, parking for both the primary and accessory dwelling units, other improvements, and trees over four (4) inches in diameter;

4. Floor plan showing the square footage of the structure, the floor area, the lot, and the percentage of the lot area covered by the foundations of the accessory and primary dwelling units;

5. Elevations showing all sides of the ADU or changes being made to the single-family home in order to add an ADU or JADU;

6. Colors and materials board, or aesthetic details noted in plan sets;

7. Such other information which the Community Development Director determines is necessary to evaluate the proposed project.

~~8. Completed declaration of restrictions~~**, including a notarized property owner signature on the form** ~~as~~

~~required in Section17.70.050, signed and ready for recordation.~~

~~8~~9. Address assignment application for the proposed unit.

~~9~~10. Permit applications required by the Public Works Department to serve the proposed unit, which may include but is not limited to sewer lateral and encroachment permits.

(Ord. 2020-04 § 2, 2020; Ord. 2017-08 § 2 (part), 2017; Ord. 2010-02 § 1 (part), 2010)

17.70.040 PERFORMANCE STANDARDS.

An accessory dwelling unit (ADU) or junior accessory dwelling unit (JADU) shall meet all of the applicable zoning regulations for the specific zoning district in which it is located, except as provided in this chapter. An ADU or JADU that conforms to the requirements of this chapter, and any other applicable development standards and regulations contained in Title 17 Zoning Code, shall not be considered to exceed the allowable density for the lot upon which such unit is proposed to be established and shall be deemed a residential use which is consistent with the existing general plan and zoning designations for the lot**. Correction of nonconforming zoning conditions shall not be required as a condition for ministerial approval of a permit application for the creation of an ADU or JADU.**~~:~~

Notwithstanding the following performance standards for ADUs and JADUs, and the requirements of the underlying zoning districts, the City shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the class of ADUs and JADUs specified under Government Code Section 66323 and in accordance with the criteria and requirements provided therein.

A. Unit Types and Facilities~~Definitions~~.

1. **Accessory Dwelling Unit (ADU)**

a. An ADU shall consist of complete independent living facilities including permanent facilities for sleeping, living, eating, cooking, and sanitation. The ADU shall include independent heating and cooling controls, its own kitchen and sink and standard built-in or freestanding appliances, its own bathroom with bathtub or shower, and a separate exterior entrance.

b. The ADU may either be within an existing structure, attached to the primary dwelling, or detached from the primary dwelling.

2. **Junior Accessory Dwelling Unit (JADU).** A JADU shall consist of a unit that is no more than five hundred (500) square feet in size and contained entirely within a single-family residence. A JADU may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

~~B. ADUs and JADUS may not be sold separately from the primary residential dwelling on the lot.~~

C. Maximum Number of ADUs and JADUs. Any of the following shall be permitted in a residential or mixed-use zone:

1. One (1) ADU **and one (1)**~~or~~ JADU per lot with a proposed or existing single-family dwelling.

~~2. One (1) detached, new construction, ADU that does not exceed four (4) foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The proposal may be combined with a JADU, for one (1) ADU and one (1) JADU on the single-family lot. The ADU shall not exceed eight hundred (800) square feet and sixteen (16) feet high.~~

2~~3~~. Within existing multi-family dwelling structures, **a number of ADUs based on**~~at least one (1) ADU and not more than~~ twenty-five percent (25%) of the number of existing multi-family dwelling units**, with a minimum of one (1) ADU allowed,** if all of the following apply:

a. The unit is within the portions of existing multi-family dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages.

b. The unit complies with state building standards for dwellings.

3~~4~~. ~~Not more than two (2) ADUs~~ **Multiple ADUs, not to exceed either of the numbers established below,** that are located on a lot that has a~~n existing~~ multi-family dwelling, but are detached from that multi-family dwelling and are subject to~~ a~~ height limit**s and** ~~of sixteen (16) feet and four (4) foot~~ rear and side yard setbacks **under this Chapter**.

a. On a lot with an existing multifamily dwelling, not more than eight detached accessory dwelling units. However, the number of accessory dwelling units allowable pursuant to this clause shall not exceed the number of existing units on the lot; or

b. On a lot with a proposed multifamily dwelling, not more than two detached accessory dwelling units.

D. Development Standards and Requirements for Accessory Dwelling Units.

1. Maximum floor area for attached or detached ADUs.

a. Fifty percent (50%) of the existing living area of the primary dwelling unit, with a limit of eight hundred fifty (850) square feet for an ADU with one or fewer bedrooms or one thousand (1,000) square feet for an ADU with two (2) or more bedrooms.

b. Where fifty percent (50%) of the existing living area does not allow for an eight hundred (800) square foot ADU, an ADU of up to eight hundred (800) square feet may be allowed~~;~~

2. **Setbacks.**

a. New ADUs shall have a minimum setback of four (4) feet from the side and rear property lines, and setbacks shall be sufficient for fire and safety;

b~~3~~. No setback shall be required for an existing legal structure that is converted to an ADU;

c~~4~~. Detached ADUs shall not be less than **six (6)**~~eight (8)~~ feet from the primary dwelling unit, except if this would prohibit the construction of an eight hundred (800) square foot ADU with four (4) foot rear and side setbacks;

d. No setback shall be required for an ADU constructed within an existing legal structure, or in the same location and to the dimensions of an existing legal structure. Such ADUs may include an expansion of not more than one hundred fifty (150) square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

3. **Height**

a. Detach ADUs shall not exceed sixteen (16) feet in height, unless the ADU is located within an existing structure.

i. The maximum allowable height shall be eighteen (18) feet if the lot is within a half-mile walking distance of a transit stop or high quality transit corridor, as defined in Section 21155 of the Public Resources Code;

ii. The maximum allowable height shall be eighteen (18) feet if the detached ADU is located on a lot with a multistory, multifamily building.

b. Attached ADUs shall not exceed the maximum allowable height of the zoning district~~;~~**.**

4. **Exterior Access and Design.**

a. The ADU shall have its own exterior access~~, and no~~**.**

b. Any exterior stairs to a second story **attached** ADU **shall be located behind the residence. If location behind the residence is not possible due to site constraints, the project shall include at least one of the following features to obscure visibility** ~~shall be visible~~ from the public right-of-way**; incorporate screening into the architectural design; addition of trees or landscaping as screening; and/or use of colors on the stairway that match those used on the structure where the stairs are attached to minimize contrasts.**

c. Attached ADUs shall use exterior colors, materials, and architectural details that match the appearance of existing corresponding features on the residence.

d. No passageway shall be required in conjunction with the construction of an ADU. A passageway means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU.~~;~~

5. **Location.** Detached ADUs shall be constructed at the rear or side of an existing single-family residence~~, and otherwise appear secondary in nature,~~ and not be constructed in front of the primary dwelling unit~~;~~**.**

~~6. The ADU should be compatible with the primary dwelling unit, and should use similar style, materials, and colors;~~

~~7. No passageway shall be required in conjunction with the construction of an ADU;~~

~~8. If ADUs are rented, rental must be for terms longer than thirty (30) days; and~~

~~9. No setback shall be required for an ADU constructed within an existing legal structure, or in the same location and to the dimensions of an existing legal structure. Such ADUs may include an expansion of not more than one hundred fifty (150) square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.~~

6. Rentals. Any rental of ADUs must be for terms longer than thirty (30) days.

E. Development Standards and Requirements for Junior Accessory Dwelling Units.

1. The JADU shall be constructed within the walls of the proposed or existing single-family residence and shall not exceed five hundred (500) square feet.

2. The owner shall occupy the primary residence or JADU.

3. The JADU shall include a separate entrance from the main entrance to the proposed or existing single-family residence.

4. The JADU may include separate sanitation facilities or may share sanitation facilities with the existing structure.

5. The JADU shall include an efficiency kitchen, which shall include all of the following:

a. A cooking facility with appliances.

b. A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

6. Modifications to the exterior of the residence in order accommodate a proposed JADU shall use exterior colors, materials, and architectural details that match the appearance of existing corresponding features on the

residence.

F. Parking and Vehicle Access.

1. The ADU shall be provided with one (1) additional off-street parking space per ADU or bedroom, whichever is less. However, no additional parking spaces shall be required for an ADU which is:

a. Part of the existing or proposed primary residence or an existing accessory structure;

b. Located within one-half mile of a public transit stop;

c. Located within an architecturally and historically significant historic district;

d. Is located within one (1) block of a car share vehicle; or

e. In a location where on-street parking permits are required, but not provided to the occupant of the ADU.

2. Replacement parking shall not be required where a garage, carport, ~~or~~ covered parking structure**, or uncovered parking space** is demolished in conjunction with the construction of an ADU or converted to an ADU.

a. A demolition permit for a detached garage that is to be replaced with an ADU shall be reviewed with the application for the ADU and issued at the same time. An applicant shall not be required to post any written notice or placards for demolition of a detached garage that is to be replaced with an ADU, where posting of such written notice or placard may otherwise be required.

3. The parking spaces required for the accessory dwelling unit can be in tandem to the required parking of the primary dwelling unit**, as tandem parking on a driveway**, may be uncovered, and**/or** can be located within the front setback if it can be demonstrated that no other option exists. **Such parking is allowed unless specific findings that are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.**

4. The ADU shall utilize the same vehicular access that serves the primary dwelling unit. If the parcel is a through lot, access for both the single-family home and the ADU shall be limited to one (1) point or side of the lot for both dwelling units.

5. No additional parking spaces shall be required for a JADU.

G. Construction**,** ~~and~~ Utilities**, Connections, and Impact Fees**.

1.The ADU shall meet all applicable building and construction requirements as adopted by the city that apply to the construction of single-family detached dwellings, ~~as appropriate,~~ including but not limited to sewer and utility services**, as appropriate and unless otherwise exempt by State law**.

2. An ADU shall be served by public water and sewer and shall have access to an improved street.

3. An ADU is not considered a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the ADU was constructed with a new single-family dwelling.

4. An ADU is not required to provide fire sprinklers if they are not required for the primary residence. The construction of an ADU shall not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.

5.~~2a~~. An ADU within a primary dwelling unit or an existing accessory structure~~, or a JADU,~~ is not required to install a new or separate utility connection directly between the ADU and the utility **or impose a related connection fee or capacity charge**, unless the ADU was constructed with a new single-family home **or upon separate conveyance of the ADU**.

~~b. For purposes of providing service for water, sewer, or power, including a connection fee, a JADU is not to be considered a separate or new dwelling unit from the single-family residence.~~

~~4. The ADU shall be served by public water and sewer and shall have access to an improved street.~~

6. JADU Regulations Related to the Primary Residence

a. For the purposes of providing service for water, sewer, or power, including a connection fee, a JADU is not considered a separate or new dwelling unit from the single-family residence. Service or connection fees for water, sewer, or power established by ordinances and regulations that uniformly apply to all single-family residences shall apply to a single-family residence that contains a JADU.

b. A JADU is not considered a separate or new dwelling unit for the purposes of fire and life protection ordinances. Fire and life protection ordinances and regulations that uniformly apply to all single-family residences shall apply to a single-family residence that contains a JADU.

c. A permit to create a JADU shall not be denied due to the correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and that are not affected by the construction of the JADU.

7~~5~~. Impact fees shall not be charged for ADUs less than seven hundred fifty (750) square feet. Any impact fees charged for an ADU of seven hundred fifty (750) square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.

H. Operations

1. Separate Sales

a. A JADU shall not be sold or conveyed separately from the primary dwelling unit.

b. An ADU shall not be sold or conveyed separately from the primary dwelling unit, except:

i. The ADU or the primary dwelling was built or developed by a qualified nonprofit corporation, and the proposal meets the requirements of Government Code Section 66340 to 66341.

ii. As otherwise mandated by the California Government Code, or as otherwise allowed if a local ordinance is adopted to provide for the separate conveyance of the primary dwelling unit and accessory dwelling unit or units as condominiums beyond what is described in subsection (i).

2. Rental Term. An ADU shall only be rented for rental terms longer than thirty (30) days.

3. Occupancy. If a project proposes a JADU, the owner of the property shall live in either the primary residence or JADU.

(Ord. 2020-04 § 2, 2020; Ord. 2017-08 § 2 (part), 2017; Ord. 2010-02 § 1 (part), 2010)

~~17.70.050 DECLARATION OF RESTRICTION.~~

~~Prior to issuance of a building permit **final**, all property owners of record shall sign and record **a** Declaration of Restrictions with the County Recorder in a form satisfactory to the Zoning Administrator **consenting to the operations and requirements described in this chapter and as otherwise permitted by State law**stating, as applicable, that 1) the ADU or JADU shall not be sold separately from the primary residential unit on the lot, 2) the ADU shall only be rented for rental terms longer than thirty (30) days, and 3) an owner of the property shall live in either the primary residence or JADU, if there is a JADU on the property. The ADU or JADU shall be found to be in non-compliance with the Zoning Code if the City finds the Declaration of Restrictions has been breached.~~

~~(Ord. 2020-04 § 2, 2020; Ord. 2017-08 § 2 (part), 2017; Ord. 2010-02 § 1 (part), 2010)~~

17.70.~~060~~050 AFFORDABLE HOUSING INCENTIVE.

The city may, subject to the availability of funds and approval of the City Council, allow any applicable city development impact fees for accessory dwelling units to be paid from the city's available affordable housing fund for any new accessory dwelling unit rented to eligible very low and low income households after recording a Housing Affordability Control Agreement, subject to the review and approval of the City Attorney that shall run with the property for fifty five (55) years. Owners of accessory dwelling units affordable to very low income households shall be eligible for complete reimbursement of city development impact fees upon recordation of the Affordability Control Agreement. Owners of accessory dwelling units affordable to low income households shall be eligible for reimbursement of seventy-five percent (75%) of the city development impact fees based on the available balance of the city's affordable housing fund established by the City Council for this purpose. Maximum annual rents, adjusted for accessory dwelling unit household size, shall be calculated by the City Manager or his/her designee annually based on published Contra Costa County income limits provided by the State Department of Housing and Community Development. Any reimbursement payment shall be repaid, along with five percent (5%) monthly interest charge, as well as the city's housing affordability monitoring expenses if an affordability control agreement is violated during the affordability period.

(Ord. 2020-04 § 2, 2020; Ord. 2017-08 § 2, 2017)

4. Pinole Municipal Code Chapter 17.71 SB9 Urban Lot Split and Unit Development [New Chapter]

Full Chapter included.

All text is new text, shown in **<u>bold and underline</u>**.

CHAPTER 17.71

SB9 URBAN LOT SPLIT AND UNIT DEVELOPMENT

Sections:

17.71.010 PURPOSE

The purpose of this chapter is to establish procedures and standards for reviewing urban lot split and unit development projects proposed under the provisions of Senate Bill 9 (SB 9), as set forth in California Government Code § 65852.21 and 66411.7.

17.71.020 APPLICABILITY

The regulations and standards contained in this chapter shall apply to projects proposing to use the provisions of SB 9 to create a unit, urban lot split, or both, and shall be in addition to any other applicable development standards and regulations contained elsewhere within Title 17 Zoning Code. Projects proposed under SB 9 shall meet eligibility criteria established in this Chapter, consistent with California Government Code § 65852.21 and 66411.7. This Chapter does not apply to construction of accessory dwelling units and junior accessory dwelling units under Chapter 17.70.

17.71.030 DEFINITIONS

For the purposes of this Chapter, the following definitions apply to projects proposing an urban lot split or unit development under the provisions of SB 9.

A. Single Family Residential Zoning District. Single family residential zoning districts, for the purposes of this Chapter, include Low Density Residential (LDR) and Suburban Residential (R-1).

B. Unit Development. The development of a primary dwelling unit, subject to the standards and requirements of this Chapter.

C. Urban Lot Split. A subdivision of one parcel located in a single family residential zoning district into two parcels, subject to the standards and requirements of this Chapter.

D. High-quality Transit Corridor. As defined in subdivision (b) of Section 21155 of the Public Resources Code, a high-quality transit corridor means a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours.

E. Major Transit Stop. As defined in Section 21064.3 of the Public Resources Code, a major transit stop means a site that contains any of the following: (a) An existing rail or bus rapid transit station, (b) A ferry terminal served by either a bus or rail transit service, or (c) The intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

F. Specific, Adverse Impact. As defined in Section 65589.5(d)(2), specific, adverse impact means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. The following shall not constitute a specific, adverse impact upon the public health or safety:

1. Inconsistency with the zoning ordinance or general plan land use designation.

2. The eligibility to claim a welfare exemption under subdivision (g) of Section 214 of the Revenue and Taxation Code.

17.71.040 ELIGIBILITY

A. General Criteria. Projects for a proposed urban lot split or unit development are required to meet the general eligibility criteria provided below:

1. Single Family Residential Zoning District. The parcel must be located in a single family residential zoning district.

2. Not Withdrawn from Rental. The property is not a parcel where the owner had withdrawn accommodations

from rent or lease (as a residential hotel), under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1, within the last fifteen (15) years.

3. Not Historic. The property is not listed as a historic property or in a historic district under local or State register of historic resources.

B. Urban Lot Split Criteria. Projects for a proposed urban lot split are required to meet additional eligibility criteria provided below:

1. Previous Urban Lot Split Limitations. An urban lot split may be conducted only where all of the following applies:

a. The parcel has not been established through a prior SB9 urban lot split.

b. Neither the owner nor any person acting in concert with the owner has subdivided an adjacent parcel through a prior SB9 urban lot split.

2. Limitations on demolition or alteration of certain existing housing:

a. No demolition or alteration of housing with a recorded affordability restriction.

b. No demolition or alteration of housing under rent or price control.

c. No demolition or alteration of housing that has been occupied by a tenant in the last three (3) years.

C. Unit Development Criteria. Projects for a proposed unit development are required to meet additional eligibility criteria provided below:

1. Floor Area. Units shall be consistent with maximum unit sizes established under this Chapter.

2. Limitations on demolition or alteration of certain existing housing:

a. No demolition or alteration of housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

b. No demolition or alteration of housing under rent or price control.

c. No demolition or alteration of housing that has been occupied by a tenant in the last three (3) years.

D. Locational Limitation Criteria. Projects shall not be located on a site that is any of the following, consistent with California Government Code Section 65913.4(a)(6)(B) to 65913.4(a)(6)(K):

1. Prime Farmland or Farmland of Statewide Importance. Prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.

2. Wetlands. Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).

3. Very High Fire Hazard Severity Zone. Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within the state responsibility area, as defined in Section 4102 of the Public Resources Code.

a. This does not apply to sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development, including, but not limited to, standards established under all of the following or their successor provisions: (i) Section 4291 of the Public Resources Code or Section 51182, as applicable; (ii) Section 4290 of the Public Resources Code; (iii) Chapter 7A of the California Building Code (Title 24 of the California Code of Regulations).

4. Hazardous Waste Site. A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless either of the following apply:

a. The site is an underground storage tank site that received a uniform closure letter issued pursuant to subdivision (g) of Section 25296.10 of the Health and Safety Code based on closure criteria established by the State Water Resources Control Board for residential use or residential mixed uses. This section does not alter or change the conditions to remove a site from the list of hazardous waste sites listed pursuant to Section 65962.5.

b. The State Department of Public Health, State Water Resources Control Board, Department of Toxic Substances Control, or a local agency making a determination pursuant to subdivision (c) of Section 25296.10 of the Health and Safety Code, has otherwise determined that the site is suitable for residential use or residential mixed uses.

5. Earthquake Fault Zone. Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.

6. Flood Hazard Zone. Within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, a local government shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by that local government that is applicable to that site. A development may be located on a site described in this subparagraph if either of the following are met:

a. The site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction.

b. The site meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.

7. Floodway. Within a regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, a local government shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by that local government that is applicable to that site.

8. Conservation Land. Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.

9. Habitat for Protected Species. Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).

10. Conservation Easement. Lands under a conservation easement.

17.71.050 APPLICATION REVIEW PROCESS

A. Application Approval Consideration.

1. Applications for urban lot splits and unit development meeting the standards and requirements of this Chapter shall be ministerially approved without public hearings or discretionary review.

2. Applications under this Chapter shall be approved or denied within 60 days from the date the Planning Division receives a completed application, consistent with the provisions of California Government Code Section 65852.21 and 66411.7.

a. If an application is denied, the Planning Division shall provide the applicant a full set of written comments with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

B. Urban Lot Split Application. The applicant shall submit an application for a proposed urban lot split to the Planning Division for ministerial review to verify consistency with eligibility criteria under SB 9, required application checklist items, and compliance with standards and requirements under this Chapter and the Subdivision Map Act (commencing with Government Code Section 66410). An application that meets the standards and requirements under this Chapter and all applicable objective requirements of the Subdivision Map Act shall be approved ministerially. Notwithstanding anything in this Code to the contrary, such approval shall be granted by the City Engineer, and shall not require approval from the Planning Commission or City Council.

C. Unit Development Application. The applicant shall submit an application for the design of a proposed unit to the Planning Division for ministerial review to verify consistency with eligibility criteria under SB 9, required application checklist items, and compliance with standards and requirements under this Chapter. An application that meets the standards and requirements under this chapter shall be approved ministerially by the Zoning Administrator.

D. Tree Removal in Conjunction with Applications. The removal of any protected tree in conjunction with construction proposed under the provisions of this Chapter shall require a tree removal permit. Notwithstanding the requirements of Chapter 17.96 Tree Removal, a tree removal permit application shall be processed ministerially at the staff level and concurrently with an application proposed under this Chapter.

17.71.060 STANDARDS AND REQUIREMENTS FOR URBAN LOT SPLITS

A. General Development Standards. The project shall be consistent with the standards of the zoning district applicable to the site, except as provided under this Chapter. Except for the standards set forth in this chapter, no development standards shall apply if they would have the effect of physically precluding the construction of two units of at least 800 square feet on the parcel(s).

B. Total Lots. An urban lot split conducted under the provision of this chapter shall result in no more than two (2) lots.

C. Total Units per Lot. No more than two (2) total units, inclusive of primary dwelling units, accessory dwelling units, and junior accessory dwelling units, may be located on each parcel created through the urban lot split.

D. Lot Sizes.

1. Each parcel shall be a minimum of one thousand two hundred (1,200) square feet.

2. A parcel may be no smaller than forty percent (40%) of the original parcel size and no larger than sixty percent (60%) of the original parcel size.

E. Setbacks

1. Each parcel shall allow for minimum side and rear setbacks that are minimum four (4) feet. Parcels with a front lot line shall provide for a front setback that is a minimum of twenty (20) feet, except as otherwise allowed per Chapter 17.56 Yard and Setback Regulations.

2. No setback required for an existing structure or a structure constructed in the same location with the same dimensions.

F. Access to Streets and Services

1. Parcels created through the urban lot split shall have access to, provide access to, or adjoin the public right-of-way.

a. Access shall meet objective design standards for circulation, pedestrian and vehicular access, or driveways, as may be applicable.

2. Project may be required to establish easements if required by the City for the provision of public services and facilities, as provided under Government Code Section 66411.7(e).

G. Parking.

1. A minimum of one off-street parking space shall be required per unit, except for the following:

a. The parcel is located within a half mile of a high-quality transit corridor or major transit stop; or

b. The parcel is located within one block of a car share vehicle.

2. Parking may be provided in any configuration on the parcel, including in the driveway, provided the project complies with the following requirements:

a. Parking design and dimensions are consistent with the standards under Chapter 17.48 Parking and Loading Requirements.

b. Parking does not obstruct pedestrian or vehicular access to other units and parking spaces.

H. Ongoing Requirements.

1. Residential Use. Primary uses on lots created through an urban lot split under this Chapter are limited to residential uses.

2. Occupancy. The property owner must intend to occupy one of the units as their principal residence for a minimum of three (3) years from the date of urban lot split approval. Except, such occupancy is not required for community land trusts or qualified nonprofit corporations, as provided by Government Code Section 66411.7.

a. As part of the application, the owner shall submit a signed affidavit stating that they intend to occupy one of the housing units on the site as their principal residence for a minimum of three (3) years from the date of the approval of the urban lot split.

3. No Short-Term Rentals. Rental of any units created through SB 9 are required to be for terms longer than thirty (30) days.

17.71.070 STANDARDS AND REQUIREMENTS FOR UNIT DEVELOPMENT

A. General Development Standards. The project shall be consistent with the standards of the zoning district applicable to the site, except as provided under this Chapter.

B. Total Units.

1. Up to two (2) primary units per parcel may be created through the provisions of this Chapter. Additionally, a project may not result in more than two (2) primary units per parcel.

C. Setbacks.

1. Front setback. On a parcel with a front lot line separating the lot from a street, the front setback shall be a minimum of twenty (20) feet or as otherwise allowed per Chapter 17.56 Yard and Setback Regulations, unless such setbacks would physically preclude the construction of the unit(s) or preclude the unit(s) from being at least eight hundred (800) square feet.

2. Side setback. The side setback shall be a minimum of four (4) feet.

3. Rear setback. The rear setback shall be a minimum of four (4) feet.

4. Setbacks from Other Structures. The minimum distance between structures on the same parcel shall be six (6) feet, unless this would physically preclude the construction of the unit(s) or preclude the unit(s) from being at least eight hundred (800) square feet.

5. Existing Structure Setback Exceptions. No setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.

E. Parking.

1. A minimum of one off-street parking space shall be required per unit, except no minimum parking shall be required for the following:

a. The parcel is located within one-half mile walking distance of a high-quality transit corridor or major transit stop; or

b. The parcel is located within one block of a car share vehicle.

2. Parking may be provided in any configuration on the parcel, including in the driveway, provided the project complies with the following requirements:

a. Parking design and dimensions are consistent with the standards under Chapter 17.48 Parking and Loading Requirements.

b. Parking does not obstruct pedestrian or vehicular access to other units and parking spaces.

F. Ongoing Requirements.

1. No Short-Term Rentals. Rental of units created through SB 9 are required to be for terms longer than thirty (30) days.

G. Objective Design Standards. Projects shall be consistent with the development standards of the zoning district applicable to the site, except as provided under this Chapter. Except for the standards set forth in this chapter, no development standards shall apply if they would have the effect of physically precluding the construction of two units of at least 800 square feet on the parcel(s).

17.71.080 DECLARATION OF RESTRICTION

Prior to building permit final, all property owners of record shall sign and record a Declaration of Restrictions with the County Recorder in a form satisfactory to the Zoning Administrator consenting to the operations and requirements described in this chapter and as otherwise permitted by State law. An urban lot split or unit development shall be found to be in non-compliance with the Zoning Code if the City finds the Declaration of Restrictions has been breached.

17.71.090 INTERPRETATION

If any portion of this Chapter conflicts with applicable State law, State law shall supersede this Section. Any ambiguities in this Section shall be interpreted to be consistent with State law

5. (Accessory Dwelling Unit Amnesty Program) Pinole Municipal Code Chapter 17.70 Accessory Dwelling Units and Junior Accessory Dwelling Units [Amendment]

Section 17.70.010, Section 17.70.020, and New Section 17.70.070 are included (excerpt of Chapter 17.70 Accessory Dwelling Units and Junior Accessory Dwelling Units).

Text to be removed shown in strikeout ~~text~~.
Text to be added shown in **<u>bold and underline</u>**.

CHAPTER 17.70

ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

Sections:

17.70.010 PURPOSE.

The purpose of this chapter is to establish procedures for reviewing the placement of accessory dwelling units and junior accessory dwelling units in residential and mixed-use zoning districts, address the state's accessory dwelling unit (ADU) and junior accessory dwelling unit (JADU) requirements, as set forth in California Government Code § **66310 to 66342**~~65852.2 and 65852.22~~**, provide a pathway for amnesty for unpermitted JADUs and ADUs,** and implement the general plan policies which encourage more affordable rental housing, while maintaining the quality of existing residential neighborhoods.

(Ord. 2020-04 § 2, 2020; Ord. 2017-08 § 2 (part), 2017; Ord. 2010-02 § 1 (part), 2010)

17.70.020 APPLICABILITY.

The regulations and standards contained in this chapter shall apply to all new accessory dwelling units (ADU) and junior accessory dwelling units (JADU) in the city, including previously unpermitted ADUs **and junior accessory dwelling units (JADU)) in the city, including previously unpermitted ADUs and JADUs constructed prior to January 1, 2020,** that are legalized, and shall be in addition to any other development standards and regulations contained elsewhere within Title 17 Zoning Code that apply to primary dwelling units (e.g., lighting). ADUs are permitted on all lots zoned to allow single-family and multi-family residences that have an existing or proposed single-family or multi-family residence. JADUs are permitted on lots with an existing or proposed single-family residence. For the purposes of this title, ADUs and JADUs are not considered accessory structures as otherwise regulated in Chapter 17.30.

(Ord. 2020-04 § 2, 2020; Ord. 2017-08 § 2 (part), 2017; Ord. 2010-02 § 1 (part), 2010)

…

17.70.060 AMNESTY AND ENFORCEMENT DELAY ORDINANCE FOR UNPERMITTED ADUS AND JADUS

A. Definitions. For the purposes of this Section, "Unpermitted Junior/Accessory Dwelling Units" shall mean JADUs and ADUs built without prior approval pursuant to the requirements of Section 17.12.030 (Plan Check).

B. Eligibility and Owner Rights. The owner of an Unpermitted Junior/Accessory Dwelling Unit has a right to request:

1. Amnesty from any violation of a performance standard in PMC Section 17.70.40 if the Unpermitted Junior/Accessory Dwelling Unit was constructed prior to January 1, 2020; and

2. Delay in enforcement of the Building Code, and local amendments thereof, as adopted under PMC Title 15 if the Unpermitted Junior/Accessory Dwelling Unit was built prior to the effective date of this Section.

To qualify for amnesty or enforcement delay, owners must submit an application as prescribed by the Community Development Director or their designee.

C. Application Process.

1. Amnesty JADU/ADU. The owner of an Unpermitted Junior/Accessory Dwelling Unit that can provide suitable proof that said unit was constructed prior to January 1, 2020, may submit an Amnesty JADU/ADU Permit application in the form and manner prescribed by the Community Development Director or their designee. Suitable proof includes but is not limited to:

a. Assessor's records;

b. Rental contracts and/or receipts;

c. Income tax records;

d. Utility bills;

e. Contractor's bills; and/or

f. Written affidavits from former owners, tenants, or neighbors, signed and notarized under penalty of perjury.

2. Enforcement Delay. Owners may request a delay in enforcement for Building Code violations for units built prior to the effective date of this Section in the form and manner prescribed by the Community Development Director or their designee. The Building Code enforcement delay shall be for a period of no more than five (5) years on the basis that correcting the violation is not necessary to protect the public health and safety. The Community Development Director or their designee shall grant the owner's Building Code enforcement delay request unless the Community Development Director or their designee makes a finding that correcting the violation is necessary to comply with conditions that would otherwise deem a building "substandard" housing as defined by Health and Safety Code Section 17920.3. Any future violations by owners or tenants will result in revocation of the delay.

3. Sewer Lateral Compliance. Owners applying for ADU Amnesty shall demonstrate compliance with the City's sewer lateral inspection program.

D. Fees and Administrative Costs. Applicants shall pay administrative fees, established by City Council resolution, to process Amnesty JADU/ADU Permit applications and enforcement delay requests.

E. City Support and Resources. To support a pathway to amnesty and increase program participation, the City shall provide:

1. Accessible public information regarding:

a. The conditions that constitute substandard housing under Health and Safety Code §17920.3; and

b. The right of property owners to obtain a confidential, third-party inspection from a licensed contractor before submitting an Amnesty ADU/JADU Permit application.

2. An online self-assessment checklist for owners of Unpermitted Junior/Accessory Dwelling Units interested in pursuing an Amnesty JADU/ADU Permit.

3. Free and confidential staff consultations to discuss amnesty options.

F. Enforcement Actions.

1. Notice and Compliance Requirements. When issuing notices of violation for Unpermitted Junior/Accessory Dwelling Units built before the effective date of this Section, the City shall, until January 1, 2030, include a statement of the owner's rights to:

a. Request amnesty for performance standard violations in PMC Section 17.70.40 for units established and occupied before January 1, 2020;

b. Request a delay in enforcement of the Building Code and related local amendments for units built before the effective date of this Section.

c. Hire a licensed contractor to conduct a confidential third-party inspection before submitting an Amnesty JADU/ADU Permit application to the City.

2. Penalties. Penalties related to zoning or building violations shall be waived during the amnesty and enforcement delay periods. The burden of proof lies with the applicant to demonstrate the date of establishment and occupancy or construction of the unit.

G. Sunset Provisions

1. Applications for Amnesty JADU/ADU Permits and enforcement delays will not be approved after January 1, 2030.

2. No enforcement delays shall extend beyond January 1, 2035, at which point this Section shall be repealed.

6. 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.

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 Section17.10.070 (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		
Accessory Dwelling Unit and Junior Accessory Dwelling Unit	**F**		
SB 9 Urban Lot Split and Unit Development	**F**		
Lot Consolidation, Lot Merger, Lot Line Adjustment	**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)

7. 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 **<u>bold and underline</u>**.

CHAPTER 17.32

AFFORDABLE HOUSING REQUIREMENTS

Sections:

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 of the 15 percent must be affordable to households at or below the low income level. For projects proposing ownership units, 100 percent of the affordable units (i.e., 15 percent of total 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 lot split 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

~~*15% of the units in any residential development must be affordable housing units and reserved for:*~~	***Affordability Proportion*** ~~*Affordable Housing Units (%)*~~	***Affordability Level*** ~~*Percentage of Area Median Income Used*~~ *to Determine Housing Costs*	*Income Used to Determine Affordable Housing Costs (%)*
Rental Developments			
Very Low Income **Units**~~Occupants~~	40% **of affordable units**[1]	**Very low income level based on State Income Limits (approximately 50% of Area Median Income)**~~below 50%~~	30%
Low Income **Units**~~Occupants~~	60% **of affordable units**[1]	**Low income level based on State Income Limits (approximately 80% of Area Median Income)**~~below 80%~~	30%
Ownership Developments			
Moderate Income **Units**~~Households~~	100% **of affordable units**[1]	**Moderate income level based on State Income Limits (approximately 120% or Area Median Income)**~~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. The square footage of the bedrooms in an affordable unit shall be no less than ninety percent (90%) of the median square footage of the bedrooms in the market rate units

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 .~~C.~~ 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. ~~D.~~ 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. ~~E.~~ 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 Section17.32.040 (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 Section17.32.060.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)

8. 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.

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.

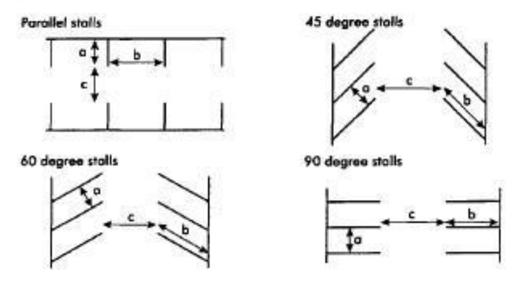
The layout of parking spaces, loading berths, and parking aisles shall comply with all the requirements listed below. These parking requirements apply to both on-street and off-street parking spaces, unless specifically stated otherwise.

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



Stall type	Minimum stall width 'a'	Minimum stall length 'b'	Minimum aisle width 'c' non-emergency access one-way	two-way	aisle width 'c' emergency access
parallel	9'	24'	12'	24'	27'
45	9'	19-10'	14'	24'	27'
60	9'	21'	18'	24'	27'
90	9'	19'	20'	25'	27'

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**~~a 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
<u>Dwelling, Single-Family</u>	
<u>Studio units</u>~~Dwelling, Single-Family - studio~~	1 space per dwelling unit (garage enclosed or covered)
<u>One-bedroom units</u>~~Dwelling, Single-Family - one bedroom~~	2 spaces per dwelling unit (garage enclosed or covered), tandem parking spaces permitted
<u>Two- to four- bedroom units</u>~~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
<u>Five or more bedroom units</u>~~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	**<u>1 space</u>** ~~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>**
<u>Four or more</u>~~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>**

	project meets state requirements for transit service for the development type proposed and State provision used.
~~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 tha~~t 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 **17.48.100.B.1 and 17.48.100.B.2** ~~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

Use Classification	***Bicycle Parking Spaces***
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)

CITY COUNCIL REPORT

10.A.

DATE: MARCH 4, 2025

TO: MAYOR AND COUNCIL MEMBERS

FROM: David Hanham, Planning Manager, 510-724-9842, dhanham@pinole.gov
Justin Shiu, Consultant Planner, 510-724-9035, jshiu@pinole.gov

SUBJECT: FIRST READ OF A PINOLE MUNICIPAL CODE AMENDMENT RELATED TO (A) HOUSING ELEMENT PROGRAMS NO. 4, 5, 12, AND 13, FOCUSING ON ACCESSORY DWELLING UNITS (ADUS), JUNIOR ACCESSORY DWELLING UNITS (JADUS), AND UNIT AND LOT SPLIT PROJECTS PROPOSED UNDER SENATE BILL 9 (SB 9) AND REGULATORY CONSISTENCY; (B) HOUSING ELEMENT PROGRAM NO. 4, TO ESTABLISH AN ACCESSORY DWELLING UNIT AMNESTY PROGRAM; AND (C) HOUSING ELEMENT PROGRAMS NO. 5-9, 10, 12, AND 15, FOCUSING ON PARKING STANDARDS, AFFORDABLE HOUSING REQUIREMENTS, AND ADMINISTRATIVE REVIEW PROCESSES.

RECOMMENDATION

Conduct a first read and consider adoption of an ordinance (Attachment A) consisting of the Municipal Code Amendments (Attachment B) related to Housing Element Programs and schedule second read and adoption for March 18, 2025.

BACKGROUND

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

The City Council previously reviewed the first set of Municipal Code Amendments related to Housing Element Program Implementation on November 19, 2024. The Municipal Code Amendments presented under this item contain the final sets of amendments (listed below as Amendment Sets "A," "B," and "C"), which include the following and implement various programs from the City of Pinole 2023-2031 Housing Element:

> **Amendment Set A:** Accessory dwelling units (ADUs), junior accessory dwelling units (JADUs), and unit and lot split projects proposed under Senate Bill 9 (SB 9) (Housing Element Programs 4, 5, 12, and 13)

Amendment Set B: Accessory Dwelling Unit Amnesty Program (Housing Element Program 4)
Amendment Set C: Parking standards, affordable housing requirements, and administrative review processes (Housing Element Program 5-9, 10, 12 and 15)

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.

Amendment Set A: Accessory dwelling units (ADUs), junior accessory dwelling units (JADUs), and unit and lot split projects proposed under Senate Bill 9 (SB 9) (Housing Element Programs 4, 5, 12, and 13)

This set of proposed amendments, reviewed by the Planning Commission on December 9, 2024, consists of amendments to sections of the Municipal Code regarding ADUs and JADUs, SB 9 projects and the design guidelines for single-family residential development.

ADU and JADU Projects
The Zoning Code sets standards and requirements for ADUs and JADUs under Chapter 17.70. Local ADU and JADU regulations must comply with California Government Code Sections 66310 to 66342, which establish State standards for these units. Recent State updates have prioritized increasing ADU and JADU production. The proposed amendments to Chapter 17.70 align local ADU requirements with current State law and implement Housing Element Program 4: Facilitate ADU Production.

SB 9 Projects

SB 9, adopted in 2021 and later amended by SB 450 in 2024, established ministerial approval processes for lot splits and unit development in single-family residential zoning districts. These changes, codified under California Government Code Sections 65852.21 and 66411.7, enable the creation of up to two primary dwelling units on a single-family residential parcel and/or the division of one lot into two. State law standards supersede local zoning where conflicts arise, enhancing feasibility for these projects.

Ministerial review limits evaluation to objective standards, excluding subjective guidelines or discretionary decisions. Currently, the City lacks a dedicated Zoning Code chapter for SB 9 projects, relying instead on direct implementation of State law. The proposed amendments will establish a new Zoning Code chapter specifically addressing SB 9 standards and processes, providing greater clarity and consistency for local implementation.

Design Guidelines for Single-Family Residential Development
The City of Pinole Residential Design Criteria and Guidelines, adopted in 2007, contains

subjective guidelines for evaluating single-family residential development. However, SB 9 projects must be reviewed solely against objective standards, rendering subjective design guidelines inapplicable for these proposals. The proposed amendments ensure alignment with this requirement.

Planning Commission Review

The Planning Commission held a public hearing on December 9, 2024 to consider the proposed amendments and recommended that the City Council consider the adoption of the amendments (Attachment E).

Further Revisions

The amendments in Set A were originally scheduled and noticed for City Council review at the January 21, 2025 meeting. On January 21, prior to the scheduled meeting, staff received a letter from the California Housing Defense Fund (CalHDF) expressing concerns that the proposed Accessory Dwelling Unit (ADU) ordinance (Chapter 17.70) may not fully comply with state law in certain aspects. The letter further recommended that the City address these issues before moving forward with adoption (Attachment D). In response, the item was removed from the January 21 agenda to allow additional time for a thorough evaluation of the comments and consideration of potential revisions.

Staff has made additional revisions to the proposed Chapter 17.70, with changes highlighted in Attachment B. These revisions include incorporating references to Government Code Section 66323 to clarify categories of ADU/JADUs established by state law that qualify for ministerial approval, provided they meet specified criteria. Additionally, language stating that detached ADUs must 'appear secondary in nature' has been removed, as it could be interpreted as a subjective restriction on ADU development.

On February 24, 2025, staff shared the draft revisions with the California Housing Defense Fund (CalHDF), which expressed appreciation for the updates related to Section 66323. CalHDF also recommended clarifying that Section 66323 applies to both ADUs and JADUs and suggested removing deed restriction requirements. The deed restrictions in question—(1) prohibiting the separate sale of an ADU or JADU from the primary residential unit, (2) requiring that ADUs be rented for terms longer than 30 days, and (3) mandating that an owner occupy either the primary residence or JADU if a JADU exists on the property—are already codified in state law and local ordinance. Requiring homeowners to go through a separate deed restriction process would therefore be redundant.

Staff found these recommendations reasonable and has incorporated them into the proposed municipal code amendments, as detailed in the Review and Analysis section. The revised ordinance reflects all recommended changes from CalHDF (Attachment B).

Amendment Set B: Accessory Dwelling Unit Amnesty Program (Housing Element Program 4)

The second set of amendments, reviewed by the Planning Commission on February 24, 2025, concerns the ADU/JADU Amnesty Program as described in Housing Element Program 4. The program is an essential strategy to ensure safe and adequate housing in Pinole by allowing unpermitted ADUs and JADUs to be recognized as legal housing without the risk of code enforcement actions. It includes significant fee reductions and provides assistance to property owners in determining necessary improvements to achieve compliance.

Adoption of the Amnesty Program reinforces the City’s commitment to addressing housing needs and improving safety. The Program aligns with California Assembly Bill (AB) 2533 and supports the City’s Housing Element Program 4: ADU Amnesty Program. This initiative is a vital component of the City’s strategy to ensure safe and adequate housing by providing a pathway for legalizing unpermitted Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs).

Key Provisions of AB 2533:

1. Eligibility Extension: Applies to units constructed before January 1, 2020.
2. Health and Safety Focus: Limits enforcement to violations that pose risks under Health and Safety Code §17920.3.
3. Amnesty Pathway: Requires local jurisdictions to offer programs that include public notification, optional third-party inspections, and reduced penalties.
4. Enforcement Delay Option: Grants up to five years for property owners to address code violations for eligible units.

Planning Commission Review

The Planning Commission held a public hearing on February 24, 2025 to consider the proposed amendments and recommended that the City Council consider the adoption of the amendments (Attachment E).

Amendment Set C. Parking standards, affordable housing requirements, and administrative review processes. (Housing Element Program 5-9, 10, 12 and 15)

The final set of proposed amendments, reviewed by the Planning Commission on January 27, 2025, addresses several outstanding Housing Element program items. These include the reduction of minimum parking requirements, modifications to parking standards, enhancements to affordable housing incentives, and streamlining the review process for certain permits, such as lot consolidation and parking reductions/shared parking. Additionally, revisions have been incorporated into modified chapters to clarify requirements, reduce ambiguities, and improve the internal consistency of the Zoning Code

Planning Commission

The Planning Commission held a public hearing on January 27, 2025, to consider the proposed amendments and recommended that the City Council consider the adoption of the amendments (Attachment E).

REVIEW AND ANALYSIS

The proposed revisions in the Zoning Code and Specific Plan are provided in Attachment B. These revisions address Housing Element Programs 4, 5-9, 10, 12, 13, and 15, with the relevant program text and portions impacted by the revisions highlighted in Attachment C.

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:

Amendment Set A: Accessory dwelling units (ADUs), junior accessory dwelling units (JADUs), and unit and lot split projects proposed under Senate Bill 9 (SB 9) (Housing Element Programs 4, 5, 12, and 13)

Chapter 17.70 Accessory Dwelling Units and Junior Accessory Dwelling Units [Revisions to Existing Chapter]

1. Updates to the existing chapter to align with recent changes in State law.
2. Throughout the chapter, revised text to incorporate recent State law updates for ADUs and to provide greater clarity.
3. In 17.70.040(H), established an "Operations" section to consolidate requirements for ADU use, previously located in the Declaration of Restrictions section.
4. In 17.70.040(H), clarified details on mandated allowances for separate sales and conveyances of ADUs developed by qualified nonprofit corporation, as permitted under State law. Jurisdictions may adopt a local ordinance allowing separate sales and conveyances more generally through new provisions in Government Code 66342, but this is not a requirement and has not been included as a part of these update.
5. In 17.70.040(D), updated primary building setback distance numbers to align with standards for accessory structures.
6. In 17.70.040(D), revised exterior stair visibility requirements for improved clarity.
7. In 17.70.040(D), replacement of subjective design language with objective standards, specifying colors and materials for attached ADUs.
8. In 17.70.040, added reference to Government Code Section 66323 for categories of ADUs and JADUs under State law that require building permit issuance where certain criteria and requirements under State law are met. Removed language about detached ADUs appearing "secondary in nature".
9. Removed existing 17.70.050 Declaration of Restrictions.

Chapter 17.71 SB 9 Urban Lot Split and Unit Development [Addition of a New Chapter]

1. Introduction of a new chapter to incorporate SB 9 provisions based on State law.
2. Explanation of the permit process for SB 9 projects.
3. Clarification of "single-family residential zoning" as LDR and R-1 zones in Pinole, referencing their classification under Chapter 17.18.020, allowance for single-family residential

in Chapter 17.20.020, and exclusion of multifamily residential.
4. Addition of front and structural setback distance requirements, drawing from existing standards in the Zoning Code for LDR and R-1 zones. A qualifier specifies these standards apply unless they physically preclude the units, consistent with SB 9.
5. Specification of a ministerial-only tree removal permit process for SB 9 projects.
6. Inclusion of references to new objective design standards, proposed for addition to Chapter 17.24.

Section 17.12.150 Comprehensive Design Review [Revisions to Existing Chapter]
1. In 17.12.150(C), clarified JADUs, like ADUs, are exempt from Comprehensive Design Review.
2. In 17.12.150(C), removed square footage text in the addition exception, as Administrative Design Review under 17.12.080 applies to all single-family additions regardless of size (e.g., less than or greater than 500 square feet). This edit reduces ambiguity and enhances consistency within the Zoning Code.
3. In 17.12.150(B) and (C), included references to SB 9 units to ensure alignment with updated standards.

Section 17.24.040 Objective Design Standards for Single Family Districts [Revisions to Existing Chapter]
1. In new section 17.24.040, incorporated objective design standards based on existing subjective Residential Design Criteria and Guidelines for single-family residential districts. Since subjective guidelines can no longer be applied to ministerial reviews under SB 9, guidelines that could be converted to objective standards are proposed to maintain the intent of the original guidelines. Objective standards for SB 9 projects must be uniformly applicable to the underlying zoning district. To address this, a section for objective design standards for single-family residential districts was added to Chapter 17.24: Development Standards by Zoning District.
2. Presentation of objective design standards for consideration. While establishing these standards based on Residential Design Criteria and Guidelines is not mandatory, their inclusion would ensure alignment with existing design principles. If these standards are not adopted, SB 9 unit development would rely solely on the objective standards outlined in the new Chapter 17.71 and other applicable sections of the Zoning Code.

Amendment Set B: Accessory Dwelling Unit Amnesty Program (Housing Element Program 4)

The draft ordinance in Attachment B, to establish an Amnesty program for ADUs and JADUs, complies with state law, provides a structured framework for the legalization of unpermitted ADUs and JADUs in Pinole and aligns with both state law and Pinole’s housing goals by limiting amnesty eligibility to units built and occupied before January 1, 2020. Under the revised state law, the City cannot deny a permit for an unpermitted ADU or JADU constructed before January 1, 2020, based upon a determination that the ADU or JADU is in violation of state or local building standards that apply to ADUs and/or JADUs, unless the City makes a finding that correcting the violation is necessary to comply with conditions that would otherwise deem a building substandard as defined by Health and Safety Code Section 17920.3.

To prioritize public safety, enforcement delays are only granted when a violation does not pose a risk to public health and safety, as defined under Health and Safety Code §17920.3. For example, a ceiling height slightly below the local building code requirement (e.g., 7 feet instead of 7 feet 6 inches) may not necessitate immediate correction if it does not affect structural integrity, habitability, or safety. In contrast, violations such as faulty wiring, inadequate fire egress, or unsafe plumbing require immediate correction, as they present direct threats to health and safety.

To assist homeowners, the program provides support, including a self-assessment checklist, online resources, confidential consultations, and notification of optional third-party inspections to help property owners address potential issues before submitting an application. By doing so, it also advances the City's Housing Element goals of promoting safe, legal, and affordable housing options. A draft checklist is being prepared and will be maintained by the Building Official, with an example provided in Attachment G. The Building Official will have the discretion to amend the checklist as needed. Additionally, in alignment with standard Public Works requirements, property owners applying for ADU Amnesty must demonstrate compliance with the City's sewer lateral inspection program, as outlined in Pinole Municipal Code Chapter 13.30.

The ordinance introduces specific features designed to simplify and encourage participation. The Amnesty Permit includes two City inspections to assess compliance with health and safety standards. If corrections are needed, owners will receive clear guidance on the required improvements and must file permits (if required) to complete these upgrades. Additionally, enforcement delays of up to five years will be offered to allow non-compliant units time to meet standards without facing immediate penalties or displacement, although delays will be revoked if additional violations occur. To further support compliance, the City will provide free consultations, online tools, and a detailed checklist to guide property owners through the process.

The program's implementation is structured to ensure broad accessibility and understanding. Public outreach will inform residents of their rights and program benefits, including the availability of pre-application third-party inspections and enforcement delay options. To participate, property owners must provide documentation proving construction and occupancy, such as utility bills or rental agreements, along with site and floor plans. Applications will be accepted until January 1, 2030, and all enforcement delays will conclude by January 1, 2035. New state housing laws concerning ADU amnesty (AB 2533) took effect on January 1, 2025. Any application submitted before the effective date of this proposed ordinance update will be processed in compliance with the effective date of State law.

By legalizing unpermitted units, the program brings substantial benefits to the City and its residents. It increases the availability of affordable housing by incorporating previously unpermitted units into the City's housing inventory. It enhances safety by ensuring compliance with health and safety standards, reducing risks to occupants and neighbors. Furthermore, it encourages voluntary compliance, minimizing the need for costly enforcement actions and fostering collaboration between the City and property owners.

ADU/JADU Amnesty Program Process

The following provides a step-by-step guide to the draft Ordinance's requirements.

Step 1: Owner Determines Eligibility
- Verify Construction Date: The unpermitted ADU/JADU must have been constructed before January 1, 2020.
- Confirm Use and Safety Standards: The unit must currently function as a dwelling (e.g., includes a kitchen, bathroom, and sleeping area) and must not pose a risk to public health or safety as defined by Health and Safety Code §17920.3.

Step 2: Owner conducts Self-Assessment
- Complete the Self-Assessment Checklist to evaluate eligibility and identify potential health and safety concerns. The checklist helps owners determine whether the unit meets program criteria before submitting an application to the City.

Step 3: Optional Third-Party Inspection
- Property owners may independently hire a licensed contractor or inspector to perform a confidential, third-party inspection of the unit. The report can help address potential issues before submitting an application.

Step 4: Request a Free Consultation
- Schedule a confidential meeting with City staff in the Planning Division to review eligibility, gather program information, and receive guidance on the application process.

Step 5: Submit an Application
- Complete the Amnesty Permit Application and provide required documentation, including:
  - Proof of construction and occupancy (e.g., utility bills, rental contracts, or notarized affidavits).
  - Site plan showing the unit's location on the property.
  - Floor plan of the unit with dimensions, entrances, and windows.
- Pay the administrative fees as established by the City Council.

Step 6: City Inspections
- The Amnesty Permit includes two inspections by a City Building Inspector:
  - Inspection 1: An initial review of the unit to identify health and safety violations.
  - Inspection 2: A follow-up inspection after corrections have been completed, if necessary.
  - Additional inspections are available at the City's hourly inspection rate.

Step 7: Address Violations (If Applicable)
- If corrections are needed to meet health and safety standards:
  - File appropriate building permits with the City.
  - Complete required improvements under the guidance of City staff.

Step 8: Enforcement Delay (If Requested)
- If additional time is needed to complete corrections:
  - Submit a Request for Enforcement Delay for up to five years.
  - The City will grant delays only if violations do not pose immediate health or safety risks.

Step 9: Final Approval
- Once all requirements are met, the unit will be granted amnesty and deemed compliant with applicable City and state standards.

Step 10: Program Deadlines
- Applications must be submitted by January 1, 2030.
- All enforcement delays will end by January 1, 2035.

In conclusion, the draft ADU/JADU Amnesty Program is a vital initiative that aligns with state law and the City's Housing Element Program 4. It ensures safe, legal housing while supporting the City's broader goals of affordability and community well-being.

Amendment Set C. Parking standards, affordable housing requirements, and administrative review processes (Housing Element Program 5-9, 10, 12 and 15)

Chapter 17.10. General Application Processing Procedure [Revisions to Existing Chapter]

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 [Revisions to Existing Chapter]

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 [Revisions to Existing Chapter]

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. Th 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).

FISCAL IMPACT

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

ATTACHMENTS

A. Ordinance
B. Municipal Code Amendments - Compiled
C. Housing Element Programs Associated with Revisions
D. CalHDF letter 1.21.25
E. PC Staff Report and Resolutions
F. ADU Amnesty Checklist Example

ATTACHMENT A

ORDINANCE NO. XXXX-XX

AN ORDINANCE OF THE CITY OF PINOLE AMENDING CHAPTERS 17.10, 17.12, 17.24, 17.32, 17.48, AND 17.70 OF THE PINOLE MUNICIPAL CODE AND ADDING CHAPTER 17.71 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 required for accessory dwelling unit and junior accessory dwelling unit regulations to reflect current State Law for these units under California Government Code Sections 66310 to 66342; and

WHEREAS, amendments to the municipal code are required to incorporate regulations and procedures for urban lot splits and unit development proposed under Senate Bill 9 (SB9) and reflect the provisions of California Government Code Sections Section 65852.21 and 66411.7; and

WHEREAS, the City of Pinole Residential Design Criteria and Guidelines, adopted November 20, 2007, contains subjective guidelines for review of single family residential development; and

WHEREAS, a ministerial review process is required for the review of unit development proposed under SB 9 and subjective guidelines cannot be used to approve projects; and

WHEREAS, it is desirable to maintain aspects of the Residential Design Criteria and Guidelines by creating objective design standards based on subjective guidelines where possible; and

WHEREAS, objective standards would apply uniformly to the underlying single family residential districts, which include R-1 and LDR, and thereby would be applicable to SB 9 unit development projects; and

WHEREAS, amendments related to ADUs, JADUs, SB 9 projects, and objective design standards, including regulatory consistency and clarifications, are made to Chapters 17.12, 17.24, and 17.70 and Chapter 17.71 is created as a new chapter; 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 Attachment B; and

WHEREAS, the State laws concerning ADU amnesty (AB 2533) took effect on January 1, 2025; and

WHEREAS, the City proposed the establishment of an ADU Amnesty Program and amendments to Chapter 17.70 to implement the requirements under State law to provide a path to legalize previously unpermitted ADUs pursuant to State law requirements; and

WHEREAS, the Planning Commission held duly noticed public hearings related to the proposed Zoning Code amendment on December 9, 2024, January 27, 2025, and February 24, 2025; and

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

WHEREAS, the City Council held a duly noticed public hearing related to the proposed Zoning Code amendment on March 4, 2025; and

WHEREAS, after close of the public hearing, the City Council considered all public comments received both before and during the public hearing, the presentation by city staff, the staff report, and all other pertinent documents regarding the proposed amendments; and

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

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

Section 2. Amendment of Municipal Code and Specific Plan. The Pinole Municipal Code is hereby amended with amendments to Chapters 17.10, 17.12, 17.24, 17.32, 17.48, and 17.70 of the Pinole Municipal Code and addition of Chapter 17.71, as set forth in Attachment B, attached hereto and incorporated herein.

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

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

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

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

PASSED AND ADOPTED at a regular meeting of the Pinole City Council held on March 4, 2025, the City Council passed this ordinance by the following vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of Pinole on March 4, 2025.

____

Cameron Sasai, Mayor

ATTEST:

____

Heather Bell, City Clerk

APPROVED AS TO FORM:

____

Eric S. Casher, City Attorney

ATTACHMENT B. MUNICIPAL CODE AMENDMENTS

SET A. Accessory dwelling units (ADUs), junior accessory dwelling units (JADUs), and unit and lot split projects proposed under Senate Bill 9 (SB 9)

1. Pinole Municipal Code Section 17.12.150 Comprehensive Design Review [Amendment]

2. Pinole Municipal Code Chapter 17.24 Development Standards by Zoning District [Amendment]

3. Pinole Municipal Code Chapter 17.70 Accessory Dwelling Units and Junior Accessory Dwelling Units [Amendment]

4. Pinole Municipal Code Chapter 17.71 SB9 Urban Lot Split and Unit Development [New Chapter]

SET B. Accessory Dwelling Unit Amnesty Program

5. Pinole Municipal Code Chapter 17.70 Accessory Dwelling Units and Junior Accessory Dwelling Units [Amendment]

SET C. Parking standards, affordable housing requirements, and administrative review processes.

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

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

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

1. Pinole Municipal Code Section 17.12.150 Comprehensive Design Review [Amendment]

Section 17.12.150 included (excerpt of Chapter 17.12 Entitlements).

Text to be removed shown in strikeout ~~text~~.
Text to be added shown in **bold and underline**.

17.12.150 COMPREHENSIVE DESIGN REVIEW.

A. Purpose. The purpose of comprehensive design review is to provide a process for promoting the orderly and harmonious growth of the city, to encourage development in keeping with the desired character of the city, and to ensure physical and functional compatibility between uses. This comprehensive design review is intended to provide a process for consideration of development proposals to ensure that the design and layout of commercial, retail, industrial or institutional uses, or multi-family residential development will constitute suitable development and will not result in a detriment to the City of Pinole or to the environment.

B. Applicability. A comprehensive design review permit is required for the following items:

1. New single-family and multi-family residential development**, except for unit development under Government Code section 65852.21, as amended and renumbered from time to time (also known as SB 9)**;

2. New non-residential development (e.g., commercial, office, industrial, public/quasi-public);

3. Additions to existing multi-family and non-residential structures equal to or greater than 500 square feet; and

4. Any item not listed in Section17.12.150.C, for which the Community Development Director determines that a comprehensive design review permit is required.

C. Exemptions. The following structures and activities are exempt from comprehensive design review. However, such structures may require additional permits, such as a building permit, and plan check to ensure compliance with adopted Building Code and related construction code standards and applicable Zoning Code provisions and public works encroachment permits.

1. Accessory dwelling units **and junior accessory dwelling units**~~, regardless of size~~.

2. Additions to a single-family home ~~of less than 500 square feet~~ when consistent with the City of Pinole Residential Design Criteria and Guidelines.

3. Additions to multi-family and non-residential structures less than five hundred (500) square feet in size.

4. Accessory structures consistent with the provisions of this title.

5. Installation of signs.

6. Repairs and maintenance to the site or existing structures that do not add to, enlarge, or expand the area occupied by the structure or the gross floor area of the structure.

7. Interior alterations that do not increase the gross floor area within the structure or change/expand the permitted use of the structure (e.g., tenant improvements).

8. Construction, alteration, or maintenance by a public utility or public agency of underground or overhead utilities intended to service existing or nearby approved developments (e.g., water, gas, electric or telecommunication supply or disposal systems, including wires, mains, drains, sewers, pipes, conduits, cables, fire-alarm boxes, police call boxes, traffic signals, hydrants, and similar facilities and equipment).

9. Alteration or maintenance of public park and recreation facilities.

10. Unit development under SB 9 (Government Code section 65852.21).

D. Approving Authority. The designated approving authority for comprehensive design review is the Planning Commission. Comprehensive design review approval is required prior to issuance of any ministerial building permits or site improvement plans and prior to or in conjunction with discretionary action of corresponding development applications (e.g., conditional use permit, variance). Comprehensive actions include, but are not limited to, new construction and wholesale redevelopment of existing sites.

E. Application Content. The application for a comprehensive design review shall be on a form prepared as prescribed by the Community Development Director.

F. Public Hearing/Notice. The city shall provide notice and a public hearing for continuation of the approval, modification, revocation or appeal of an application for a comprehensive design review in accordance with Section 17.10.050 (Public Hearing and Public Notice).

G. Approval Findings. A comprehensive design review permit or any modification thereto shall be granted only when the designated approving authority makes all of the following findings:

1. The proposed project is consistent with the objectives of the general plan and complies with applicable zoning regulations, planned development, master plan or specific plan provisions, improvement standards, and other applicable standards and regulations adopted by the city;

2. The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation;

3. The site layout (orientation and placement of buildings and parking areas), as well as the landscaping, lighting, and other development features, are compatible with and complement the existing surrounding environment and ultimate character of the area under the general plan and applicable specific plans; and

4. Qualifying single-family residential, multi-family residential, and residential mixed-use projects shall comply with all relevant standards and guidelines in the city's currently adopted design guidelines for residential development.

A. Considerations. In conducting comprehensive design review, the designated approving authority shall consider the following:

1. Considerations relating to site layout, the orientation and location of building, signs, other structures, open spaces, landscaping, and other development features in relation to the physical characteristics, zoning, and land use of the site and surrounding properties.

2. Considerations relating to traffic, safety, and traffic congestion, including the effect of the development plan on traffic conditions on abutting streets, the layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, driveways, and walkways, the adequacy of off-street parking facilities to prevent traffic congestion, and the circulation patterns within the boundaries of the development.

3. Considerations necessary to ensure that the proposed development is consistent with the general plan and all applicable specific plans or other city plans, including, but not limited to, the density of residential units.

4. Considerations relating to the availability of city services, including, but not limited to, water, sewer, drainage, police and fire, and whether such services are adequate based upon city standards.

B. Conditions/Guarantees. The approving authority may impose conditions and/or require guarantees for comprehensive design review to ensure compliance with this section and other applicable provisions of this title and to prevent adverse or detrimental impact to the surrounding neighborhood.

C. Permit Issuance. The final action on comprehensive design review by the approving authority shall constitute approval of the permit. Such permit shall only become valid after the designated appeal period has been completed, per the provisions as set forth in Section 17.10.080 (Effective Date).

D. Appeals. Appeal of the approving authority's action on the request for a comprehensive design review permit shall be made in accordance with the procedures specified in Section 17.10.070 (Appeals).

E. Expiration. All approved comprehensive design review permits are subject to the provisions set forth in Section 17.10.100 (Permit Time Limits, Extensions and Expiration).

(Ord. 2020-01, § 3, 2020: Ord. 2012-07, § 3, 2012: Ord. 2010-02 § 1 (part), 2010)

2. Pinole Municipal Code Chapter 17.24 Development Standards by Zoning District [Amendment]

Full Chapter included.

Text to be removed shown in strikeout ~~text~~.
Text to be added shown in **bold and underline**.

CHAPTER 17.24

DEVELOPMENT STANDARDS BY ZONING DISTRICT

Sections:

17.24.010 PURPOSE.

The purpose of this chapter is to establish development standards for lot area, allowed density, building setbacks, height, and lot coverage as appropriate for each of the city's base zoning districts as listed in Table 17.18.020-1 (Zoning Districts). These standards, along with other development standards (e.g., fences and walls, parking, sign standards) listed in Article III (Site Planning Standards) are intended to assist property owners and project designers in understanding the city's minimum requirements and expectations for high quality development. (Ord. 2010-02 § 1 (part), 2010)

17.24.020 DEVELOPMENT STANDARDS.

Table 17.24.020-1 (Development Standards for City of Pinole Base Zoning Districts) includes lot area, allowed density, building setbacks, height, and lot coverage requirements for each of the city's base zoning districts. Additional site planning requirements (e.g., landscaping, lighting) are listed in Article III (Site Planning Standards). Development within the city is also subject to compliance with all adopted Uniform Building and Fire Codes. Qualifying single family residential, multi-family residential, and residential mixed-use projects shall comply with all relevant standards and guidelines in the city's currently adopted design guidelines. Zoning district names for the zoning district symbols used in the table are as follows:

LDR = Low Density Residential Zoning District

R-1 = Suburban Residential Zoning District

R-2 = Medium Density Zoning District

R-3 = High Density Zoning District

R-4 = Very High Density Zoning District

R = Rural Zoning District

RC = Regional Commercial Zoning District

RMU = Residential Mixed Use Zoning District

CMU = Commercial Mixed Use Zoning District

OPMU = Office Professional Mixed Use Zoning District

OIMU = Office Industrial Mixed Use Zoning District

OS = Open Space Zoning District

PR = Parks and Recreation Zoning District

PQI = Public Quasi-Public Institutional Zoning District

SPBCA = San Pablo Bay Conservation Zoning District

TABLE 17.24.020-1:

DEVELOPMENT STANDARDS FOR CITY OF PINOLE BASE ZONING DISTRICTS

Development Standard\Zoning District	LDR	R-1	R-2	R-3	R-4	R	RC	RMU	CMU	OPMU	OIMU	OS	PR	PQI	SPBCA
Lot Area (minimum square footage/unit)	43,560	6,000	3,000	1,500	N/A	5 ac. (1)	5,000	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Allowed Density (units per acre)															
Minimum Density	0.21	1.1	10.1	20.1	35.1	N/A	N/A	20.1	20.1	20.1	N/A	N/A	N/A	N/A	N/A
Maximum Density	1.0	10.0	20.0	35.0	50.0	0.2	N/A	35.0	30.0	30.0	N/A	N/A	N/A	N/A	N/A
Setback (minimum distance between structure and property line in feet)															
Front Yard	20	20	0	0	0	30	0	0	0	0	0	0	10	0	10
Side Yard	10 (2)	5 (3)	5	5	5	15	0	0	0	10	10	0	10	10	10
Side Yard for Second Story	15	12	10	5	5	15	0	0	0	10	10	0	10	10	10

Street Side Yard	15 (4)	10 (4)	10	10	10	20	0	10	10	10	10	0	10	0	10
Rear Yard	20 (4)	20 (4)	15	15 (5)	15 (5)	30	0	15 (5)	15 (5)	15 (5)	15 (5)	0	10	10	10
Distance Between Buildings (minimum feet)															
For Dwelling Purposes	6	6	6	6	0	6	0	0	0	0	0	N/A	N/A	N/A	N/A
Accessory Buildings (6)	6	6	3	3	3	6	6	6	6	6	6	6	6	6	6
Building Height (maximum feet)															
Primary Buildings	35	35	35	35	50	35	50	50	50	50	50	35	35	40	35
Accessory Buildings	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15
Floor Area Ratio (maximum ratio of building to lot square footage)	N/A	N/A	N/A	N/A	N/A	N/A	0.40	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Notes:

(1) The approving authority may approve lots less than five (5) acres in size and reduced setbacks for clustering of units to preserve open space or other resources as part of comprehensive design review.

(2) The combined side yard setbacks shall not be less than twenty (20) feet.

(3) Within required side yards, at least one (1) side shall provide four (4) feet of unobstructed surface to allow unobstructed access between the front and rear yards.

(4) Listed setback distance or twenty percent (20%) of lot width in side yard and twenty percent (20%) of lot depth in rear yard, whichever is less.

(5) If abutting non-residential property, there is no minimum rear yard setback.

(6) See additional development standards for accessory structures in Chapter17.30.

(Ord. 2010-02 § 1 (part), 2010)

17.24.030 ADDITIONAL STANDARDS FOR MULTI-FAMILY ZONING DISTRICTS.

In addition to the development standards listed in Table 17.24.020-1, the following development standards apply to multi-family residential development in the Medium Density Residential (R-2), High Density Residential (R-3), Very High Density Residential (R-4), and mixed use zoning districts including residential uses.

A. Open Space Requirements for Multi-Family Residential.

1. Multi-family, attached dwelling units that are all or partially located at ground level shall have not less than eighty (80) square feet of private open space.

2. Not less than twenty percent (20%) of the total lot area of multiple-family residential projects shall be provided as improved, private or semi-private useable open space and not less than three hundred (300) square feet of improved useable open space per dwelling unit shall be provided in each multi-family development project.

3. Not less than thirty percent (30%) of the total lot area of multiple-family residential projects shall be provided as improved, landscaped open space.

B. Screening and Vegetation for Multi-Family Residential. Projects within multi-family residential zoning districts shall include vegetative screening at the project perimeter to ensure the privacy of existing and future homeowners. The city shall determine the location and extent of vegetative screening required based on site conditions and surrounding existing and planned land uses. Where required, such vegetative screening shall be maintained in a healthy and vigorous condition. Areas used as vegetative screening shall not be counted as open space. (Ord. 2010-02 § 1 (part), 2010)

17.24.040 OBJECTIVE DESIGN STANDARDS FOR SINGLE FAMILY ZONING DISTRICTS.

In addition to the development standards listed in Table 17.24.020-1, the following objective development standards apply to applicable residential development in single family residential zoning districts.

A. **Applicability**

1. **The project consists of constructing a primary dwelling unit, such as single family residence or a duplex, or modifying an existing structure to create a primary dwelling unit; and**

2. **The project is located in the Low Density Residential (LDR) or Single Family Residential (R-1) zoning district.**

B. **Design Standards**

1. **Units shall be designed with an entry feature or outdoor living area, such as a porch or courtyard, when located on a lot adjacent to the street, and include a path to the sidewalk/street.**

2. <u>**Projects resulting in the creation of a two-story dwelling shall step back the second floor wall plane at least five (5) feet from the first floor wall plane on at least two sides. On corner lots, the second floor wall plane shall be stepped back at least five (5) feet from the first floor wall plane along street frontages.**</u>

3. <u>**Two-story designs shall provide visual separation between the two stories by incorporating projections, reliefs, accents, roof forms, decks, balconies, and/or variation in materials between the two stories.**</u>

4. <u>**Unit design shall minimize the appearance of long blank walls by including design features on each building face at intervals of no less than fifteen (15) feet. Such features may include changes in the wall plane, inclusion of different materials, windows, doors, openings, and/or architectural detailing.**</u>

5. <u>**Consistent materials and colors shall be applied for each type of architectural detail, including door trim, window trim, window sills, shutters, and fascia, when such architectural details are located in more than one location on the building facade. For example, when white, wood window trim is used at one location on the building, any window trim used at other locations shall be white, wood window trim.**</u>

6. <u>**Windows shall be offset so that they are not lined up with windows of adjoining structures, or windows shall include non-transparent glazing to obscure direct views into adjoining structures.**</u>

3. Pinole Municipal Code Chapter 17.70 Accessory Dwelling Units and Junior Accessory Dwelling Units [Amendment]

Full Chapter included.

Text to be removed shown in strikeout ~~text~~.
Text to be added shown in **<u>bold and underline</u>**.
Text updates following Planning Commission in highlight.

CHAPTER 17.70

ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

Sections:

17.70.010 PURPOSE.

The purpose of this chapter is to establish procedures for reviewing the placement of accessory dwelling units and junior accessory dwelling units in residential and mixed-use zoning districts, address the state's accessory dwelling unit (ADU) and junior accessory dwelling unit (JADU) requirements, as set forth in California Government Code § **66310 to 66342**~~65852.2 and 65852.22~~ and implement the general plan policies which encourage more affordable rental housing, while maintaining the quality of existing residential neighborhoods.

(Ord. 2020-04 § 2, 2020; Ord. 2017-08 § 2 (part), 2017; Ord. 2010-02 § 1 (part), 2010)

17.70.020 APPLICABILITY.

The regulations and standards contained in this chapter shall apply to all new accessory dwelling units (ADU) and junior accessory dwelling units (JADU) in the city, including previously unpermitted ADUs that are legalized, and shall be in addition to any other development standards and regulations contained elsewhere within Title 17 Zoning Code that apply to primary dwelling units (e.g., lighting). ADUs are permitted on all lots zoned to allow single-family and multi-family residences that have an existing or proposed single-family or multi-family residence. JADUs are permitted on lots with an existing or proposed single-family residence. For the purposes of this title, ADUs and JADUs are not considered accessory structures as otherwise regulated in Chapter 17.30.

(Ord. 2020-04 § 2, 2020; Ord. 2017-08 § 2 (part), 2017; Ord. 2010-02 § 1 (part), 2010)

17.70.30 PERMIT REQUIREMENTS.

A. **Application Review**

1. All accessory dwelling units (ADU) and junior accessory dwelling units (JADU) require review and approval through the plan check process, pursuant to the requirements of Section 17.12.030 (Plan Check).

a. Applications for ADUs and JADUs shall be ministerially reviewed by the City within sixty (60) days from the date a **completed application is received if there is an existing single-family or multifamily dwelling on the lot**~~complete application is submitted~~.

b. If the permit application to create an ADU or JADU is submitted with a permit application to create a new single-family dwelling on the lot, the City may delay acting on the application for the ADU or JADU until the City acts on the permit application to create the new single-family dwelling. The application to create the ADU or JADU shall still be considered ministerially without discretionary review or a hearing.

B. All ~~plan check~~ applications for ADUs and JADUs shall include, but are not limited to, the following:

1. A completed building permit application;

2. Proof of ownership of the property or permission from the property owner;

3. **Site**~~A plot~~ plan showing the location of any and all easements, structures, parking for both the primary and accessory dwelling units, other improvements, and trees over four (4) inches in diameter;

4. Floor plan showing the square footage of the structure, the floor area, the lot, and the percentage of the lot area covered by the foundations of the accessory and primary dwelling units;

5. Elevations showing all sides of the ADU or changes being made to the single-family home in order to add an ADU or JADU;

6. Colors and materials board, or aesthetic details noted in plan sets;

7. Such other information which the Community Development Director determines is necessary to evaluate the proposed project.

~~8. Completed declaration of restrictions~~**, including a notarized property owner signature on the form** ~~as~~

~~required in Section17.70.050, signed and ready for recordation.~~

8~~9~~. Address assignment application for the proposed unit.

9~~10~~. Permit applications required by the Public Works Department to serve the proposed unit, which may include but is not limited to sewer lateral and encroachment permits.

(Ord. 2020-04 § 2, 2020; Ord. 2017-08 § 2 (part), 2017; Ord. 2010-02 § 1 (part), 2010)

17.70.040 PERFORMANCE STANDARDS.

An accessory dwelling unit (ADU) or junior accessory dwelling unit (JADU) shall meet all of the applicable zoning regulations for the specific zoning district in which it is located, except as provided in this chapter. An ADU or JADU that conforms to the requirements of this chapter, and any other applicable development standards and regulations contained in Title 17 Zoning Code, shall not be considered to exceed the allowable density for the lot upon which such unit is proposed to be established and shall be deemed a residential use which is consistent with the existing general plan and zoning designations for the lot**. Correction of nonconforming zoning conditions shall not be required as a condition for ministerial approval of a permit application for the creation of an ADU or JADU.**~~:~~

Notwithstanding the following performance standards for ADUs and JADUs, and the requirements of the underlying zoning districts, the City shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the class of ADUs and JADUs specified under Government Code Section 66323 and in accordance with the criteria and requirements provided therein.

A. Unit Types and Facilities~~Definitions~~.

1. **Accessory Dwelling Unit (ADU)**

a. An ADU shall consist of complete independent living facilities including permanent facilities for sleeping, living, eating, cooking, and sanitation. The ADU shall include independent heating and cooling controls, its own kitchen and sink and standard built-in or freestanding appliances, its own bathroom with bathtub or shower, and a separate exterior entrance.

b. The ADU may either be within an existing structure, attached to the primary dwelling, or detached from the primary dwelling.

2. **Junior Accessory Dwelling Unit (JADU).** A JADU shall consist of a unit that is no more than five hundred (500) square feet in size and contained entirely within a single-family residence. A JADU may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

~~B. ADUs and JADUS may not be sold separately from the primary residential dwelling on the lot.~~

C. Maximum Number of ADUs and JADUs. Any of the following shall be permitted in a residential or mixed-use zone:

1. One (1) ADU **and one (1)**~~or~~ JADU per lot with a proposed or existing single-family dwelling.

~~2. One (1) detached, new construction, ADU that does not exceed four (4) foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The proposal may be combined with a JADU, for one (1) ADU and one (1) JADU on the single-family lot. The ADU shall not exceed eight hundred (800) square feet and sixteen (16) feet high.~~

2~~3~~. Within existing multi-family dwelling structures, **a number of ADUs based on**~~at least one (1) ADU and not more than~~ twenty-five percent (25%) of the number of existing multi-family dwelling units**, with a minimum of one (1) ADU allowed,** if all of the following apply:

a. The unit is within the portions of existing multi-family dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages.

b. The unit complies with state building standards for dwellings.

3~~4~~. ~~Not more than two (2) ADUs~~ **Multiple ADUs, not to exceed either of the numbers established below,** that are located on a lot that has a~~n existing~~ multi-~~-~~family dwelling, but are detached from that multi-family dwelling and are subject to~~ a~~ height limit**s and** ~~of sixteen (16) feet and four (4) foot~~ rear and side yard setbacks **under this Chapter**.

a. On a lot with an existing multifamily dwelling, not more than eight detached accessory dwelling units. However, the number of accessory dwelling units allowable pursuant to this clause shall not exceed the number of existing units on the lot; or

b. On a lot with a proposed multifamily dwelling, not more than two detached accessory dwelling units.

D. Development Standards and Requirements for Accessory Dwelling Units.

1. Maximum floor area for attached or detached ADUs.

a. Fifty percent (50%) of the existing living area of the primary dwelling unit, with a limit of eight hundred fifty (850) square feet for an ADU with one or fewer bedrooms or one thousand (1,000) square feet for an ADU with two (2) or more bedrooms.

b. Where fifty percent (50%) of the existing living area does not allow for an eight hundred (800) square foot ADU, an ADU of up to eight hundred (800) square feet may be allowed~~;~~

2. **Setbacks.**

a. New ADUs shall have a minimum setback of four (4) feet from the side and rear property lines, and setbacks shall be sufficient for fire and safety;

b~~3~~. No setback shall be required for an existing legal structure that is converted to an ADU;

c~~4~~. Detached ADUs shall not be less than **six (6)**~~eight (8)~~ feet from the primary dwelling unit, except if this would prohibit the construction of an eight hundred (800) square foot ADU with four (4) foot rear and side setbacks;

d. No setback shall be required for an ADU constructed within an existing legal structure, or in the same location and to the dimensions of an existing legal structure. Such ADUs may include an expansion of not more than one hundred fifty (150) square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

3. **Height**

a. Detach ADUs shall not exceed sixteen (16) feet in height, unless the ADU is located within an existing structure.

i. The maximum allowable height shall be eighteen (18) feet if the lot is within a half-mile walking distance of a transit stop or high quality transit corridor, as defined in Section 21155 of the Public Resources Code;

ii. The maximum allowable height shall be eighteen (18) feet if the detached ADU is located on a lot with a multistory, multifamily building.

b. Attached ADUs shall not exceed the maximum allowable height of the zoning district~~;~~.

4. **Exterior Access and Design.**

a. The ADU shall have its own exterior access~~, and no~~**.**

b. Any exterior stairs to a second story **attached** ADU **shall be located behind the residence. If location behind the residence is not possible due to site constraints, the project shall include at least one of the following features to obscure visibility** ~~shall be visible~~ from the public right-of-way**; incorporate screening into the architectural design; addition of trees or landscaping as screening; and/or use of colors on the stairway that match those used on the structure where the stairs are attached to minimize contrasts.**

c. Attached ADUs shall use exterior colors, materials, and architectural details that match the appearance of existing corresponding features on the residence.

d. No passageway shall be required in conjunction with the construction of an ADU. A passageway means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU.~~;~~

5. **Location.** Detached ADUs shall be constructed at the rear or side of an existing single-family residence~~, and otherwise appear secondary in nature,~~ and not be constructed in front of the primary dwelling unit~~;~~.

~~6. The ADU should be compatible with the primary dwelling unit, and should use similar style, materials, and colors;~~

~~7. No passageway shall be required in conjunction with the construction of an ADU;~~

~~8. If ADUs are rented, rental must be for terms longer than thirty (30) days; and~~

~~9. No setback shall be required for an ADU constructed within an existing legal structure, or in the same location and to the dimensions of an existing legal structure. Such ADUs may include an expansion of not more than one hundred fifty (150) square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.~~

6. Rentals. Any rental of ADUs must be for terms longer than thirty (30) days.

E. Development Standards and Requirements for Junior Accessory Dwelling Units.

1. The JADU shall be constructed within the walls of the proposed or existing single-family residence and shall not exceed five hundred (500) square feet.

2. The owner shall occupy the primary residence or JADU.

3. The JADU shall include a separate entrance from the main entrance to the proposed or existing single-family residence.

4. The JADU may include separate sanitation facilities or may share sanitation facilities with the existing structure.

5. The JADU shall include an efficiency kitchen, which shall include all of the following:

a. A cooking facility with appliances.

b. A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

6. Modifications to the exterior of the residence in order accommodate a proposed JADU shall use exterior colors, materials, and architectural details that match the appearance of existing corresponding features on the

residence.

F. Parking and Vehicle Access.

1. The ADU shall be provided with one (1) additional off-street parking space per ADU or bedroom, whichever is less. However, no additional parking spaces shall be required for an ADU which is:

a. Part of the existing or proposed primary residence or an existing accessory structure;

b. Located within one-half mile of a public transit stop;

c. Located within an architecturally and historically significant historic district;

d. Is located within one (1) block of a car share vehicle; or

e. In a location where on-street parking permits are required, but not provided to the occupant of the ADU.

2. Replacement parking shall not be required where a garage, carport,~~ or~~ covered parking structure**, or uncovered parking space** is demolished in conjunction with the construction of an ADU or converted to an ADU.

a. A demolition permit for a detached garage that is to be replaced with an ADU shall be reviewed with the application for the ADU and issued at the same time. An applicant shall not be required to post any written notice or placards for demolition of a detached garage that is to be replaced with an ADU, where posting of such written notice or placard may otherwise be required.

3. The parking spaces required for the accessory dwelling unit can be in tandem to the required parking of the primary dwelling unit**, as tandem parking on a driveway**, may be uncovered, and**/or** can be located within the front setback if it can be demonstrated that no other option exists.**Such parking is allowed unless specific findings that are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.**

4. The ADU shall utilize the same vehicular access that serves the primary dwelling unit. If the parcel is a through lot, access for both the single-family home and the ADU shall be limited to one (1) point or side of the lot for both dwelling units.

5. No additional parking spaces shall be required for a JADU.

G. Construction**,**~~ and~~ Utilities**, Connections, and Impact Fees**.

1.The ADU shall meet all applicable building and construction requirements as adopted by the city that apply to the construction of single-family detached dwellings, ~~as appropriate, ~~including but not limited to sewer and utility services**, as appropriate and unless otherwise exempt by State law**.

2. An ADU shall be served by public water and sewer and shall have access to an improved street.

3. An ADU is not considered a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the ADU was constructed with a new single-family dwelling.

4. An ADU is not required to provide fire sprinklers if they are not required for the primary residence. The construction of an ADU shall not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.

5.~~2a~~. An ADU within a primary dwelling unit or an existing accessory structure~~, or a JADU,~~ is not required to install a new or separate utility connection directly between the ADU and the utility **or impose a related connection fee or capacity charge**, unless the ADU was constructed with a new single-family home **or upon separate conveyance of the ADU**.

~~b. For purposes of providing service for water, sewer, or power, including a connection fee, a JADU is not to be considered a separate or new dwelling unit from the single-family residence.~~

~~4. The ADU shall be served by public water and sewer and shall have access to an improved street.~~

6. JADU Regulations Related to the Primary Residence

a. For the purposes of providing service for water, sewer, or power, including a connection fee, a JADU is not considered a separate or new dwelling unit from the single-family residence. Service or connection fees for water, sewer, or power established by ordinances and regulations that uniformly apply to all single-family residences shall apply to a single-family residence that contains a JADU.

b. A JADU is not considered a separate or new dwelling unit for the purposes of fire and life protection ordinances. Fire and life protection ordinances and regulations that uniformly apply to all single-family residences shall apply to a single-family residence that contains a JADU.

c. A permit to create a JADU shall not be denied due to the correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and that are not affected by the construction of the JADU.

7~~5~~. Impact fees shall not be charged for ADUs less than seven hundred fifty (750) square feet. Any impact fees charged for an ADU of seven hundred fifty (750) square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.

H. Operations

1. Separate Sales

a. A JADU shall not be sold or conveyed separately from the primary dwelling unit.

b. An ADU shall not be sold or conveyed separately from the primary dwelling unit, except:

i. The ADU or the primary dwelling was built or developed by a qualified nonprofit corporation, and the proposal meets the requirements of Government Code Section 66340 to 66341.

ii. As otherwise mandated by the California Government Code, or as otherwise allowed if a local ordinance is adopted to provide for the separate conveyance of the primary dwelling unit and accessory dwelling unit or units as condominiums beyond what is described in subsection (i).

2. Rental Term. An ADU shall only be rented for rental terms longer than thirty (30) days.

3. Occupancy. If a project proposes a JADU, the owner of the property shall live in either the primary residence or JADU.

(Ord. 2020-04 § 2, 2020; Ord. 2017-08 § 2 (part), 2017; Ord. 2010-02 § 1 (part), 2010)

~~17.70.050 DECLARATION OF RESTRICTION.~~

~~Prior to issuance of a building permit~~ **final**~~, all property owners of record shall sign and record~~ **a** ~~Declaration of Restrictions with the County Recorder in a form satisfactory to the Zoning Administrator~~ **~~consenting to the operations and requirements described in this chapter and as otherwise permitted by State law~~**~~stating, as applicable, that 1) the ADU or JADU shall not be sold separately from the primary residential unit on the lot, 2) the ADU shall only be rented for rental terms longer than thirty (30) days, and 3) an owner of the property shall live in either the primary residence or JADU, if there is a JADU on the property. The ADU or JADU shall be found to be in non-compliance with the Zoning Code if the City finds the Declaration of Restrictions has been breached.~~

~~(Ord. 2020-04 § 2, 2020; Ord. 2017-08 § 2 (part), 2017; Ord. 2010-02 § 1 (part), 2010)~~

17.70.~~060~~050 AFFORDABLE HOUSING INCENTIVE.

The city may, subject to the availability of funds and approval of the City Council, allow any applicable city development impact fees for accessory dwelling units to be paid from the city's available affordable housing fund for any new accessory dwelling unit rented to eligible very low and low income households after recording a Housing Affordability Control Agreement, subject to the review and approval of the City Attorney that shall run with the property for fifty five (55) years. Owners of accessory dwelling units affordable to very low income households shall be eligible for complete reimbursement of city development impact fees upon recordation of the Affordability Control Agreement. Owners of accessory dwelling units affordable to low income households shall be eligible for reimbursement of seventy-five percent (75%) of the city development impact fees based on the available balance of the city's affordable housing fund established by the City Council for this purpose. Maximum annual rents, adjusted for accessory dwelling unit household size, shall be calculated by the City Manager or his/her designee annually based on published Contra Costa County income limits provided by the State Department of Housing and Community Development. Any reimbursement payment shall be repaid, along with five percent (5%) monthly interest charge, as well as the city's housing affordability monitoring expenses if an affordability control agreement is violated during the affordability period.

(Ord. 2020-04 § 2, 2020; Ord. 2017-08 § 2, 2017)

4. Pinole Municipal Code Chapter 17.71 SB9 Urban Lot Split and Unit Development [New Chapter]

Full Chapter included.

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

CHAPTER 17.71

SB9 URBAN LOT SPLIT AND UNIT DEVELOPMENT

Sections:

17.71.010 PURPOSE

The purpose of this chapter is to establish procedures and standards for reviewing urban lot split and unit development projects proposed under the provisions of Senate Bill 9 (SB 9), as set forth in California Government Code § 65852.21 and 66411.7.

17.71.020 APPLICABILITY

The regulations and standards contained in this chapter shall apply to projects proposing to use the provisions of SB 9 to create a unit, urban lot split, or both, and shall be in addition to any other applicable development standards and regulations contained elsewhere within Title 17 Zoning Code. Projects proposed under SB 9 shall meet eligibility criteria established in this Chapter, consistent with California Government Code § 65852.21 and 66411.7. This Chapter does not apply to construction of accessory dwelling units and junior accessory dwelling units under Chapter 17.70.

17.71.030 DEFINITIONS

For the purposes of this Chapter, the following definitions apply to projects proposing an urban lot split or unit development under the provisions of SB 9.

A. Single Family Residential Zoning District. Single family residential zoning districts, for the purposes of this Chapter, include Low Density Residential (LDR) and Suburban Residential (R-1).

B. Unit Development. The development of a primary dwelling unit, subject to the standards and requirements of this Chapter.

C. Urban Lot Split. A subdivision of one parcel located in a single family residential zoning district into two parcels, subject to the standards and requirements of this Chapter.

D. High-quality Transit Corridor. As defined in subdivision (b) of Section 21155 of the Public Resources Code, a high-quality transit corridor means a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours.

E. Major Transit Stop. As defined in Section 21064.3 of the Public Resources Code, a major transit stop means a site that contains any of the following: (a) An existing rail or bus rapid transit station, (b) A ferry terminal served by either a bus or rail transit service, or (c) The intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

F. Specific, Adverse Impact. As defined in Section 65589.5(d)(2), specific, adverse impact means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. The following shall not constitute a specific, adverse impact upon the public health or safety:

1. Inconsistency with the zoning ordinance or general plan land use designation.

2. The eligibility to claim a welfare exemption under subdivision (g) of Section 214 of the Revenue and Taxation Code.

17.71.040 ELIGIBILITY

A. General Criteria. Projects for a proposed urban lot split or unit development are required to meet the general eligibility criteria provided below:

1. Single Family Residential Zoning District. The parcel must be located in a single family residential zoning district.

2. Not Withdrawn from Rental. The property is not a parcel where the owner had withdrawn accommodations

from rent or lease (as a residential hotel), under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1, within the last fifteen (15) years.

3. Not Historic. The property is not listed as a historic property or in a historic district under local or State register of historic resources.

B. Urban Lot Split Criteria. Projects for a proposed urban lot split are required to meet additional eligibility criteria provided below:

1. Previous Urban Lot Split Limitations. An urban lot split may be conducted only where all of the following applies:

a. The parcel has not been established through a prior SB9 urban lot split.

b. Neither the owner nor any person acting in concert with the owner has subdivided an adjacent parcel through a prior SB9 urban lot split.

2. Limitations on demolition or alteration of certain existing housing:

a. No demolition or alteration of housing with a recorded affordability restriction.

b. No demolition or alteration of housing under rent or price control.

c. No demolition or alteration of housing that has been occupied by a tenant in the last three (3) years.

C. Unit Development Criteria. Projects for a proposed unit development are required to meet additional eligibility criteria provided below:

1. Floor Area. Units shall be consistent with maximum unit sizes established under this Chapter.

2. Limitations on demolition or alteration of certain existing housing:

a. No demolition or alteration of housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

b. No demolition or alteration of housing under rent or price control.

c. No demolition or alteration of housing that has been occupied by a tenant in the last three (3) years.

D. Locational Limitation Criteria. Projects shall not be located on a site that is any of the following, consistent with California Government Code Section 65913.4(a)(6)(B) to 65913.4(a)(6)(K):

1. Prime Farmland or Farmland of Statewide Importance. Prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.

2. Wetlands. Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).

3. Very High Fire Hazard Severity Zone. Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within the state responsibility area, as defined in Section 4102 of the Public Resources Code.

a. This does not apply to sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development, including, but not limited to, standards established under all of the following or their successor provisions: (i) Section 4291 of the Public Resources Code or Section 51182, as applicable; (ii) Section 4290 of the Public Resources Code; (iii) Chapter 7A of the California Building Code (Title 24 of the California Code of Regulations).

4. Hazardous Waste Site. A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless either of the following apply:

a. The site is an underground storage tank site that received a uniform closure letter issued pursuant to subdivision (g) of Section 25296.10 of the Health and Safety Code based on closure criteria established by the State Water Resources Control Board for residential use or residential mixed uses. This section does not alter or change the conditions to remove a site from the list of hazardous waste sites listed pursuant to Section 65962.5.

b. The State Department of Public Health, State Water Resources Control Board, Department of Toxic Substances Control, or a local agency making a determination pursuant to subdivision (c) of Section 25296.10 of the Health and Safety Code, has otherwise determined that the site is suitable for residential use or residential mixed uses.

5. Earthquake Fault Zone. Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.

6. Flood Hazard Zone. Within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, a local government shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by that local government that is applicable to that site. A development may be located on a site described in this subparagraph if either of the following are met:

a. The site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction.

b. The site meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.

7. Floodway. Within a regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, a local government shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by that local government that is applicable to that site.

8. Conservation Land. Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.

9. Habitat for Protected Species. Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).

10. Conservation Easement. Lands under a conservation easement.

17.71.050 APPLICATION REVIEW PROCESS

A. Application Approval Consideration.

1. Applications for urban lot splits and unit development meeting the standards and requirements of this Chapter shall be ministerially approved without public hearings or discretionary review.

2. Applications under this Chapter shall be approved or denied within 60 days from the date the Planning Division receives a completed application, consistent with the provisions of California Government Code Section 65852.21 and 66411.7.

a. If an application is denied, the Planning Division shall provide the applicant a full set of written comments with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

B. Urban Lot Split Application. The applicant shall submit an application for a proposed urban lot split to the Planning Division for ministerial review to verify consistency with eligibility criteria under SB 9, required application checklist items, and compliance with standards and requirements under this Chapter and the Subdivision Map Act (commencing with Government Code Section 66410). An application that meets the standards and requirements under this Chapter and all applicable objective requirements of the Subdivision Map Act shall be approved ministerially. Notwithstanding anything in this Code to the contrary, such approval shall be granted by the City Engineer, and shall not require approval from the Planning Commission or City Council.

C. Unit Development Application. The applicant shall submit an application for the design of a proposed unit to the Planning Division for ministerial review to verify consistency with eligibility criteria under SB 9, required application checklist items, and compliance with standards and requirements under this Chapter. An application that meets the standards and requirements under this chapter shall be approved ministerially by the Zoning Administrator.

D. Tree Removal in Conjunction with Applications. The removal of any protected tree in conjunction with construction proposed under the provisions of this Chapter shall require a tree removal permit. Notwithstanding the requirements of Chapter 17.96 Tree Removal, a tree removal permit application shall be processed ministerially at the staff level and concurrently with an application proposed under this Chapter.

17.71.060 STANDARDS AND REQUIREMENTS FOR URBAN LOT SPLITS

A. General Development Standards. The project shall be consistent with the standards of the zoning district applicable to the site, except as provided under this Chapter. Except for the standards set forth in this chapter, no development standards shall apply if they would have the effect of physically precluding the construction of two units of at least 800 square feet on the parcel(s).

B. Total Lots. An urban lot split conducted under the provision of this chapter shall result in no more than two (2) lots.

C. Total Units per Lot. No more than two (2) total units, inclusive of primary dwelling units, accessory dwelling units, and junior accessory dwelling units, may be located on each parcel created through the urban lot split.

D. Lot Sizes.

1. Each parcel shall be a minimum of one thousand two hundred (1,200) square feet.

2. A parcel may be no smaller than forty percent (40%) of the original parcel size and no larger than sixty percent (60%) of the original parcel size.

E. Setbacks

1. Each parcel shall allow for minimum side and rear setbacks that are minimum four (4) feet. Parcels with a front lot line shall provide for a front setback that is a minimum of twenty (20) feet, except as otherwise allowed per Chapter 17.56 Yard and Setback Regulations.

2. No setback required for an existing structure or a structure constructed in the same location with the same dimensions.

F. Access to Streets and Services

1. Parcels created through the urban lot split shall have access to, provide access to, or adjoin the public right-of-way.

a. Access shall meet objective design standards for circulation, pedestrian and vehicular access, or driveways, as may be applicable.

2. Project may be required to establish easements if required by the City for the provision of public services and facilities, as provided under Government Code Section 66411.7(e).

G. Parking.

1. A minimum of one off-street parking space shall be required per unit, except for the following:

a. The parcel is located within a half mile of a high-quality transit corridor or major transit stop; or

b. The parcel is located within one block of a car share vehicle.

2. Parking may be provided in any configuration on the parcel, including in the driveway, provided the project complies with the following requirements:

a. Parking design and dimensions are consistent with the standards under Chapter 17.48 Parking and Loading Requirements.

b. Parking does not obstruct pedestrian or vehicular access to other units and parking spaces.

H. Ongoing Requirements.

1. Residential Use. Primary uses on lots created through an urban lot split under this Chapter are limited to residential uses.

2. Occupancy. The property owner must intend to occupy one of the units as their principal residence for a minimum of three (3) years from the date of urban lot split approval. Except, such occupancy is not required for community land trusts or qualified nonprofit corporations, as provided by Government Code Section 66411.7.

a. As part of the application, the owner shall submit a signed affidavit stating that they intend to occupy one of the housing units on the site as their principal residence for a minimum of three (3) years from the date of the approval of the urban lot split.

3. No Short-Term Rentals. Rental of any units created through SB 9 are required to be for terms longer than thirty (30) days.

17.71.070 STANDARDS AND REQUIREMENTS FOR UNIT DEVELOPMENT

A. General Development Standards. The project shall be consistent with the standards of the zoning district applicable to the site, except as provided under this Chapter.

B. Total Units.

1. Up to two (2) primary units per parcel may be created through the provisions of this Chapter. Additionally, a project may not result in more than two (2) primary units per parcel.

C. Setbacks.

1. Front setback. On a parcel with a front lot line separating the lot from a street, the front setback shall be a minimum of twenty (20) feet or as otherwise allowed per Chapter 17.56 Yard and Setback Regulations, unless such setbacks would physically preclude the construction of the unit(s) or preclude the unit(s) from being at least eight hundred (800) square feet.

2. Side setback. The side setback shall be a minimum of four (4) feet.

3. Rear setback. The rear setback shall be a minimum of four (4) feet.

4. Setbacks from Other Structures. The minimum distance between structures on the same parcel shall be six (6) feet, unless this would physically preclude the construction of the unit(s) or preclude the unit(s) from being at least eight hundred (800) square feet.

5. Existing Structure Setback Exceptions. No setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.

E. Parking.

1. A minimum of one off-street parking space shall be required per unit, except no minimum parking shall be required for the following:

a. The parcel is located within one-half mile walking distance of a high-quality transit corridor or major transit stop; or

b. The parcel is located within one block of a car share vehicle.

2. Parking may be provided in any configuration on the parcel, including in the driveway, provided the project complies with the following requirements:

a. Parking design and dimensions are consistent with the standards under Chapter 17.48 Parking and Loading Requirements.

b. Parking does not obstruct pedestrian or vehicular access to other units and parking spaces.

F. Ongoing Requirements.

1. No Short-Term Rentals. Rental of units created through SB 9 are required to be for terms longer than thirty (30) days.

G. Objective Design Standards. Projects shall be consistent with the development standards of the zoning district applicable to the site, except as provided under this Chapter. Except for the standards set forth in this chapter, no development standards shall apply if they would have the effect of physically precluding the construction of two units of at least 800 square feet on the parcel(s).

17.71.080 DECLARATION OF RESTRICTION

Prior to building permit final, all property owners of record shall sign and record a Declaration of Restrictions with the County Recorder in a form satisfactory to the Zoning Administrator consenting to the operations and requirements described in this chapter and as otherwise permitted by State law. An urban lot split or unit development shall be found to be in non-compliance with the Zoning Code if the City finds the Declaration of Restrictions has been breached.

17.71.090 INTERPRETATION

If any portion of this Chapter conflicts with applicable State law, State law shall supersede this Section. Any ambiguities in this Section shall be interpreted to be consistent with State law

5. (Accessory Dwelling Unit Amnesty Program) Pinole Municipal Code Chapter 17.70 Accessory Dwelling Units and Junior Accessory Dwelling Units [Amendment]

Section 17.70.010, Section 17.70.020, and New Section 17.70.070 are included (excerpt of Chapter 17.70 Accessory Dwelling Units and Junior Accessory Dwelling Units).

Text to be removed shown in strikeout ~~text~~.
Text to be added shown in **<u>bold and underline</u>**.

CHAPTER 17.70

ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

Sections:

17.70.010 PURPOSE.

The purpose of this chapter is to establish procedures for reviewing the placement of accessory dwelling units and junior accessory dwelling units in residential and mixed-use zoning districts, address the state's accessory dwelling unit (ADU) and junior accessory dwelling unit (JADU) requirements, as set forth in California Government Code § **66310 to 66342**~~65852.2 and 65852.22~~**, provide a pathway for amnesty for unpermitted JADUs and ADUs,** and implement the general plan policies which encourage more affordable rental housing, while maintaining the quality of existing residential neighborhoods.

(Ord. 2020-04 § 2, 2020; Ord. 2017-08 § 2 (part), 2017; Ord. 2010-02 § 1 (part), 2010)

17.70.020 APPLICABILITY.

The regulations and standards contained in this chapter shall apply to all new accessory dwelling units (ADU) and junior accessory dwelling units (JADU) in the city, including previously unpermitted ADUs **and junior accessory dwelling units (JADU)) in the city, including previously unpermitted ADUs and JADUs constructed prior to January 1, 2020,** that are legalized, and shall be in addition to any other development standards and regulations contained elsewhere within Title 17 Zoning Code that apply to primary dwelling units (e.g., lighting). ADUs are permitted on all lots zoned to allow single-family and multi-family residences that have an existing or proposed single-family or multi-family residence. JADUs are permitted on lots with an existing or proposed single-family residence. For the purposes of this title, ADUs and JADUs are not considered accessory structures as otherwise regulated in Chapter 17.30.

(Ord. 2020-04 § 2, 2020; Ord. 2017-08 § 2 (part), 2017; Ord. 2010-02 § 1 (part), 2010)

…

17.70.060 AMNESTY AND ENFORCEMENT DELAY ORDINANCE FOR UNPERMITTED ADUS AND JADUS

A. Definitions. For the purposes of this Section, "Unpermitted Junior/Accessory Dwelling Units" shall mean JADUs and ADUs built without prior approval pursuant to the requirements of Section 17.12.030 (Plan Check).

B. Eligibility and Owner Rights. The owner of an Unpermitted Junior/Accessory Dwelling Unit has a right to request:

1. Amnesty from any violation of a performance standard in PMC Section 17.70.40 if the Unpermitted Junior/Accessory Dwelling Unit was constructed prior to January 1, 2020; and

2. Delay in enforcement of the Building Code, and local amendments thereof, as adopted under PMC Title 15 if the Unpermitted Junior/Accessory Dwelling Unit was built prior to the effective date of this Section.

To qualify for amnesty or enforcement delay, owners must submit an application as prescribed by the Community Development Director or their designee.

C. Application Process.

1. Amnesty JADU/ADU. The owner of an Unpermitted Junior/Accessory Dwelling Unit that can provide suitable proof that said unit was constructed prior to January 1, 2020, may submit an Amnesty JADU/ADU Permit application in the form and manner prescribed by the Community Development Director or their designee. Suitable proof includes but is not limited to:

a. Assessor's records;

b. Rental contracts and/or receipts;

c. Income tax records;

d. Utility bills;

e. Contractor’s bills; and/or

f. Written affidavits from former owners, tenants, or neighbors, signed and notarized under penalty of perjury.

2. Enforcement Delay. Owners may request a delay in enforcement for Building Code violations for units built prior to the effective date of this Section in the form and manner prescribed by the Community Development Director or their designee. The Building Code enforcement delay shall be for a period of no more than five (5) years on the basis that correcting the violation is not necessary to protect the public health and safety. The Community Development Director or their designee shall grant the owner's Building Code enforcement delay request unless the Community Development Director or their designee makes a finding that correcting the violation is necessary to comply with conditions that would otherwise deem a building “substandard” housing as defined by Health and Safety Code Section 17920.3. Any future violations by owners or tenants will result in revocation of the delay.

3. Sewer Lateral Compliance. Owners applying for ADU Amnesty shall demonstrate compliance with the City’s sewer lateral inspection program.

D. Fees and Administrative Costs. Applicants shall pay administrative fees, established by City Council resolution, to process Amnesty JADU/ADU Permit applications and enforcement delay requests.

E. City Support and Resources. To support a pathway to amnesty and increase program participation, the City shall provide:

1. Accessible public information regarding:

a. The conditions that constitute substandard housing under Health and Safety Code §17920.3; and

b. The right of property owners to obtain a confidential, third-party inspection from a licensed contractor before submitting an Amnesty ADU/JADU Permit application.

2. An online self-assessment checklist for owners of Unpermitted Junior/Accessory Dwelling Units interested in pursuing an Amnesty JADU/ADU Permit.

3. Free and confidential staff consultations to discuss amnesty options.

F. Enforcement Actions.

1. Notice and Compliance Requirements. When issuing notices of violation for Unpermitted Junior/Accessory Dwelling Units built before the effective date of this Section, the City shall, until January 1, 2030, include a statement of the owner’s rights to:

a. Request amnesty for performance standard violations in PMC Section 17.70.40 for units established and occupied before January 1, 2020;

b. Request a delay in enforcement of the Building Code and related local amendments for units built before the effective date of this Section.

c. Hire a licensed contractor to conduct a confidential third-party inspection before submitting an Amnesty JADU/ADU Permit application to the City.

2. Penalties. Penalties related to zoning or building violations shall be waived during the amnesty and enforcement delay periods. The burden of proof lies with the applicant to demonstrate the date of establishment and occupancy or construction of the unit.

G. Sunset Provisions

1. Applications for Amnesty JADU/ADU Permits and enforcement delays will not be approved after January 1, 2030.

2. No enforcement delays shall extend beyond January 1, 2035, at which point this Section shall be repealed.

6. 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.

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 Section17.10.070 (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		
Accessory Dwelling Unit and Junior Accessory Dwelling Unit	**F**		
SB 9 Urban Lot Split and Unit Development	**F**		
Lot Consolidation, Lot Merger, Lot Line Adjustment	**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)

7. 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 **<u>bold and underline</u>**.

CHAPTER 17.32

AFFORDABLE HOUSING REQUIREMENTS

Sections:

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

~~15% of the units in any residential development must be affordable housing units and reserved for:~~	***Affordability Proportion ~~Affordable Housing Units (%)~~***	***Affordability Level ~~Percentage of Area Median Income Used~~ to Determine Housing Costs***	***Income Used to Determine Affordable Housing Costs (%)***
Rental Developments			
Very Low Income **Units**~~Occupants~~	40% **of affordable units**[1]	**Very low income level based on State Income Limits (approximately 50% of Area Median Income)**~~below 50%~~	30%
Low Income **Units**~~Occupants~~	60% **of affordable units**[1]	**Low income level based on State Income Limits (approximately 80% of Area Median Income)**~~below 80%~~	30%
Ownership Developments			
Moderate Income **Units**~~Households~~	100% **of affordable units**[1]	**Moderate income level based on State Income Limits (approximately 120% or Area Median Income)**~~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 .~~C.~~ 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. ~~D.~~ 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. ~~E.~~ 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 Section17.32.040 (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 Section17.32.060.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)

8. 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 **<u>bold and underline</u>**.

CHAPTER 17.48

PARKING AND LOADING REQUIREMENTS

Sections:

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.

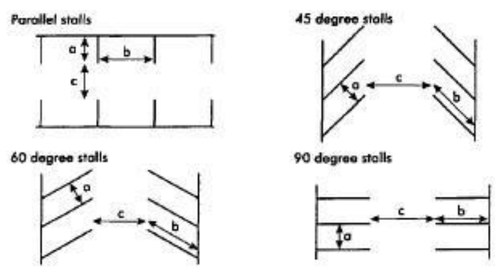
The layout of parking spaces, loading berths, and parking aisles shall comply with all the requirements listed below. These parking requirements apply to both on-street and off-street parking spaces, unless specifically stated otherwise.

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



Stall type	Minimum stall width 'a'	Minimum stall length 'b'	Minimum aisle width 'c' non-emergency access one-way	Minimum aisle width 'c' non-emergency access two-way	aisle width 'c' emergency access
parallel	9'	24'	12'	24'	27'
45	9'	19-10'	14'	24'	27'
60	9'	21'	18'	24'	27'
90	9'	19'	20'	25'	27'

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**~~a 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)
SB 9 unit development	**See Chapter 17.71 (SB9 Urban Lot Split and Unit Development)**
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~~	
Two- to three- bedroom units	**1.5 spaces per dwelling unit**
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~~
SB 9 unit development	**See Chapter 17.71 (SB9 Urban Lot Split and Unit Development)**
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~~**(Age 55 and Over)**	1 space per dwelling unit**. 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.</u>
~~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

Use Classification	***Bicycle Parking Spaces***
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 C. Housing Element Programs Associated with Revisions

Yellow highlighted text was addressed in set A (ADU, JADU, SB9)
Green highlighted text was addressed in set B (ADU Amnesty)
Blue highlighted text was addressed in set C (Parking, Affordable Housing, Review Process)

Program 4. Facilitate ADU Production

To encourage and increase ADU production in the City, a number of efforts are included. The programs are intended to help the City meet its target projection of three ADUs per year. This program works in conjunction with Program 23, ADU, JADU, and SB 9 Education. If annual production and affordability rates do not match the estimates included in the Housing Resources Section, the City will update the ADU strategy to ensure that the City continues to maintain adequate capacity for all income levels.

- **Updated ADU Ordinance.** The City has submitted its ADU ordinance to the State and the State acknowledge that the ordinance was received. Should the State require revisions to the ordinance, it will be modified to reflect the requested revisions within one year upon receipt of the comments.
- **ADU Tracking.** The City will track and monitor its ADU production to ensure that annual production achieves the RHNA projections (3 ADUs/year). The City will begin to request information about ADU rents from applicants to better track the affordability of proposed ADUs. As a part of ADU tracking, the City will analyze geographic distribution of ADUs biennially to understand which neighborhoods are building ADUs.
- **ADU Fast Track Program.** The City will develop a process to fast track ADU applications through plan check by moving them to the top of the queue and reducing plan check turnaround times.
- **ADU Amnesty Program.** To ensure safe and adequate housing, the City will develop an ADU amnesty program for existing, unpermitted ADUs to receive inspections and bring units into compliance with code and permits without risk of code enforcement action, significant fee reductions and assistance in determining necessary improvements.
- **Fee Waivers for Affordable ADUs.** Current successor funds require an affordability covenant length of 55 years. The City will modify Zoning Ordinance Section 17.70.060 to shorten the required ADU covenant length (for example, for 5 – 15 years) pending alternate funding to offset the fee waivers for ADUs over 750 square feet that are made available to lower or moderate income households for a shorter period of time. The City will pursue funding sources, such as PLHA or in-lieu fees, funds for this effort.

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 is approved 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 13. SB 330 Objective Design Standards and SB 35 Streamlining Compliance

SB 330 enacts changes to local development policies, permitting, and processes that will be in effect through January 1, 2025. SB 330 places new criteria on the application requirements and processing times for housing developments; prevents localities from decreasing the housing capacity of any site, such as through downzoning or increasing open space requirements, if such a decrease would preclude the jurisdiction from meeting its RHNA housing targets; prevents localities from establishing non-objective standards; and requires that any proposed demolition of housing units be accompanied by a project that would replace or exceed the total number of units demolished. Additionally, any demolished units that were occupied by lower-income households must be replaced with new units affordable to households with those same income levels.

The City will ensure compliance with SB 330, by requiring any demolished units that were occupied by lower-income households to be replaced with new units affordable to households with those same income levels and establishing objective design standards.

Pursuant to SB 330, the City will review and amend the Zoning Ordinance and Design Review Guidelines to ensure that all development standards, design guidelines, and findings are objective, and promote certainty in the planning and approval process. The objective standards will also include standards for SB 9 projects. The City has begun the process and is currently cataloging existing objective and subjective standards. Through implementing objective design standards, the City is aiming to reduce the time it takes to complete the comprehensive design review process.

The City will review its approval processes to accommodate SB 35 streamlined applications and by-right applications for permanent supportive housing and navigation centers. The City will provide information regarding the SB 35 process on its website.

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.

CAL HDF

Jan 21, 2025

City of Pinole
2131 Pear Street
Pinole, CA 94564

By Email: comment@pinole.gov; csasai@pinole.gov; atave@pinole.gov; nmartinez-rubin@pinole.gov; dmurphy@pinole.gov; mtoms@pinole.gov

CC: eric@redwoodpubliclaw.com; hbell@pinole.gov; kelcey.young@pinole.gov; lwhalen@pinole.gov

Re: Proposed amendments to the City's Accessory Dwelling Unit and Junior Accessory Dwelling Unit Regulations

Dear Pinole City Council,

The California Housing Defense Fund ("CalHDF") submits this letter as a public comment concerning item 10B on the agenda for the City Council meeting scheduled for January 21, 2025, an amendment to the City's regulations for ADUs and JADUs. This proposed ordinance fails to comply with state law in several ways, and the City should address these problems before approving the ordinance.

Background

The law gives local governments authority to enact zoning ordinances that implement a variety of development standards on ADUs. (Gov. Code, § 66314.) The standards in these local ordinances are limited by state law so as not to overly restrict ADU development. (See *id.)* Separately from local ADU ordinances, Government Code section 66323 establishes a narrower set of ADU types that local governments have a ministerial duty to approve. "Notwithstanding Sections 66314 to 66322 … a local agency shall ministerially approve" these types of ADUs. (*Id.* at subd. (a).) This means that ADUs that satisfy the minimal requirements of section 66323 must be approved regardless of any contrary provisions of the local ADU ordinance. (*Ibid.*) Local governments may not impose their own standards on such ADUs. (Gov. Code, § 66323, subd. (b) ["A local agency shall not impose any objective development or design standard that is not authorized by this section upon any accessory dwelling unit that meets the requirements of any of paragraphs (1) to (4), inclusive, of subdivision (a)."].)

360 Grand Ave #323, Oakland 94610
hi@calhdf.org

In addition, ADUs that qualify for the protections of Government Code section 66323, like other ADUs, must be processed by local governments within 60 days of a complete permit application submittal. (Gov. Code, § 66317, subd. (a).)

State law also prohibits creating regulations on ADU development not explicitly allowed by state law. Government Code Section 66315 states, "No additional standards, other than those provided in Section 66314, shall be used or imposed, including an owner-occupant requirement, except that a local agency may require that the property may be used for rentals of terms 30 days or longer."

Impermissible Underlying Standards

City code section 17.70.040 imposes all underlying city zoning standards on ADUs, except as modified by that section. However, as discussed *supra*, Government Code section 66323 mandates that the City approve a specific class of ADUs subject only to specified height and setback requirements, notwithstanding any local code requirements to the contrary. This means, for example, that the City cannot impose landscaping regulations, floor area ratio regulations, parking requirements, front setbacks, etc. on ADUs that qualify for the protections of Government Code section 66323.

Impermissible Location Regulations

City code section 17.70.040(D)(5) mandates that new detached ADUs "shall be constructed at the rear or side of an existing single-family residence, and otherwise appear secondary in nature, and not be constructed in front of the primary dwelling unit."

However, Government Code section 66323, subdivision (a) does not permit any requirement for ADUs to be located to the side or rear of the primary dwelling, if the ADUs qualify for the protections of that section of law. There are many policy reasons for this. For instance, a homeowner may prefer to preserve a private backyard space while redeveloping the less useful front yard. While children may play in the backyard, the front yard is closer to the street and less safe for a variety of activities. The City therefore must allow front yard ADUs that comply with the standards in Government Code section 66323, subdivision (a) both on single family and on multifamily properties.

HCD has issued guidance (the January 2025 HCD ADU Handbook, page 18) affirming the duty of local agencies to allow ADUs protected by Government Code section 66323 in the front setback under all circumstances.

Additionally, this is not an objective standard, as it is impossible for an applicant to know, ex ante, what a reviewing official will consider to "appear secondary in nature." Government Code section 66314, subdivision(b)(1) permits the imposition of objective standards, and

Government Code section 66315 prohibits the imposition of standards beyond what is provided for in § 66314. The City may therefore not impose this non-objective standard.

Additionally, City Code section 17.70.040(D)(2)(C) imposes a requirement that "detached ADUs shall not be less than six (6) feet from the primary dwelling unit, except if this would prohibit the construction of an eight hundred (800) square foot ADU with four (4) foot rear and side setbacks."

As discussed *supra*, Government Code section 66323, subdivision (a) does not permit any locational requirements for detached ADUs other than that they be four feet from side and rear property lines (if newly constructed) or have setbacks sufficient for fire and safety (if converted from existing structures). As an example, this section of law would illegally prohibit the conversion of a garage to an ADU, if that garage were less than six feet from the primary dwelling. The City therefore may not impose this six-foot requirement on ADUs protected by Government Code section 66323.

Impermissible Design Standard

City code section 17.70.040(E)(6) requires "Modifications to the exterior of the residence in order accommodate [sic] a proposed JADU shall use exterior colors, materials, and architectural details that match the appearance of existing corresponding features on the residence." However, as discussed supra, if the JADU qualifies for the protections of Government Code section 66323, subd. (a)(1), then the city must approve it ministerially, via building permit only, and cannot impose any such design regulations, as this section of state law only permits specified height and setback regulations, as discussed *supra*.

Impermissible Parking Requirements

City code section 17.70.040(F) requires parking for each new ADU, less certain exceptions. However, as discussed *supra*, Government Code section 66323 mandates that the City approve a specific class of ADUs subject only to specified height and setback requirements, notwithstanding any local code requirements to the contrary. This means that the City cannot subject such ADUs to parking requirements.

♦ ♦ ♦

CalHDF appreciates the City's effort to implement state law governing ADU construction. However, the City should amend its ordinance to ensure that it complies with state law.

CalHDF is a 501(c)3 non-profit corporation whose mission includes advocating for increased access to housing for Californians at all income levels, including low-income households. You may learn more about CalHDF at www.calhdf.org.

Sincerely,

Dylan Casey
CalHDF Executive Director

James M. Lloyd
CalHDF Director of Planning and Investigations

Attachment E. Planning Commission Staff Report and Resolutions

Planning Commission – December 9, 2024
Accessory dwelling units (ADUs), junior accessory dwelling units (JADUs), and unit and lot split projects proposed under Senate Bill 9 (SB 9)

Item H.3.
https://pinoleca.portal.civicclerk.com/event/123/files/agenda/740

Planning Commission – January 27, 2025
Parking standards, affordable housing requirements, and administrative review processes.

Item G.1.
https://pinoleca.portal.civicclerk.com/event/124/files/agenda/775

Planning Commission – February 24, 2025
ADU Amnesty Program

Item G.1.
https://pinoleca.portal.civicclerk.com/event/125/files

Attachment F. Example Pre-Submittal ADU Amnesty Checklist

Building & Safety Division
Planning & Development

Amnesty Program *for* Unpermitted Dwelling Units

OWNER'S PRE-SUBMITTAL QUESTIONNAIRE AND CHECKLIST

This pre-submittal checklist is provided to you, the owner of an unpermitted dwelling unit, for self-assessment of your property. It will assist you in exploring the possibility of legalization of your unit under the Amnesty Program for Unpermitted Dwelling Units. Please complete this checklist to identify possible code issues and to assess the possibility of pursuing legalization of your unit. Once completed, you may choose to schedule a free and confidential consultation with program staff to discuss possible pathways to legalization of your unit.

Note: *The City of Berkeley cannot ignore any conditions that present an immediate danger to life safety. Applicants must be aware of this risk before submitting an Amnesty Program Application and having your unpermitted unit inspected by a City Inspector. Any fire and/or life safety violations observed during the initial Housing Inspection must be corrected within 30 calendar days. Violations determined to be an immediate danger that are not corrected may be subject to code enforcement proceedings including assessment of fees.*

Your Unit's Information

Estimated Date of Construction/Conversion: ______ Unit Square Feet: ______

Zoning District: ______ Fire Zone: 1 ☐ 2 ☐ 3 ☐

Types of Unpermitted Dwelling Units

☐ **Attached ADU:** An attached secondary unit with independent access, permanent spaces for living and sleeping, and a complete kitchen and bathroom. This includes converted ADUs from existing garages, basements, attics or other existing habitable or non-habitable spaces.

☐ **Detached ADU:** A detached secondary unit with independent access, permanent spaces for living and sleeping, and a complete kitchen and bathroom. This includes converted ADUs from existing garages or other detached accessory structures serving the primary dwelling.

☐ **Converted JADU:** A JADU that is contained entirely within the floor area of a Single Family Dwelling with a separate exterior entrance. JADUs may be converted garage or attic spaces with separate sanitation facilities or may share sanitary facilities with the Single Family Dwelling. JADUs may also have efficiency kitchens as their permanent cooking facility.

☐ **Other:** ______

1947 Center St. 3rd Floor, Berkeley, CA 94704
(510) 981-5444 TTY 6903
buildingandsafety@berkeleyca.gov

Eligibility Criteria Checklist

Y N

☐ ☐ Was the existing unpermitted dwelling unit constructed/converted prior to January 1, 2020? Property owners will be required to provide documentation for construction/conversion date. *See Program Rules for acceptable documentation types.*

☐ ☐ Does the owner occupy the primary dwelling or the secondary unit if the unpermitted unit is a Junior ADU (JADU)?

☐ ☐ Is the unpermitted dwelling unit located in an area zoned for residential use? *Unpermitted dwelling units located in an area other than what is zoned for residential use are not eligible for the amnesty program.*

☐ ☐ Does the number of dwelling units to be legalized exceed the allowances for the Single-Family Dwelling maximum per lot, which is 1 ADU and 1 JADU?

Pathways to Legalization:

The City of Berkeley's Amnesty Program for Unpermitted Dwelling Units provides 2 pathways to legalization:

Path 1: Legalization through the standard building permit process and issuance of a Certificate of Occupancy

Path 2: Legalization through issuance of a Housing Certificate of Compliance.

See the Amnesty Program for Unpermitted Dwelling Units Program Rules for more information on pathways to legalization and compliance.

Construction/Conversion Date:

Only unpermitted dwelling units constructed or converted prior to January 1, 2020 are eligible for participation under the Amnesty Program for Unpermitted Dwelling Units.

Applicants seeking legalization under the Amnesty Program for Unpermitted Dwelling Units may request their construction documents and plans be reviewed under the building codes that were in effect at the time when the unit was first constructed or converted by providing documentation to verify the construction or conversion date of the unpermitted dwelling unit. All documentation is subject to review and approval by program staff. California Building Standards applied to the unit are subject to review and approval at the discretion of the Building Official.

Please indicate which type/types of documentation will be used to confirm the construction/conversion date of the unit:

☐ A signed/stamped letter from a licensed professional

☐ The County Assessor's initial date recognizing the unpermitted dwelling unit

☐ Escrow documents identifying the unit and the year of construction

☐ Prior Official Building, Planning, or Code Enforcement records of the unpermitted dwelling unit

☐ Real estate transfer disclosure forms for unpermitted dwelling unit

If the above information is not available, then a combination of the following can be utilized to establish the construction/conversion date:

- ☐ Insurance documents
- ☐ Notarized letters from previous owners or tenants
- ☐ Photos (if available) Dated, showing approximate time of construction
- ☐ Other documents will be considered on a case-by-case basis

Construction of the Unpermitted Dwelling Unit:

Fill in as much information as available.

Construction Performed by:
- ☐ Contractor
- ☐ Owner
- ☐ Other: ______

Structural: Check all that apply
- ☐ Concrete Slab
- ☐ Raised: 2x ☐ floor joists at ☐ " o.c.
- ☐ Unknown
- ☐ Other: ______

Wall Type:
- ☐ 2 x 4 studs at 16" o.c.
- ☐ 2 x 4 studs at 24" o.c.
- ☐ Other: ______

Roof Type:
- ☐ 2 x ☐ at ☐ " o.c. roof rafters
- ☐ 2 x ☐ at ☐ " o.c. ceiling joisters
- ☐ Other: ______

Attic:
- ☐ Vented
- ☐ Not Vented

Roofing:
- ☐ Asphalt Shingle
- ☐ Tile ☐ Metal ☐ Flat
- ☐ Other: ______

Electrical Wiring: Check all that apply

Y ☐ N ☐ **Is all of the existing electrical wiring serving the unpermitted dwelling unit from the original primary building?**
If not, please describe the unpermitted alterations:

______

Plumbing and Mechanical Amenities: Check all that apply

Y ☐ N ☐ **Are all of the fixtures and plumbing systems serving the unpermitted dwelling from the original primary building?**
If not, please describe the unpermitted alterations:

______

For the following plumbing fixtures and/or mechanical elements, please indicate which were added, altered or replaced without an approved building permit:

- ☐ **Plumbing -** *Hot and cold water piping, sanitary piping*
- ☐ **Toilet**
- ☐ **Lavatory -** *including faucets*
- ☐ **Tub -** *including controls, spout, and drain*
- ☐ **Shower -** *including shower faucets, head, and drain*
- ☐ **Dishwasher**
- ☐ **Clothes Washer Infrastructure**
- ☐ **Clothes Dryer Infrastructure**
- ☐ **Kitchen Sink**
- ☐ **Water Heater**
- ☐ **Heating System**

Fire and Life Safety Criteria Questionnaire

Amnesty Program for Unpermitted Dwelling Units applicants will be required to address, at a minimum, all of the fire and life safety requirements listed below in order to be considered for legalization. If your unit does not meet one or more of these requirements, they will be considered violations. Applicants who do not address minimum life safety violations will be subject to code enforcement. Under no circumstances can a 5-year delay of code enforcement proceedings be requested for abatement of fire, life, and health safety violations. For each question, a “No” answer may indicate that a remediation, repair, or a degree of reconstruction is needed.

On the following questions, please select **Yes, No** or **N/A** (not applicable) for each question.
If **N/A** is not listed after a question, then you must select **Yes** or **No.**

If there is an * before the question and your answer to the question is **No,** then the item must be corrected before you can request a reprieve from code enforcement proceedings and continue to Certificate of Occupancy or Certificate of Compliance. A building permit may be required.

Answering “No” to questions with an ** will require the unit to be legalized through the standard building permit process (Path 1) and not through the issuance of a Housing Certificate of Compliance (Path 2).

<u>Structure related</u>

Overall condition

Y	N		
☐	☐		a. ** Is the unit free of significant structural damage or defects due to deterioration, such as tilting walls or sagging roofs that present hazards?
☐	☐		b. Is the unit free of any tripping hazards such as loose carpets, buckling and loose floor boards, delaminated floor finishing, or nails popping up?
☐	☐		c. ** Is the ceiling height inside the unit at least 7 feet clear?

Interior walls

Y	N	N/A	
☐	☐		a. * Are all interior walls straight and sound?
☐	☐		b. Are all interior walls finished with paint or with materials having protective qualities?
☐	☐	☐	c. Are all interior walls free from loose plaster?
☐	☐	☐	d. Do bathroom walls, including shower enclosures, have the required seal to prevent moisture intrusion into the building elements?

Interior walls (continued)

Y N N/A

e. Are all interior walls free from holes allowing air or rodent intrusion?

f. Are all interior walls free from visible mold?

g. Are all interior walls free of peeling paint? (See lead based paint notation)

h. Does the ADU have common walls, ceilings and/or floors with the primary unit?

i. * To your knowledge, is there an existing 1-hour firewall separation at all common walls and ceilings?

j. If existing, are the fire separation walls and ceiling between dwelling units free of damage, holes and leaks?

Exterior walls (walls not common with the primary dwelling)

Y N N/A

a. * Are all exterior walls straight and sound?

b. Are all walls finished with paint or with materials having weather-resistant protective qualities on the exterior?

c. Are all wooden trims and sidings protected or have natural protective qualities?

d. Are all walls free from loose stucco?

e. Are all walls free from holes or other damage allowing air or rodent intrusion?

f. Are all walls free from peeling paint hazards?

g. ** If the ADU is detached from the primary dwelling or if the ADU was added to the primary dwelling increasing the ground footprint, are the ADU exterior walls within 3 feet of property lines?

h. ** Are there existing windows along the exterior walls that are located less than 36” from the property line?

i. * Does the exterior wall facing the property line have the required 1-hour fire wall separation?

j. If the ADU is detached from the primary dwelling, is the ADU less than 10 feet apart from the primary dwelling building?

k. * If less than 10 feet apart from the primary dwelling, does the ADU exterior wall facing the primary dwelling have the required 1-hour fire wall separation?

Stairways, Landings and Balconies

Y N N/A

a. * Are stairs accessing the unit, decks serving the unit and balconies serving the unit in good working condition? *Please note ship’s ladders, alternating tread stairs or other types of elevation change components are not considered stairs. If answer is N/A skip questions b through h below and continue with Exterior Elevated Elements.*

1. What is the current width of the stairs?
2. Does the measurement from the stair nosing (leading edge of the stair tread) to the ceiling directly above provide at least 6’8” headroom?
3. What is the current height of the stair risers?
4. What is the current width of the stair treads?

Stairways, Landings and Balconies (continued)

Y N N/A

b. Are all handrails and guardrails in good condition?

c. * Are all handrails and guardrails secure in their attachments?

d. Do all balusters and guard openings serving stairways, decks and balconies meet the minimum approved max openings which would not allow a sphere of 4” diameter?

e. * Are all treads or steps in good condition free of tripping hazards?

f. Are all structural supports of the stairways, decks and balconies in good condition?

g. Are all materials protected from weathering and damage or have natural protective features?

h. Is any point of the standing surface of the deck, balcony, and/or stair landing more than 30” above the adjacent ground level?

Exterior Elevated Elements [E3]

Y N N/A

a. * Is the dwelling served by any Exterior Elevated Elements such as exterior stairs, balconies or decks more than 6 feet above the adjacent ground surface as described in BMC Section 19.40.040?

Doors and Windows

Entry Doors

Y N N/A

a. Do all entry doors meet the following minimum required safety requirements:

1. Is the entry door in good working condition?

2. Does the entry door(s) have a locking latch keyed from the outside with the ability to unlock from the inside without the use of a key or special knowledge?

3. Does the entry door(s) have a dead bolt keyed from the outside with ability to unlock from the inside without the use of a key or special knowledge?

4. Are the hardware/hinges in good working condition and operate without difficulty?

5. Is the door frame and body in good condition without delamination, damaged or peeling paint?

6. On a door leading to and from a garage into the unit, does it have a self-closing/latching device?

Interior Doors

Y N N/A

a. Do all interior doors meet the following minimum required safety requirements:

1. Are all the interior doors in good working condition?

2. Privacy Locks – if the interior door is equipped with a privacy lock, is the locking mechanism working properly?

Interior Doors (continued)

Y N N/A

3. Are the hardware/hinges in good working condition and operate without difficulty?

4. Is the door frame and body in good condition without delamination, damaged or peeling paint?

Sliding Doors

Y N N/A

a. Do all sliding doors meet the following ?

1. Are all the slider doors in good working condition?

2. Locks – are the locks in good operating condition?

3. Are the rollers and slides of the sliding door in good working condition and able to operate without difficulty?

4. Is the door frame and body in good condition without delamination, damaged or peeling paint?

Windows

Y N N/A

a. ** Do all sleeping rooms have an emergency egress window or an exterior door that opens to a yard or other exterior space that is accessible to the public right of way?

b. * Do the emergency egress windows serving sleeping room(s) meet the minimum clear opening requirements of 24 inches in height, 20 inches in width, and a minimum clear opening area of 5.7 square feet (5.0 square feet for ground level windows)?

Safety/Tempered Glass Requirement Other Than Windows

Y N N/A

a. Is the glass in any swinging, sliding or bifold doors tempered glass?

b. Is the glass in any walls along stairways and ramps tempered glass?

c. Is any glass within 24 inches of a doors edge and less than 60 inches above the walking surface tempered glass?

d. Is the exposed area of any pane of glass larger than 9 square feet, bottom edge of the glass less than 18 inches above the floor, the top edge of the glass higher than 36 inches above the floor and located less than 36” measured horizontally from a walking surface tempered glass?

e. If your property is in Fire Zone 2 or 3, do all of the windows have at least one pane of tempered glass?

f. In bathrooms, is there glass located in or within 60 inches of a tub and/or shower and within 60 inches of the walking or standing surface?

g. Is any glass in wall enclosures containing bathtubs, showers saunas, steam rooms or spas tempered glass?

Alarm and Fire Protection Systems

Fire Safety and Access:

Y	N	N/A	
☐	☐	☐	a. ** Is the ADU located within 150 ft of the Public Right of Way curb?

Smoke Detectors

Y	N	N/A	
			a. * Are smoke detectors installed in the following required locations:
☐	☐	☐	1. In hallways or spaces outside each sleeping area, in the immediate vicinity of the bedrooms?
☐	☐		2. In each bedroom?
☐	☐	☐	3. On every level/floor including basement?
☐	☐	☐	4. Is a detector located within 3 feet of a bathroom door, forced air registers, or the tip of a ceiling fan blade? (if yes, then that detector must be moved)

Carbon Monoxide

(carbon monoxide alarms are required when the dwelling has natural gas service, has a wood burning or natural gas fireplace or is directly connected to a garage or carport)

Y	N	N/A	
☐	☐	☐	a. * Does the dwelling have natural gas appliances, a wood or natural gas fireplace or is it connected to a garage or carport?
			b. If the answer above is Yes, are carbon monoxide alarms installed in the following required locations:
☐	☐	☐	1. On every level/floor in the immediate vicinity of each sleeping area?
☐	☐	☐	2. In every sleeping room where a fuel-burning appliance is located within a bedroom or in an attached bathroom.
☐	☐	☐	3. In basements?

Fire Alarm System *(for properties located in Fire Zone 3 only)*

Y	N	N/A	
☐	☐	☐	a. Is an audible exterior alarm installed as required and approved by the Fire Marshal?

Electrical, Mechanical and Plumbing systems serving the ADU/JADU

Electrical

Y	N	N/A	
☐	☐		a. Is the unit free of any exposed electrical wiring?
☐	☐	☐	b. Do all the outlets and switches have cover-plates?
☐	☐	☐	c. Are the existing coverplates in good condition that are not cracked or deteriorated?

Electrical (continued)

Y N N/A

d. Are all electrical receptacles in the following locations GFCI (ground fault circuit interrupters) protected?

1. In the kitchen?
2. In the bathroom(s)?
3. In the basement?
4. At the exterior outlet locations?
5. In the attic?
6. In the garage?

e. Are all three-prong receptacles grounded?

f. Is the electrical service panel readily accessible and in safe operating condition?

g. Does the panel have a required dead front cover allowing only the exposure of circuit breaker handles?

h. Are any open slots in the dead front cover covered with a proper device?

i. Are all circuit breakers in good and operating condition?

j. Are all circuit breakers labeled with proper amperage?

k. Are all circuit breakers identified and labeled to their corresponding location or equipment?

l. Is there a dedicated and separate electrical shut off for the dwelling unit?

m. Is all metal piping serving the unit properly bonded?

The following pipes shall be properly bonded if they are metal:

i. Gas Pipe,

ii. Hot and Cold water pipes

iii. Piping adjacent to the water heater

iv. Fire Sprinkler pipes

Heating and Ventilating Mechanical Systems

Y N N/A

a. * Does the unit have its own heating system with a thermostat or is the unit connected to a heating system that is capable of maintaining a minimum of 68 degrees Fahrenheit within any and all portions of the unit?

b. Does the unit have a thermostat in good working condition?

(Exceptions: For units that do not have a thermostat or controlling devices, the temperature inside the habitable spaces shall be maintained at 68 degrees Fahrenheit)

c. Do all supply and return air vents have a vent cover?

Heating and Ventilating Mechanical Systems (continued)

Y	N	N/A	
☐	☐	☐	d. Does the bathroom(s) have an exhaust fan in good working condition? *(Exceptions: In dwelling units built/converted prior to 2010, bathrooms with an operable window are not required to have an exhaust fan)*
☐	☐		e. Does the Kitchen have an exhaust fan in good working condition?
☐	☐	☐	f. Are the connections of the ducts free of screws? Yes No N/A *(In other words, no screws are used to connect sections of duct together)*
☐	☐	☐	g. Are the exhaust ducts equipped with an approved termination with a damper in good working order?
☐	☐	☐	h. Is the kitchen exhaust duct a smooth-wall type (not corrugated or flex-type)?

Built-In Appliances

Y	N	N/A	
☐	☐	☐	a. Are the built-in appliances such as ranges, ovens, refrigerators, etc in good operating condition with no missing knobs and handles?

Plumbing System

Piping

Y	N		
☐	☐		a. Is all existing water piping free from leaks?

Cold Water System

Y	N	N/A	
☐	☐	☐	a. Are all plumbing fixtures able to deliver adequate amount of cold water?

Hot Water System

Y	N	N/A	
☐	☐	☐	a. Are all plumbing fixtures required to deliver hot water able to deliver adequate amount of hot water with a minimum temperature of 110 degrees?

Sanitary System

Y	N	N/A	
☐	☐		a. * Overall, is the sanitary system in good working order?
☐	☐		b. Is all sanitary drainage piping free from leaks and properly installed?
☐	☐	☐	c. Does the sanitary drainage piping have the correct minimum slope of ¼ inch per foot towards the public sewer main?
			d. Are there proper clean-outs installed at the following required locations:
☐	☐	☐	1. Within 24 inches from exterior of building?
☐	☐	☐	2. At every straight run of pipe exceeding 100 feet?
☐	☐	☐	3. Is there a cleanout at each aggregate horizontal change in direction exceeding 135 degrees?

Plumbing Fixtures

Y N N/A

a. Are the toilets in good working order?

b. Are the toilet anchor screws tight?

c. Does the toilet's flush valve completely shut off the flow of water into the tank?

d. Are the bathroom lavatory(s) in good working order, free of leaks and rust?

e. Are the lavatory faucets free of leaks and the valves and handles in good working order?

f. Is the lavatory properly set, caulked and sealed at the countertop to prevent water intrusion into walls and/or cabinets below?

g. Are bathtub and/or shower faucets and handles in good working order free of leaks and rust?

h. Is the kitchen sink in good working order, free of leaks and rust?

i. Is the kitchen sink faucet free of leaks and the valves and handles in good working order?

j. Is the kitchen sink properly set, caulked and sealed at the countertop to prevent water intrusion into walls and/or cabinets below?

Water Heater

Y N N/A

a. * Is there a dedicated water heater serving the dwelling unit?

b. What type of water heater is it? I.e. gas, electric, tank, tankless, heat pump, etc.

c. To your knowledge, when was current water heater installed?

d. If the water heater is a tank type water heater, does the water heater have state approved seismic straps installed?

   1. If seismic straps are installed, is there a strap installed on the upper and lower 1/3 of the water heater and a minimum of 4" above the water heater controls?

e. Is there a drain pan under the water heater with the drain piping daylighting to the outside of the unit or garage? *(A drain pan is required where damaged can occur in the event of a leak or malfunction. An Overflow Sensor may be installed in lieu of the drain piping.)*

f. Is there a temperature/pressure relief valve (TPRV) for the water heater?

g. Does the drainage piping from the TPRV terminate outside the unit or garage between 6 and 24 inches from grade? *(Please note: The termination cannot be threaded or capped.)*

Water Heater **(continued)**

Y	N	N/A	
			e. Regarding the Water Heater Venting:
☐	☐	☐	1. Is the Water Heater properly vented?
☐	☐	☐	2. Is the venting properly secured and fastened in place?
☐	☐	☐	3. Is any horizontal vent pipe sloping upwards with a minimum of ¼ inch per foot?
☐	☐	☐	4. Is there a minimum of three screws connecting the vent flue to the vent hood?
☐	☐	☐	5. Does the vent terminate properly above the roof? (24 inches above any object within 10 feet horizontally.)

Any additional information regarding the unpermitted dwelling unit you may want to provide?

Once you have completed this checklist, assess whether you want to proceed. You may contact our offices for an additional confidential meeting to discuss what you have assessed and to answer any questions you may have. If you decide <u>not to continue</u>, please be aware of the fire and life safety issues you have discovered and it is our hope that you address these items in the near future for the safety of the occupants of the unpermitted dwelling unit. As the property owner, it is your responsibility to ensure your property meets habitability standards adopted by the City of Berkeley. By completing this form and contacting our offices in regards to your findings of unpermitted conditions you agree to defend, indemnify and hold harmless the City of Berkeley and it's officers and employees from any and all claims arising from discovery of safety violations.

Path 1: Certificate of Occupancy - Site Plan Requirements

For applicants seeking the full legalization of an unpermitted dwelling unit, a building permit and construction documents must be submitted. Site plans, floor plans and other drawings are required during the permit process, as if the project were new construction. After a permit is issued, an approved final inspection is required to obtain a Certificate of Occupancy and to fully legalize the unit.

It is recommended that you retain an experienced consultant to draft plans for your unpermitted unit. The consultant does not have to be a licensed professional as long as the structure is not structurally unusual. The plans must include the following drawings at a minimum:

1. Site Plan
2. Existing floor plan before the unpermitted unit was constructed if the unit is attached or converted.
3. New floor plan with the unpermitted unit addition, including electrical, plumbing, and mechanical systems in the same floor plan drawing or as a separate plan.
4. Reflected Ceiling Plan
5. Roof Plan
6. Building Section(s)
7. Building Elevations
8. Window and door schedules
9. Building details such as an eave details, wall details, floor details, etc.
10. Structural notes and specifications
11. Foundation Plan
12. Floor Framing Plan
13. Ceiling-Roof Framing Plan
14. Structural Details
15. Structural Calculations (by a licensed professional)
16. Setback dimensions to property lines and/or other structures on the same property.

Fire Separation Wall Construction Assemblies

For examples of fire separation wall construction assemblies, see the GA-600 Fire Resistance and Sound Control Design Manual.

- For 1-hour exterior walls see GA File No. WP 8105.
- For 1-hour interior walls see GA File No. WP 3242, GA File No. WP 3243, GA File No. WP 3244, GA File No. WP 3245, GA File No. WP 3430, GA File No. WP 3510, Ga File No. WP 3520, FA File No. WP 3605, or GA File No. WP 3614.
- For 1-hour ceiling assemblies see GA File No. FC 5241, GA File No. FC 5242, GA File No. FC 5250, GA File No. FC 5300, GA File No. FC 5410, GA File No. FC 5420, or GA File No. FC 5503.

A hard copy of the GA-600 Fire Resistance and Sound Control Design Manual is available for reference at the City of Berkeley Permit Service Center.

Addendum/Correction Memorandum on Item 10.A, Attachment B. Municipal Code Amendments

Further revisions to Chapters 17.10, 17.32, and 17.48 (March 4, 2025 City Council Agenda Packet Page 226 to 247) were recommended by Planning Commission at the January 27, 2025 Planning Commission meeting. The following contains revisions based on Planning Commission recommendations.

Additional/revised text is **bold-underlined-highlighted**.

Removed text is ~~strikeout highlighted~~.

---

1. Page 229 of the CC Agenda Packet. In TABLE 17.10.060-1, strike footnote next to temporary use permit (TUP), as it is not applicable. TUPs are under Community Development Director approval but not Zoning Administrator, which the footnote references.

   Revised Text

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)~~	F		

Notes:

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

2. Page 233 of the CC Agenda Packet. In Section 17.32.020(A), include additional text for further clarification on affordable housing calculations.

   Revised Text
   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 **of the 15 percent** must be affordable to households at or below the low income level. For projects proposing ownership units, 100 percent of the affordable units **(i.e., 15 percent of total units**) must be affordable to households at or below the moderate income level.

3. Page 233 of the CC Agenda Packet. In Section 17.32.020(B), included additional text to clarify SB9 projects refers to SB9 lot split projects in regards residential subdivisions that may be exempt from affordability requirements. SB9 Unit Development projects may still be subject to affordability requirements, depending on the number of units proposed (i.e., the number of units rather than the lot split would be the trigger for the requirements of the Chapter).

   Revised Text
   For all residential subdivisions except for SB 9 **lot split** projects under Chapter 17.71 (SB9 Urban Lot Split and Unit Development)…

4. Page 235 of the CC Agenda Packet. In Section 17.32.050(B)(2), included text to specify that bedrooms in affordable units shall also be comparable to the size of bedrooms in market rate units.

   Revised Text
   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. **The square footage of the bedrooms in an affordable unit shall be no less than ninety percent (90%) of the median square footage of the bedrooms in the market rate units.**

5. Page 241 of the CC Agenda Packet. In Section 17.48.050(A)(5), removed specific reference to resident and guest parking, and instead references parking in general to capture all parking requirements.

   Revised Text
   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).

6. Page 241 and 242 of the CC Agenda Packet. In Table 17.48.050-1, revised the parking requirements text for Senior Units to allow for more flexible text that adjusts to potential for State changes to definitions of transit quality related to parking requirements for housing development.

   Revised Text
   1 space per dwelling unit. The minimum parking requirement may be waived if affordable housing units are provided consistent with Chapter 17.32**, and the project meets state requirements for transit service for the development type proposed and State provision used.** ~~and the 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.~~

7. Page 245 of the CC Agenda Packet. In Section 17.48.100(B)(3), corrected references that had typos in section reference numbers.

   Revised Text
   Where a proposed driveway is located at least seventy-five (75) feet from the nearest cross street, the requirements of subsection **17.48.100.B.1 and 17.48.100.B.2** ~~17.48.090.B.1 and 17.48.090.B.2~~ may be waived.

CITY COUNCIL REPORT

9.D.

DATE: MARCH 18, 2025

TO: MAYOR AND COUNCIL MEMBERS

FROM: Stacy Shell, Human Resources Director, 510-741-3864, sshell@pinole.gov
Charlene Davis, Human Resources Analyst, 510-724-9006, cdavis@pinole.gov

SUBJECT: ADOPT A RESOLUTION TO AMEND THE MASTER SALARY SCHEDULE

RECOMMENDATION

It is recommended that the City Council adopt a resolution (Attachment A) to amend the Master Salary Schedule.

BACKGROUND

The California Public Employees' Retirement System (CalPERS), pursuant to their interpretation of Title 2 California Code of Regulations Section 570.5, recommends that all CalPERS employers maintain their compensation levels in one publicly available document, approved and adopted by the governing body, which must meet all the following requirements:

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

To comply with CalPERS' recommendation, the City's Master Salary Schedule is submitted to the City Council for approval in turn each time any single MOU or Salary Plan change is brought to the City Council for approval.

REVIEW AND ANALYSIS

Pursuant to Personnel Rule 12 – Compensation, employees are assigned job classifications with salary ranges adopted by the City Council.

The Master Salary Schedule (Exhibit A) includes the following previously approved wage updates:

- Resolution adopted by City Council on 02/04/2025 to approve the salary placement of the Public Workers Maintenance Assistant to the Master Salary Schedule
- Ordinance adopted by Council on 10/15/2024 to amend Council Member Salaries.
- Resolution adopted by City Council on 03/04/2025 for Mid-Year Budget, including classification specification title updates (IS Assistant and IS Technician) and new classification specifications (Communications Director; IT Manager).
- Under the City Manager's authority, per Personnel Rule 3.3 Approval, Amendment, and Revision of Plan, the following confidential classifications have been added to the Compensation and Benefits Plan for Management and Confidential Employees (MCP): Senior Accountant, Accountant, Accounting Specialist, and Accounting Technician.

FISCAL IMPACT

There is no fiscal impact.

ATTACHMENTS

A. Resolution
B. Master Salary Schedule Adopted

ATTACHMENT A

Resolution No. 2025-XX

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Pinole does hereby approve the amendment of the Master Salary Schedule, attached hereto as Exhibit A, and incorporated herein by this reference.

PASSED AND ADOPTED this 18th day of March 2025, by the following vote:

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

I hereby certify that the foregoing resolution was introduced, passed, and adopted on this 18th day of March 2025.

Heather Bell, CMC
City Clerk

ELECTED

City Treasurer	3,000 ANNUALLY as of 07/01/2016
Councilmembers Elected prior to 12/2024	6,750 ANNUALLY as of 01/2017
Councilmembers Elected on or after 12/2024	11,400 ANNUALLY as of 12/2024

Management (Individual Employment Agreements)	Minimum Annual	Minimum Hourly	Maximum Annual	Maximum Hourly
City Manager (effective 08/26/2024)	$ -	$ -	$265,000.11	$ 127.4039
City Clerk (effective 07/01/2024)	$ -	$ -	$185,398.72	$ 89.1340

Management, eff. 07/01/2024	Minimum Annual	Minimum Hourly	Maximum Annual	Maximum Hourly
Assistant City Manager	$ 223,461.63	$ 107.4335	$ 271,729.35	$ 130.6391
Police Chief	$ 223,461.63	$ 107.4335	$ 271,729.35	$ 130.6391
Development Services Director/City Engineer	$ 212,820.55	$ 102.3176	$ 258,789.79	$ 124.4182
Community Development Director	$ 193,474.20	$ 93.0164	$ 235,264.63	$ 113.1080
Finance Director	$ 193,474.20	$ 93.0164	$ 235,264.63	$ 113.1080
Fire Chief	$ 193,474.20	$ 93.0164	$ 235,264.63	$ 113.1080
Human Resources Director	$ 193,474.20	$ 93.0164	$ 235,264.63	$ 113.1080
Public Works Director	$ 193,474.20	$ 93.0164	$ 235,264.63	$ 113.1080
Police Commander	$ 184,160.75	$ 88.5388	$ 223,939.48	$ 107.6632
Communications Director, eff. 03/04/2025	$ 175,790.71	$ 84.5148	$ 213,761.50	$ 102.7700
Community Services Director	$ 175,790.71	$ 84.5148	$ 213,761.50	$ 102.7700
Building Official	$ 167,418.87	$ 80.4898	$ 203,581.34	$ 97.8756
Fire Battalion Chief (contract for services, eff. 03/01/2023)	$ 167,418.87	$ 80.4898	$ 203,581.34	$ 97.8756
Planning Manager	$ 167,418.87	$ 80.4898	$ 203,581.34	$ 97.8756
Police Lieutenant	$ 167,418.87	$ 80.4898	$ 203,581.34	$ 97.8756
Wastewater Treatment Plant Manager	$ 167,418.87	$ 80.4898	$ 203,581.34	$ 97.8756
Capital Improvement & Environmental Program Manager	$ 138,362.40	$ 66.5204	$ 168,248.68	$ 80.8888
Information Technology Manager, eff. 03/04/2025	$ 138,362.40	$ 66.5204	$ 168,248.68	$ 80.8888
Public Works Manager	$ 138,362.40	$ 66.5204	$ 168,248.68	$ 80.8888
Recreation Manager	$ 122,989.14	$ 59.1294	$ 149,554.80	$ 71.9013
Assistant to the City Manager	$ 122,989.14	$ 59.1294	$ 149,554.80	$ 71.9013
Senior Accountant, eff. 03/18/2025	$ 108,458.90	$ 52.1437	$ 131,832.48	$ 63.3810
Accountant, eff. 03/18/2025	$ 98,598.86	$ 47.4033	$ 119,847.94	$ 57.6192
Human Resources Analyst	$ 97,529.14	$ 46.8890	$ 118,595.43	$ 57.0170
Deputy City Clerk	$ 93,989.64	$ 45.1873	$ 114,291.41	$ 54.9478
Human Resources Specialist	$ 88,662.91	$ 42.6264	$ 107,814.10	$ 51.8337
Accounting Specialist, eff. 03/18/2025	$ 84,216.50	$ 40.4887	$ 102,366.16	$ 49.2145
Human Resources Technician	$ 80,602.65	$ 38.7513	$ 98,012.82	$ 47.1215
Accounting Technician, eff. 03/18/2025	$ 66,751.15	$ 32.0919	$ 81,136.64	$ 39.0080

Bargaining Unit	A Monthly	A Hourly	B Monthly	B Hourly	C Monthly	C Hourly	D Monthly	D Hourly	E Monthly	E Hourly
LOCAL 1230 @ 07/04/2022; Contract for services, eff. 03/01/2023										
Fire Academy Recruit (EMT-1)*	5,493.53	31.6934								
Fire Academy Recruit (EMT-P)*	6,397.76	36.9102								
Firefighter	7,108.62	29.2938	7,464.06	30.7585	7,837.27	32.2964	8,229.14	33.9113	8,640.61	35.6069
Firefighter/Paramedic	7,819.48	32.2232	8,210.47	33.8343	8,621.00	35.5261	9,052.06	37.3024	9,504.67	39.1676
Fire Engineer	8,160.99	33.6304	8,569.05	35.3120	8,997.51	37.0776	9,447.39	38.9316	9,919.77	40.8782
Fire Captain	9,030.79	37.2148	9,482.34	39.0756	9,956.47	41.0294	10,454.30	43.0809	10,977.02	45.2350
PPEA @ 07/01/2024										
Community Safety Specialist	6,193.36	35.7309	6,503.03	37.5175	6,828.19	39.3934	7,169.61	41.3631	7,528.09	43.4313
Dispatcher	7,043.34	40.6346	7,395.51	42.6664	7,765.29	44.7998	8,153.57	47.0398	8,561.25	49.3919

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

Bargaining Unit	A Monthly	A Hourly	B Monthly	B Hourly	C Monthly	C Hourly	D Monthly	D Hourly	E Monthly	E Hourly
Lead Dispatcher	7,539.56	43.4974	7,916.54	45.6724	8,312.38	47.9560	8,728.01	50.3539	9,164.42	52.8716
Police Officer	8,927.81	51.5066	9,374.21	54.0820	9,842.93	56.7862	10,335.09	59.6255	10,851.86	62.6069
Police Sergeant	10,457.83	60.3336	10,980.73	63.3504	11,529.78	66.5180	12,106.28	69.8439	12,711.61	73.3362
AFSCME @ 07/01/2024										
Accountant	8,216.57	47.4033	8,627.42	49.7736	9,058.80	52.2623	9,511.73	54.8754	9,987.33	57.6192
Accounting Specialist	7,018.03	40.4887	7,368.94	42.5131	7,737.41	44.6389	8,124.28	46.8708	8,530.51	49.2145
Administrative Coordinator	7,751.72	44.7215	8,139.31	46.9576	8,546.28	49.3055	8,973.60	51.7708	9,422.29	54.3593
Assistant Engineer, eff. 03/05/2024	8,865.97	51.1498	9,309.26	53.7073	9,774.73	56.3926	10,263.46	59.2123	10,776.63	62.1729
Associate Civil Engineer	9,752.52	56.2645	10,240.14	59.0777	10,752.17	62.0317	11,289.78	65.1333	11,854.28	68.3901
Associate Planner	8,216.57	47.4033	8,627.40	49.7735	9,058.78	52.2622	9,511.73	54.8754	9,987.33	57.6192
Building Inspector I	7,263.18	41.9030	7,626.34	43.9981	8,007.66	46.1980	8,408.05	48.5080	8,828.47	50.9335
Building Inspector II	8,007.64	46.1979	8,408.03	48.5079	8,828.45	50.9334	9,269.89	53.4801	9,733.39	56.1542
Cable Access Coordinator	7,751.72	44.7215	8,139.31	46.9576	8,546.28	49.3055	8,973.60	51.7708	9,422.29	54.3593
Code Enforcement Officer I	7,263.18	41.9030	7,626.34	43.9981	8,007.66	46.1980	8,408.05	48.5080	8,828.47	50.9335
Code Enforcement Officer II	8,007.64	46.1979	8,408.03	48.5079	8,828.45	50.9334	9,269.89	53.4801	9,733.39	56.1542
Environmental Compliance Inspector	7,263.18	41.9030	7,626.34	43.9981	8,007.66	46.1980	8,408.05	48.5080	8,828.47	50.9335
Information Systems Administrator	7,751.74	44.7216	8,139.33	46.9577	8,546.30	49.3056	8,973.62	51.7709	9,422.32	54.3596
Information Systems Specialist	7,424.01	42.8308	7,795.24	44.9725	8,185.01	47.2212	8,594.27	49.5823	9,023.99	52.0615
Junior Engineer, eff. 03/05/2024	8,059.98	46.4999	8,462.96	48.8248	8,886.12	51.2661	9,330.42	53.8294	9,796.93	56.5208
Laboratory Analyst I	8,388.44	48.3948	8,807.87	50.8146	9,248.26	53.3553	9,710.69	56.0232	10,196.23	58.8244
Laboratory Analyst II	9,248.26	53.3553	9,710.68	56.0231	10,196.23	58.8244	10,706.06	61.7657	11,241.36	64.8540
Laboratory Supervisor	10,510.68	60.6386	11,036.23	63.6706	11,588.06	66.8542	12,167.48	70.1970	12,775.86	73.7069
Management Analyst	8,207.23	47.3494	8,617.59	49.7169	9,048.49	52.2028	9,500.92	54.8130	9,975.98	57.5537
Police Services Supervisor	7,556.33	43.5942	7,934.15	45.7739	8,330.86	48.0627	8,747.42	50.4659	9,184.80	52.9892
PW Maintenance Supervisor	8,463.81	48.8297	8,887.00	51.2712	9,331.36	53.8348	9,797.94	56.5266	10,287.85	59.3530
Public Works Specialist	7,301.56	42.1244	7,666.65	44.2307	8,049.99	46.4422	8,452.49	48.7644	8,875.12	51.2026
Recreation Coordinator*	6,066.82	35.0009	6,370.17	36.7510	6,688.69	38.5886	7,023.14	40.5181	7,374.29	42.5440
Rental Inspector	7,263.20	41.9031	7,626.36	43.9982	8,007.68	46.1982	8,408.07	48.5081	8,828.49	50.9336
Project Manager	7,097.75	40.9485	7,452.64	42.9960	7,825.29	45.1459	8,216.55	47.4032	8,627.40	49.7735
Senior Accountant	9,038.25	52.1437	9,490.16	54.7509	9,964.65	57.4884	10,462.89	60.3628	10,986.05	63.3810

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

Bargaining Unit	A Monthly	A Hourly	B Monthly	B Hourly	C Monthly	C Hourly	D Monthly	D Hourly	E Monthly	E Hourly
Senior Project Manager	8,216.57	47.4033	8,627.40	49.7735	9,058.80	52.2623	9,511.73	54.8754	9,987.33	57.6192
WWTP Operations Supervisor	10,510.68	60.6386	11,036.23	63.6706	11,588.06	66.8542	12,167.48	70.1970	12,775.86	73.7069
WPCP Supervisor	7,989.51	46.0933	8,389.00	48.3981	8,808.44	50.8179	9,248.89	53.3590	9,711.34	56.0270
LOCAL 1 @ 07/01/2024										
Accounting Assistant I	3,450.04	19.9041	3,622.55	20.8993	3,803.68	21.9443	3,993.87	23.0415	4,193.56	24.1936
Accounting Assistant II	3,733.43	21.5390	3,920.11	22.6160	4,116.12	23.7468	4,321.93	24.9342	4,538.03	26.1809
Accounting Technician	5,562.59	32.0919	5,840.73	33.6965	6,132.77	35.3814	6,439.41	37.1505	6,761.39	39.0080
Administrative Assistant	6,179.00	35.6481	6,487.96	37.4305	6,812.36	39.3021	7,152.99	41.2672	7,510.64	43.3306
Cable Access Technician	6,272.78	36.1891	6,586.43	37.9986	6,915.76	39.8986	7,261.55	41.8936	7,624.64	43.9883
Cook*	3,648.74	21.0504	3,831.18	22.1029	4,022.74	23.2081	4,223.88	24.3685	4,435.08	25.5870
Community Service Officer	6,072.10	35.0313	6,375.71	36.7829	6,694.50	38.6221	7,029.24	40.5533	7,380.70	42.5810
Custodian	3,261.46	18.8161	3,424.54	19.7569	3,595.77	20.7448	3,775.56	21.7821	3,964.34	22.8712
Field Maintenance Mechanic	5,946.12	34.3046	6,243.43	36.0198	6,555.61	37.8208	6,883.40	39.7119	7,227.58	41.6976
Fleet Maintenance Mechanic	6,746.15	38.9201	7,083.46	40.8661	7,437.65	42.9095	7,809.54	45.0550	8,200.02	47.3078
Food Services Specialist, eff. 01/16/2024	5,002.54	28.8608	5,252.67	30.3039	5,515.31	31.8191	5,791.08	33.4101	6,080.64	35.0806
Information Systems Assistant (formerly IS Technician I)	3,514.21	20.2743	3,689.93	21.2880	3,874.43	22.3525	4,068.15	23.4701	4,271.56	24.6436
Information Systems Technician (formerly IS Technician II)	6,388.23	36.8552	6,707.64	38.6979	7,043.03	40.6329	7,395.19	42.6646	7,764.96	44.7978
Laboratory Technician I	6,653.76	38.3871	6,986.46	40.3065	7,335.79	42.3219	7,702.59	44.4380	8,087.72	46.6599
Laboratory Technician II	7,335.77	42.3217	7,702.57	44.4379	8,087.70	46.6598	8,492.10	48.9929	8,916.71	51.4426
Lead Records & Property Specialist	5,745.15	33.1451	6,032.42	34.8024	6,334.04	36.5426	6,650.75	38.3697	6,983.30	40.2883
Office Assistant	4,899.64	28.2672	5,144.63	29.6806	5,401.87	31.1646	5,671.97	32.7229	5,955.57	34.3591
Permit Technician I	5,815.58	33.5514	6,106.37	35.2290	6,411.69	36.9905	6,732.28	38.8401	7,068.90	40.7821
Permit Technician II	6,411.68	36.9904	6,732.27	38.8400	7,068.89	40.7820	7,422.34	42.8212	7,793.46	44.9623
Permit Technician III	7,068.87	40.7819	7,422.32	42.8211	7,793.44	44.9622	8,183.12	47.2103	8,592.29	49.5709
Police Property Specialist	6,377.70	36.7944	6,696.59	38.6342	7,031.43	40.5659	7,383.01	42.5943	7,752.16	44.7240
Police Records Specialist	5,211.80	30.0681	5,472.39	31.5715	5,746.02	33.1501	6,033.32	34.8076	6,335.00	36.5481
PW Maintenance Worker Assistant eff.02/04/2025	4,731.70	27.2983	4,968.29	28.6632	5,216.70	30.0964	5,477.54	31.6012	5,751.41	33.1812
PW Maintenance Worker	5,477.52	31.6011	5,751.40	33.1812	6,038.98	34.8403	6,340.93	36.5823	6,657.99	38.4115
PW Senior Maintenance Worker	5,947.86	34.3146	6,245.26	36.0304	6,557.53	37.8319	6,885.41	39.7235	7,229.69	41.7098
Recreation Activities Specialist*	5,001.82	28.8567	5,251.92	30.2995	5,514.52	31.8145	5,790.25	33.4053	6,079.77	35.0756
Wastewater Operator in Training	5,890.68	33.9847	6,185.22	35.6840	6,494.49	37.4682	6,819.22	39.3417	7,160.19	41.3088
Wastewater Operator	8,165.98	47.1114	8,574.29	49.4671	9,003.01	51.9405	9,453.17	54.5375	9,925.84	57.2645

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

Bargaining Unit	A Monthly	A Hourly	B Monthly	B Hourly	C Monthly	C Hourly	D Monthly	D Hourly	E Monthly	E Hourly
Wastewater Senior Operator	9,199.07	53.0716	9,659.04	55.7252	10,142.00	58.5115	10,649.11	61.4372	11,181.57	64.5091
Wastewater Maintenance Mechanic	6,886.41	39.7293	7,230.74	41.7158	7,592.28	43.8016	7,971.90	45.9917	8,370.51	48.2914
Wastewater Sr. Maintenance Mechanic	8,133.06	46.9215	8,539.72	49.2676	8,966.72	51.7311	9,415.06	54.3177	9,885.83	57.0336
TRAINEE - BENEFITTED @ 07/01/2024										
Police Officer Trainee*	7,380.70	42.5810								
NON-BENEFITTED PART TIME @ 01/01/2025										
Information Systems Technician		16.5000		17.3250		18.1913		19.1009		20.0560
Fire Reserves @ 01/01/2025										
Reserve Fire Captain		16.5000								
Reserve Fire Engineer		16.5000								
Reserve Firefighter		16.5000								
Interns @ 01/01/2025										
Intern		16.5000		17.5000		18.5000		19.5000		20.5000
Police @ 01/01/2025										
Crossing Guard		16.5000								
Community Services Department @ 01/01/2025										
Cable Equipment Operator I		16.5000		17.3250		18.1913		19.1009		20.0560
Cable Equipment Operator II		19.1009		20.0560		21.0588		22.1117		23.2173
Recreation Leader		16.5000		17.3250		18.1913		19.1009		20.0560
Senior Recreation Leader		19.1009		20.0560		21.0588		22.1117		23.2173
Rental Facility Custodian		16.5000		17.3250		18.1913		19.1009		20.0560
Rental Facility Senior Custodian		19.1009		20.0560		21.0588		22.1117		23.2173
Administration - 05/03/17										
Records Management Administrator		60.0000								
CONTRACT-Part Time										
Public Works @ 07/01/05										
Park Caretaker		20.7000								

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

CITY COUNCIL REPORT **9.E.**

DATE: MARCH 18, 2025

TO: MAYOR AND COUNCIL MEMBERS

FROM: David Hanham, Planning Manager, 510-724-9842, dhanham@pinole.gov
Justin Shiu, Consultant Planner, 510-724-9035, jshiu@pinole.gov

SUBJECT: RECEIVE AND FILE ANNUAL PROGRESS REPORT ON HOUSING ELEMENT IMPLEMENTATION

RECOMMENDATION

Staff recommends that the City Council receive and file the 2024 Annual General Plan Housing Element Progress Report (Attachment A) to submit to the California Department of Housing and Community Development ("HCD").

BACKGROUND

Section 65400 of the State of California Government Code requires cities to provide an annual report to their legislative body (city council), the Governor's Office of Planning and Research (OPR), and the State Department of Housing and Community Development (HCD) on the status of their General Plan Housing Element and progress in its implementation. The General Plan Housing Element Annual Report includes information about a City's progress in meeting identified housing needs and efforts to encourage the maintenance, improvement, and development of new housing opportunities. Staff forwards this 2024 Annual General Plan Housing Element Progress Report to HCD prior to the April 1st deadline in accordance with State law.

Every eight years each jurisdiction in California is required to update their Housing Element. The Housing Element is a required component of the General Plan and identifies policies, programs, and actions to create opportunities for the development of new housing and to preserve existing housing stock. State law does not require that jurisdictions develop housing, but rather requires them to adequately plan to meet the existing and projected housing needs of all economic segments of their community.

State Housing Element law focuses on both the production and geographic distribution of new housing units and requires that each municipality strive to meet their "fair share" of the regional need for low- and moderate-income housing. To create a Housing Element showing it can meet the local housing needs, a jurisdiction must first know how much housing it must plan for and estimate how much will be needed at a variety of affordability levels in order to match the needs of the people who will live there. This process begins with the State determining the total number of new homes needed in the nine-county Bay Area and how affordable those homes need to be based on Area Median Income, which is established on an annual basis. For reference, in 2024, the Area Median Income for Contra Costa County was $155,700 for a 4-person household.

The Association of Bay Area Governments (ABAG) then develops a methodology to distribute a share of the region's housing need to each city/town and county in the region. This need allocation is called the Regional Housing Needs Allocation (RHNA). Each local government must then update its Housing Element to show the locations where housing can be built and the policies and strategies necessary to meet the community's housing needs, including identifying sites that are zoned with enough capacity to meet the RHNA allocation. The process is complete once the State reviews and certifies local Housing Elements.

The City of Pinole 2023-2031 Housing Element was adopted on April 4, 2023 and certified June 6, 2023. The Housing Element covers the years 2023 through 2031 and includes information about how the City has planned for a RHNA of 500 units of various income levels during the eight-year period. The Element focuses on the City's ability to accommodate projected housing need, provide housing opportunity to meet needs of all income levels and special needs, remove governmental constraints, maintain the housing stock, affirmatively further fair housing, and increase housing education and outreach.

REVIEW AND ANALYSIS

The City of Pinole Annual General Plan Housing Element Progress Report for 2024 is included as Attachment 1. The report includes statistics about annual building activity for affordable housing projects, annual building activity for rehabilitated housing units, updated information about the City's RHNA progress, and implementation status of the programs included in the adopted Housing Element.

Housing Activity in 2024. Accessory dwelling units (ADUs) were the contributors to new building permits issued in 2024, with permits for construction of nine units. This was comparable to the nine ADUs/JADUs permitted in 2023. The total number of units issued permits was lower than the 47 units issued permits in 2023, which included the 33-unit SAHA project, a 4-unit multifamily rehabilitation project, and a single family home. A number of major development projects with permits issued in previous years continued to make progress towards completion. These include the Vista Woods project (179 senior units) and the SAHA project, with construction for both anticipated to be completed in 2025. Other multifamily housing projects that have received entitlements are also in various stages in obtaining permits needed for construction. Table 1 provides a summary of these projects. The City anticipates further new housing development progress towards the RHNA in 2025 and beyond as entitled projects receive building permits and are built out (see Table 2).

Table 1 – Summary of Housing Permit Issuance Activity in 2024

Location	Housing Type	Number of New Units	Current Status in 2024		
			Planning Permit Approved	Building Permit Issued	Construction Completed, Occupancy Granted
961 Barkley Ct	ADU/JADU	1		●	
1090	ADU/JADU	1		●	

Amend St					
2309 Estrella Ct	ADU/JADU	1		●	
651 Fern Ave	ADU/JADU	1		●	
941 Marlesta Rd	ADU/JADU	1		●	
3381 Pinole Valley Rd	ADU/JADU	1		●	●
3361 Diablo Cir	ADU/JADU	1		●	
910 Patrick Dr	ADU/JADU	1		●	
2144 Blue Jay Cir	ADU/JADU	1		●	●
TOTAL		9			

Housing Rehabilitation. City staff continues to assist homeowners and provide information at City Hall on rehabilitation assistance resources. In 2024, the City issued and conducted final building inspections for 584 permits to rehabilitate housing units (222 were issued and received finals in the same year). Improvements include roofing projects, water heater replacement projects, furnace replacement projects, solar projects, window/patio door replacement projects, and home remodel/addition projects.

Pipeline Projects. In 2024, progress continues on five large development projects, which are various stages of permitting and are expected to produce an approximate 618 additional units over the next several years (see Table 2). There is an affordability component to each of these “pipeline” projects, either due to the nature of the project as a 100% affordable development, or the project’s compliance with the City’s inclusionary housing requirement.

Table 2 – Major Development Projects in “Pipeline”

Pipeline Projects	Stage	Affordability				Total
		Very Low	Low	Moderate	Above Mod.	Total
811 San Pablo (SAHA Veteran’s Apartments)	Under Construction	28	5	0	0	33

600 Roble (Vista Woods Senior Apartments)	Under Construction	7	135	37	0	179
2151 Appian (Appian Village Condominiums)	Building Permit Under Review	0	8	23	123	154
2801 Pinole Valley (Apartments)	Grading Permit Under Review	2	2	0	25	29
1500 Fitzgerald (Apartments)	Entitled October 2022, extended August 2024	13	14	0	196	223
TOTAL Estimate Pipeline Units		50	164	60	344	618

Housing Program Implementation
Table D in the attached Annual Progress Report highlights the City's ongoing efforts to facilitate housing production, streamline permitting, and support affordable housing initiatives. Some key achievements include progress in Program 4 (Facilitate ADU Production), where the City exceeded its annual target of five ADUs per year by almost double, with nine ADU permits issued in 2024. An ADU ordinance update is expected for adoption by April 2025, along with the newly created ADU Amnesty program. Additionally, the ADU Fast Track program is in development, pre-approved ADU program is now in place, and a biennial review of ADU geographic distribution is planned.

The SB 9 Technical Assistance and Facilitation (Program 5) work was carried out independently to support lot splits and streamlined development. The program’s goal includes adopting zoning amendments and objective design standards by Q2 2025, making a lot split application available by Q1 2024, and facilitating 10 SB 9 applications over the 8-year planning period. To date, the City has received five SB 9 applications, and zoning code amendments have been prepared, with adoption expected before April 2025. A checklist is available online to assist applicants, and the lot split application process was incorporated into the online permitting system. Separately, the new online permitting system officially launched in July 2024, improving efficiency across multiple permitting programs.

Efforts to support mixed-use and affordable housing development have also advanced. In Program 6 (Incentives for Mixed-Use Developments), zoning amendments for park fee waivers and parking reductions have been prepared, and CEQA clearance is under review. While no major mixed-use projects were received in 2024, the City remains prepared to facilitate entitlements. In Program 7 (Development of the Housing Successor’s Low and Moderate

Income Housing Asset Fund Policy), the 15% inclusionary unit requirement has been maintained, and the housing fund policy guide, in-lieu fee alternative, and funding sources are in progress with assistance from the City's new Housing Fellow, with completion expected by April 2026. Under Program 8 (Affordable Housing Incentives), a priority and expedited review process to cut review times by 50% has been prepared, with zoning amendments—including a park fee waiver—set for adoption by April 2025.

The City has also made key strides in zoning amendments and permit streamlining efforts. In Program 12 (Zoning Amendments), a partial set of zoning amendments was adopted in 2024, with the remaining updates expected before April 2025. In Program 13 (SB 330 Objective Design Standards and SB 35 Streamlining Compliance), objective design standards have been drafted for adoption in 2025, and approval procedures for SB 35 have been reviewed. While no SB 35 applications were received in 2024, information on the program will be added to the City's website. In Program 14 (Fee Evaluation and Publicization), the fee review process was completed, and the updated fee schedule was adopted, with ongoing evaluations continuing through 2029. In Program 15 (Permit Streamlining), zoning code amendments are expected to be adopted before April 2025, further enhancing the permitting process.

The City remains committed to housing rehabilitation efforts through multiple initiatives. Under Program 16 (Rehabilitation Assistance), the City continues to provide information on available programs, including the Pinole Energy Enhancement Rebate Program (PEER), which launched in partnership with the County in January 2024 and processed 27 applications in its first year. With support from the Housing Fellow, the City is actively exploring local, state, and federal funding opportunities to reinstate its own rehabilitation program.

Additionally, in collaboration with the Richmond Community Foundation and the Northern California Land Trust, the Housing Fellow is exploring the issuance of Social Impact Bonds to acquire and rehabilitate abandoned homes. These homes would then be resold to first-time homebuyers, expanding access to homeownership while addressing blight and revitalizing neighborhoods.

FISCAL IMPACT

There is no fiscal impact from receiving the annual report. Individual programs and projects designed to implement the Housing Element goals and objectives are funded through individual programs and project accounts in the City’s budget and Capital Improvement Plan.

ATTACHMENTS

A. 2024 APR

Attachment

Jurisdiction	Pinole	
Reporting Year	2024	(Jan. 1 - Dec. 31)
Housing Element Planning Period	6th Cycle	01/31/2023 - 01/31/2031

Building Permits Issued by Affordability Summary		
Income Level		**Current Year**
Very Low	Deed Restricted	0
	Non-Deed Restricted	0
Low	Deed Restricted	0
	Non-Deed Restricted	0
Moderate	Deed Restricted	0
	Non-Deed Restricted	0
Above Moderate		9
Total Units		**9**

Note: Units serving extremely low-income households are included in the very low-income

Units by Structure Type	**Entitled**	**Permitted**	**Completed**
Single-family Attached	0	0	0
Single-family Detached	1	0	1
2 to 4 units per structure	0	0	4
5+ units per structure	0	0	0
Accessory Dwelling Unit	9	9	5
Mobile/Manufactured Home	0	0	0
Total	**10**	**9**	**10**

Infill Housing Developments and Infill Units Permitted	**# of Projects**	**Units**
Indicated as Infill	9	9
Not Indicated as Infill	0	0

Housing Applications Summary	
Total Housing Applications Submitted:	10
Number of Proposed Units in All Applications Received:	10
Total Housing Units Approved:	10
Total Housing Units Disapproved:	0

Use of SB 423 Streamlining Provisions - Applications	
Number of SB 423 Streamlining Applications	0
Number of SB 423 Streamlining Applications Approved	0

Units Constructed - SB 423 Streamlining Permits			
Income	**Rental**	**Ownership**	**Total**
Very Low	0	0	0
Low	0	0	0
Moderate	0	0	0
Above Moderate	0	0	0
Total	**0**	**0**	**0**

Streamlining Provisions Used - Permitted Units	**# of Projects**	**Units**
SB 9 (2021) - Duplex in SF Zone	0	0
SB 9 (2021) - Residential Lot Split	0	0
AB 2011 (2022)	0	0
SB 6 (2022)	0	0
SB 423 (2023)	0	0

Ministerial and Discretionary Applications	**# of**	**Units**
Ministerial	10	10
Discretionary	0	0

Density Bonus Applications and Units Permitted	
Number of Applications Submitted Requesting a Density Bonus	0
Number of Units in Applications Submitted Requesting a Density Bonus	0
Number of Projects Permitted with a Density Bonus	0
Number of Units in Projects Permitted with a Density Bonus	0

Housing Element Programs Implemented and Sites Rezoned	**Count**
Programs Implemented	23
Sites Rezoned to Accommodate the RHNA	0

Jurisdiction	Pinole	
Reporting Year	2024	(Jan. 1 - Dec. 31)
Planning Period	6th Cycle	01/31/2023 - 01/31/2031

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

Note: "+" indicates an optional field
Cells in grey contain auto-calculation formulas

Table A
Housing Development Applications Submitted

Project Identifier					Unit Types		Date Application Submitted	Proposed Units - Affordability by Household Incomes								Total Approved Units by Project	Total Disapproved Units by Project	Streamlining	Density Bo Applica
1					2	3	4	5							6	7	8	9	1(
Prior APN+	Current APN	Street Address	Project Name+	Local Jurisdiction Tracking ID	Unit Category (SFA,SFD,2 to 4,5+,ADU,MH)	Tenure R=Renter O=Owner	Date Application Submitted (see instructions)	Very Low-Income Deed Restricted	Very Low-Income Non Deed Restricted	Low-Income Deed Restricted	Low-Income Non Deed Restricted	Moderate-Income Deed Restricted	Moderate-Income Non Deed Restricted	Above Moderate-Income	Total PROPOSED Units by Project	Total APPROVED Units by project	Total DISAPPROVED Units by Project	Please select state streamlining provision/s the application was submitted pursuant to.	Did the housing development application seek incentives or concessions pursuant to Government Code section 65915?
Summary Row: Start Data Entry Below								0	0	0	0	0	0	10	10	10	0		
	403-361-010	961 Barkley Ct	961 Barkley Ct ADU	BP22-0272	ADU	O	1/31/2024							1	1	1		NONE	No
	403-361-068	1090 Amend St	1090 Amend St ADU	BP23-0039	ADU	O	2/15/2024							1	1	1		NONE	No
	360-031-033	2309 Estrella Ct	2309 Estrella Ct ADU	BP23-0057	ADU	O	3/19/2024							1	1	1		NONE	No
	401-093-007	651 Fern Ave	651 Fern Ave ADU	BP23-0068	ADU	O	7/24/2024							1	1	1		NONE	No
	403-264-013	941 Marlesta Rd	941 Marlesta Rd ADU	BP23-0265	ADU	O	2/27/2024							1	1	1		NONE	No
	360-091-019	3381 Pinole Valley Rd	3381 Pinole Valley RD Unit A	BP23-0269	ADU	O	1/11/2024							1	1	1		NONE	No
	360-351-015	3361 Diablo Cir	3361 Diablo Cir ADU	BP23-0294	ADU	O	2/13/2024							1	1	1		NONE	No
	402-156-002	910 Patrick Dr	910 Patrick Dr ADU	BP24-0029	ADU	O	8/5/2024							1	1	1		NONE	No
	430-432-019	2144 Blue Jay Cir	2144 Blue Jay Cir ADU	BP24-0041	ADU	R	5/2/2024							1	1	1		NONE	No
	360-193-009	Wright Ave and Victor Ave	Wright Ave and Victor Ave Residence	MISC24-12	SFD	O	11/4/2024							1	1	1		SB 9 (2021) - Duplex in SF Zone	No
															0				
															0				
															0				
															0				
															0				
															0				
															0				
															0				
															0				
															0				
															0				
															0				
															0				
															0				
															0				
															0				
															0				
															0				
															0				
															0				
															0				
															0				
															0				

Table A2

Annual Building Activity Report Summary - New Construction, Entitled, Permits and Completed Units

Project Identifier					Unit Types		Affordability by Household Incomes - Completed Entitlement								
1					2	3	4							5	6
Prior APN+	Current APN	Street Address	Project Name+	Local Jurisdiction Tracking ID	Unit Category (SFA,SFD,2 to 4,5+,ADU,MH)	Tenure R=Renter O=Owner	Very Low- Income Deed Restricted	Very Low- Income Non Deed Restricted	Low- Income Deed Restricted	Low- Income Non Deed Restricted	Moderate- Income Deed Restricted	Moderate- Income Non Deed Restricted	Above Moderate- Income	Entitlement Date Approved	# of Units issued Entitlements
Summary Row: Start Data Entry Below							0	0	0	0	0	0	10		10
	403-361-010	961 Barkley Ct	961 Barkley Ct ADU	BP22-0272	ADU	O							1	1/31/2024	1
	403-361-068	1090 Amend St	1090 Amend St ADU	BP23-0039	ADU	O							1	2/15/2024	1
	360-031-033	2309 Estrella Ct	2309 Estrella Ct ADU	BP23-0057	ADU	O							1	3/19/2024	1
	401-093-007	651 Fern Ave	651 Fern Ave ADU	BP23-0068	ADU	O							1	7/24/2024	1
	403-264-013	941 Marlesta Rd	941 Marlesta Rd ADU	BP23-0265	ADU	O							1	2/27/2024	1
	360-091-019	3381 Pinole Valley Rd	3381 Pinole Valley RD Unit A	BP23-0269	ADU	O							1	1/11/2024	1
	360-351-015	3361 Diablo Cir	3361 Diablo Cir ADU	BP23-0294	ADU	O							1	2/13/2024	1
	402-156-002	910 Patrick Dr	910 Patrick Dr ADU	BP24-0029	ADU	O							1	8/5/2024	1
	430-432-019	2144 Blue Jay Cir	2144 Blue Jay Cir	BP24-0041	ADU	O							1	5/2/2024	1
	403-500-020	472 Limerick Rd	472 Limerick Rd SFR	BP21-0061	SFD	O									0
	403-500-020	472 Limerick Rd	472 Limerick Rd ADU	BP21-0061	ADU	O									0
	360-561-012	2467 Hill View Ln	2467 Hill View Ln Unit A JADU	BP23-0208	ADU	O									0
	403-351-002	975 Kilkenny Way	975 Kilkenny Way JADU	BP23-0084	ADU	O									0
	401-142-011	612 Tennent Ave	612 Tennent Ave	BP22-0268	2 to 4	R									0
	360-193-009	Wright Ave and Victor Ave	Wright Ave and Victor Ave Residence	MISC24-12	SFD	O							1	11/4/2024	1
															0

Table A2

Annual Building Activity Report Summary - New Construction, Entitled, Permits and Completed Units

Project Identifier			Affordability by Household Incomes - Building Permits								
			7							8	9
Current APN	Street Address	Project Name+	Very Low-Income Deed Restricted	Very Low-Income Non Deed Restricted	Low-Income Deed Restricted	Low-Income Non Deed Restricted	Moderate-Income Deed Restricted	Moderate-Income Non Deed Restricted	Above Moderate-Income	Building Permits Date Issued	# of Units Issued Building Permits
			0	0	0	0	0	0	9		9
403-361-010	961 Barkley Ct	961 Barkley Ct ADU							1	1/31/2024	1
403-361-068	1090 Amend St	1090 Amend St ADU							1	2/15/2024	1
360-031-033	2309 Estrella Ct	2309 Estrella Ct ADU							1	3/19/2024	1
401-093-007	651 Fern Ave	651 Fern Ave ADU							1	7/24/2024	1
403-264-013	941 Marlesta Rd	941 Marlesta Rd ADU							1	2/27/2024	1
360-091-019	3381 Pinole Valley Rd	3381 Pinole Valley RD Unit A							1	1/11/2024	1
360-351-015	3361 Diablo Cir	3361 Diablo Cir ADU							1	2/13/2024	1
402-156-002	910 Patrick Dr	910 Patrick Dr ADU							1	8/5/2024	1
430-432-019	2144 Blue Jay Cir	2144 Blue Jay Cir							1	5/2/2024	1
403-500-020	472 Limerick Rd	472 Limerick Rd SFR									0
403-500-020	472 Limerick Rd	472 Limerick Rd ADU									0
360-561-012	2467 Hill View Ln	2467 Hill View Ln Unit A JADU									0
403-351-002	975 Kilkenny Way	975 Kilkenny Way JADU									0
401-142-011	612 Tennent Ave	612 Tennent Ave									0
360-193-009	Wright Ave and Victor Ave	Wright Ave and Victor Ave Residence									0
											0

Table A2

Annual Building Activity Report Summary - New Construction, Entitled, Permits and Completed Units

Project Identifier			Affordability by Household Incomes - Certificates of Occupancy								
			10							11	12
Current APN	Street Address	Project Name+	Very Low-Income Deed Restricted	Very Low-Income Non Deed Restricted	Low-Income Deed Restricted	Low-Income Non Deed Restricted	Moderate-Income Deed Restricted	Moderate-Income Non Deed Restricted	Above Moderate-Income	Certificates of Occupancy or other forms of readiness (see instructions) Date Issued	# of Units issued Certificates of Occupancy or other forms of readiness
			0	0	0	0	1	0	9		10
403-361-010	961 Barkley Ct	961 Barkley Ct ADU									0
403-361-068	1090 Amend St	1090 Amend St ADU									0
360-031-033	2309 Estrella Ct	2309 Estrella Ct ADU									0
401-093-007	651 Fern Ave	651 Fern Ave ADU									0
403-264-013	941 Marlesta Rd	941 Marlesta Rd ADU									0
360-091-019	3381 Pinole Valley Rd	3381 Pinole Valley RD Unit A							1	10/22/2024	1
360-351-015	3361 Diablo Cir	3361 Diablo Cir ADU									0
402-156-002	910 Patrick Dr	910 Patrick Dr ADU									0
430-432-019	2144 Blue Jay Cir	2144 Blue Jay Cir							1	10/15/2024	1
403-500-020	472 Limerick Rd	472 Limerick Rd SFR							1	1/2/2024	1
403-500-020	472 Limerick Rd	472 Limerick Rd ADU							1	1/2/2024	1
360-561-012	2467 Hill View Ln	2467 Hill View Ln Unit A JADU							1	2/12/2024	1
403-351-002	975 Kilkenny Way	975 Kilkenny Way JADU							1	4/1/2024	1
401-142-011	612 Tennent Ave	612 Tennent Ave					1		3	9/11/2024	4
360-193-009	Wright Ave and Victor Ave	Wright Ave and Victor Ave Residence									0
											0

Table A2

Annual Building Activity Report Summary - New Construction, Entitled, Permits and Completed Units

Project Identifier				Streamlining	Infill	Housing with Financial Assistance and/or Deed Restrictions		Housing without Financial Assistance or Deed Restrictions	Term of Affordability or Deed Restriction	Demolished/Destroyed Units			Density Bonus			
			13	14	15	16	17	18	19	20			21	22	23	24
Current APN	Street Address	Project Name+	How many of the units were Extremely Low Income?	Please select the state streamlining provision the project was APPROVED pursuant to. (may select multiple)	Infill Units? Y/N+	Assistance Programs for Each Development (may select multiple - see instructions)	Deed Restriction Type (may select multiple - see instructions)	For units affordable without financial assistance or deed restrictions, explain how the locality determined the units were affordable (see instructions)	Term of Affordability or Deed Restriction (years) (if affordable in perpetuity enter 1000)+	Number of Demolished/Destroyed Units	Demolished or Destroyed Units	Demolished/ Destroyed Units Owner or Renter	Total Density Bonus Applied to the Project (Percentage Increase in Total Allowable Units or Total Maximum Allowable Residential Gross Floor Area)	Number of Other Incentives, Concessions, Waivers, or Other Modifications Given to the Project (Excluding Parking Waivers or Parking Reductions)	List the incentives, concessions, waivers, and modifications (Excluding Parking Waivers or Parking Modifications)	Did the project receive a reduction or waiver of parking standards? (Y/N)
			0							2						
403-361-010	961 Barkley Ct	961 Barkley Ct ADU		NONE	Y											
403-361-068	1090 Amend St	1090 Amend St ADU		NONE	Y											
360-031-033	2309 Estrella Ct	2309 Estrella Ct ADU		NONE	Y											
401-093-007	651 Fern Ave	651 Fern Ave ADU		NONE	Y											
403-264-013	941 Marlesta Rd	941 Marlesta Rd ADU		NONE	Y											
360-091-019	3381 Pinole Valley Rd	3381 Pinole Valley RD Unit A		NONE	Y											
360-351-015	3361 Diablo Cir	3361 Diablo Cir ADU		NONE	Y											
402-156-002	910 Patrick Dr	910 Patrick Dr ADU		NONE	Y											
430-432-019	2144 Blue Jay Cir	2144 Blue Jay Cir		NONE	Y											
403-500-020	472 Limerick Rd	472 Limerick Rd SFR		NONE	Y											
403-500-020	472 Limerick Rd	472 Limerick Rd ADU		NONE	Y											
360-561-012	2467 Hill View Ln	2467 Hill View Ln Unit A JADU		NONE	Y											
403-351-002	975 Kilkenny Way	975 Kilkenny Way JADU		NONE	Y											
401-142-011	612 Tennent Ave	612 Tennent Ave		NONE	Y		INC		55	2	Demolished	R				
360-193-009	Wright Ave and Victor Ave	Wright Ave and Victor Ave Residence		NONE	Y											

Jurisdiction	Pinole	
Reporting Year	2024	(Jan. 1 - Dec. 31)
Planning Period	6th Cycle	01/31/2023 - 01/31/2031

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation

This table is auto-populated once you enter your jurisdiction name and current year data. Past year information comes from previous APRs.
Please contact HCD if your data is different than the material supplied here

Table B
Regional Housing Needs Allocation Progress
Permitted Units Issued by Affordability

		1	Projection Period	2									3	4
Income Level		**RHNA Allocation by Income Level**	**Projection Period - 06/30/2022-01/30/2023**	**2023**	**2024**	**2025**	**2026**	**2027**	**2028**	**2029**	**2030**	**2031**	**Total Units to Date (all years)**	**Total Remaining RHNA by Income Level**
Very Low	Deed Restricted	121	-	26	-	-	-	-	-	-	-	-	26	**95**
	Non-Deed Restricted		-	-	-	-	-	-	-	-	-	-		
Low	Deed Restricted	69	-	7	-	-	-	-	-	-	-	-	7	**62**
	Non-Deed Restricted		-	-	-	-	-	-	-	-	-	-		
Moderate	Deed Restricted	87	-	1	-	-	-	-	-	-	-	-	1	**86**
	Non-Deed Restricted		-	-	-	-	-	-	-	-	-	-		
Above Moderate		223	3	13	9	-	-	-	-	-	-	-	25	**198**
Total RHNA		**500**												
Total Units			**3**	**47**	**9**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**59**	**441**

Progress toward extremely low-income housing need, as determined pursuant to Government Code 65583(a)(1).

		5											6	7
		Extremely low-Income Need		**2023**	**2024**	**2025**	**2026**	**2027**	**2028**	**2029**	**2030**	**2031**	**Total Units to Date**	**Total Units Remaining**
Extremely Low-Income Units*		61		-	-	-	-	-	-	-	-	-	**-**	**61**

*Extremely low-income housing need determined pursuant to Government Code 65583(a)(1). Value in Section 5 is default value, assumed to be half of the very low-income RHNA. May be overwritten.

Please Note: Table B does not currently contain data from Table F or Table F2 for prior years. You may login to the APR system to see Table B that contains this data.

Note: units serving extremely low-income households are included in the very low-income RHNA progress and must be reported as very low-income units in section 7 of Table A2. They must also be reported in the extremely low-income category (section 13) in Table A2 to be counted as progress toward meeting the extremely low-income housing need determined pursuant to Government Code 65583(a)(1).

Please note: For the last year of the 5th cycle, Table B will only include units that were permitted during the portion of the year that was in the 5th cycle. For the first year of the 6th cycle, Table B will only include units that were permitted since the start of the planning period. Projection Period units are in a separate column.

Please note: The APR form can only display data for one planning period. To view progress for a different planning period, you may login to HCD's online APR system, or contact HCD staff at apr@hcd.ca.gov.

VLI Deed Restricted
VLI Non Deed Restricted

Jurisdiction	Pinole	
Reporting Year	2024	(Jan. 1 - Dec. 31)
Planning Period	6th Cycle	01/31/2023 - 01/31/2031

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

Note: "+" indicates an optional field

Cells in grey contain auto-calculation formulas

Table C

Sites Identified or Rezoned to Accommodate Shortfall Housing Need and No Net-Loss Law

Project Identifier				Date of Rezone	RHNA Shortfall by Household Income Category				Rezone Type	Sites Description							
1				2	3				4	5	6	7	8		9	10	11
APN	Street Address	Project Name+	Local Jurisdiction Tracking ID+	Date of Rezone	Very Low-Income	Low-Income	Moderate-Income	Above Moderate-Income	Rezone Type	Parcel Size (Acres)	General Plan Designation	Zoning	Minimum Density Allowed	Maximum Density Allowed	Realistic Capacity	Vacant/Nonvacant	Description of Existing Uses
Summary Row: Start Data Entry Below																	

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation

Jurisdiction	Pinole	
Reporting Year	2024	(Jan. 1 - Dec. 31)

Table D

Program Implementation Status pursuant to GC Section 65583

Housing Programs Progress Report

Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.

1	2	3	4
Name of Program	**Objective**	**Timeframe in H.E**	**Status of Program Implementation**
Provision of Adequate Sites and Site Inventory Monitoring (Program 1)	Provide adequate sites to accommodate the City's entire RHNA allocation of 500 units, including the 83 units not met with pending projects or projected ADUs. No net loss of capacity below the RHNA requirement during the planning period.	Mid-cycle review by Q1 2027. Identification of additional sites or programs by Q3 2027.	Housing Element adopted in 2023. No change in site inventory or pending projects resulting in loss of capacity below RHNA requirement. Annual review of surplus parcels conducted. Additional opportunities sites list maintained; no change resulting from loss of capacity requiring use of the list.
Publicize and Promote Residential Sites Inventory (Program 2)	Maintain accurate and publicly available residential site inventory throughout the planning period. Outreach with 100 percent of RHNA site owners twice during the planning period.	Webpage for sites by October 2023; update annually or as needed. Contact RHNA site owners twice during the planning period, including once by October 2024.	Webpage with site inventory published. Site inventory remains current. Held discussions with some RHNA site owners and affordable housing developers; more extensive outreach to be conducted in 2025.
Outreach to Developers and Technical Assistance to Applicants (Program 3)	Technical assistance to all affordable housing applicants. Make the comprehensive coordinated review with all city departments standard operating procedure for all residential developments. Annual review of available funding sources and contact to other agencies and developers.	Develop comprehensive coordinated review procedures by April 2024. Create developer interest list by October 2023. Annually contact affordable housing builders annually with information about sites. Annual outreach to public agencies and community and faith-based organizations for funding and partnership opportunities	Initial comprehensive coordinated review procedures were formulated and pre-application planning meetings continue to be available by request. However, no major residential development project applications were received in 2024. Developer interest list created. Outreach to developers and public agencies in progress and to continue. Annual review of fundings sources evaluated. Faith-based organizations contacted.
Facilitate ADU Production (Program 4)	5 ADUs per year	Annually review ADU strategy; additional program of identification of site within 6 months if not matching estimates. Adopt amnesty program and fast track program by April 2025. Review ADU geographic distribution biennially.	9 building permits were issued for ADUs in 2024. The ADU ordinance update was prepared, with adoption expected before April 2025. The City continues to track ADU production. Iniital ADU Fast Track program formulated; pre-approved ADU program implemented. Created ADU Amnesty program and expected adoption by April 2025. Geographic distribution to be reviewed.
SB 9 Technical Assistance and Facilitation (Program 5)	10 SB 9 applications	Zoning amendments and objective design standards by Q2 2025. Lot split form by Q1 2024.	Zoning code amendments prepared for SB 9 with adoption expected before April 2025. Checklist provided online. Lot split application incorporated into online permitting system in 2024. Five SB 9 applications have been received.
Incentives for Mixed-Use Developments (Program 6)	Amended zoning ordinance with adopted incentives. Entitlement of three mixed-use projects using one or more of the available incentives.	Adopt incentives by April 2026. Begin review of environmental documents by 2026 and complete by 2029.	Zoning code amendments for park fee waiver and parking reductions prepared and adoption expected before April 2025. CEQA clearance process under consideration. Priority development project review and processing formulated, however no major development projects were received in 2024.
Development of Housing Successor's Low and Moderate Income Housing Asset Fund Policy (Program 7)	Create a housing fund policy guide, create in-lieu fee alternative and funding source. For applicable development projects, maintain a minimum requirement of 15 percent inclusionary units, and of those 40 percent of units affordable to very low income households.	By April 2026.	Continuing maintenance of 15% inclusionary unit requirements, preserved in zoning code amendments. Housing fund policy guide, in-lieu fee alternative, and funding sources in progress. Incorporated a Partnership for the Bay's Future (PBF) Housing Fellow for a two year assignment to further work on housing rehabilitation, a social impact bond program, and affordable housing policy. The City and PBF Housing Fellow are working on an Affodable Housing Fund Policy Guide & In-Lieu fee to create a policy guide that aligns the City's affordable housing funds with RHNA requirements, local housing needs, and fair housing objectives.
Affordable Housing Incentives (Program 8)	Adoption of priority review process. Completion of initial review of affordable housing developments within prescribed timeline. Expedited review of projects to take 50% less time than the normal City review process.	Adopt expedited review process and incentives for affordable housing by April 2025.	Priority and expedited review process prepared, however no new projects with affordable units were received in 2024. Zoning code amendments to the affordable housing chapter, including the updates to review bodies and park fee waiver, prepared and expected for adoption before April 2025.
Housing for Extremely Low, Very Low, Low, and Moderate Income Households and Special Needs Households, Including Persons with Disabilities (Program 9)	Annual contact of developers. Assist 25 lower income or special needs households with the fee waiver program. Use of one or more incentives for lower income and/or households with persons with disability housing development in one project throughout the planning period.	Annual review of funding opportunities, collaboration with services providers, and contact of developers. Annual developer workshop and proactive contact of housing developers. Coordination with Contra Costa County by April 2024. Development of fee waiver program by October 2024. Zoning Ordinance amendments for parking reduction by April 2025.	Fee waiver program and asset fund policy in progress. Zoning code amendments for reduced parking standards, reduced senior parking requirements, and park fee waivers prepared, with adoption expected before April 2025. Housing developer and housing service provider contacts will be conducted; funding availability review ongoing. No new lower income or special needs housing applications received; the City continues to work with developers of entitled affordable projects to complete construction.

Senior Housing Incentives (Program 10)	Use of one or more incentives for senior housing development in one project.	By April 2025.	Zoning code amendments prepared, with adoption before April 2025. No senior housing development application received in 2024. Permit fee waivers and enhaced rebates being evaluated. Promotion of shared housing and participation in programs to provide further assistance to be conducted. Smaller senior units under consideration.
Home Sharing and Tenant Matching (Program 11)	10 tenant matches	Develop program components, outreach strategies and compile resources by April 2026.	Program development and outreach in progress.
Zoning Amendments (Program 12)	Not applicable	By April 2025.	Zoning code amendments prepared in 2024. Partial set adopted in 2024, with additional set of adoptions expected before April 2025.
SB 330 Objective Design Standards and SB 35 Streamlining Compliance (Program 13)	Adopted zoning amendments. Faster permit turnaround time.	By April 2025.	Objective design standards prepared, with expected adoption in 2025. Reviewed approval procedures for SB 35 and streamlined review; no SB 35 applications received in 2024. Information on SB 35 to be included on the City's website.
Fee Evaluation and Publicization (Program 14)	Reviewed and amended fee schedule as appropriate.	Review of updated fees by April 2024. Subsequent evaluations and modifications by 2029. Review of Development Impact Fees by end of 2023.	Completed review of fees and updated fee schedule.
Permit Streamlining (Program 15)	Amended zoning ordinance.	Permit streamlining by April 2025. Electronic permitting process by end of 2023.	Zoning code amendments prepared in 2024, with adoption expected before April 2025. Electronic permitting system implemented.
2023-2031 H.E.: Rehabilitation Assistance (Program 16)	Provide information about County and other rehabilitation programs to 40 households, landlords, or developers annually. Rehabilitation of 20 units throughout the planning period, 5 extremely low, 5 very low, 5 low, and 5 moderate.	Ongoing, with annual assessment of funding opportunities to reinstate the City's Rehabilitation Program	Rehabilitation assistance information provided at City Hall, including energy efficient rebate programs. The Pinole Energy Enhancement Rebate Program (PEER), a collaboration with the County, launched January 1, 2024, with 27 applications processed in 2024. The City continues to explore funding availability through local, State, and federal programs.
2023-2031 H.E.: Acquisition/ Rehabilitation of Properties (Program 17)	Provide information about County and other rehabilitation programs to 40 households annually. Development of 50 units, including the 33-unit SAHA project, during the planning period.	Ongoing, as funding is available.	33 unit SAHA development is under construction. Information about rehabilitation programs provided. Initated partnership with nonprofit organization to pursue rehabilitation program. The City and PBF Housing Fellow are working on a municipal Social Impact Bond program to rehabilitate abandoned properties, create affordable housing, and foster economic equity by involving BIPOC contractors. Work also includes reinstating theCcity's Rehabilitation Assistance Program to improve housing conditions.
2023-2031 H.E.: Housing Preservation/Below Market Rate Regulations and Conversions (Program 18)	Contact of property owners and affordable housing developers/ providers at least twice throughout the planning period to pursue preservation or extension of at-risk units that are set to expire in the next 10 years. Ensure that 100% of housing for low- and moderate-income units assisted or constructed by the former Redevelopment Agency remains in compliance with rental and resale restrictions. Annual compliance monitoring of all affordable units (anticipated over 400).	Notification processes as covenants for below-market rate units are set to expire. Contact of property owners and affordable housing developers/providers at least twice throughout the planning period. Monitor rental and resale restrictions annually.	Compliance monitoring ongoing. The City and the PBF Housing Fellow are working on redesigning and relaunching the city's rental registry, ensuring comprehensive monitoring and tracking of rental properties, compliance with health and safety standards, and a transparent system for identifying at-risk units.
2023-2031 H.E.: Place-Based Improvements (Program 19)	Completed Capital Improvement Projects and Adopted Environmental Justice Element	As identified in CIP Schedule; Environmental Justice Element adopted by the end of 2023. BayREN rebates in the 2022-23 fiscal year.	Environmental justice element is in draft stages. Executed partnership with BayREN on rebate program, and implemented program with available funding. Active Transportation Plan has been drafted and is under review. Park Master Plan completed. Improvements at Fernandez completed. Grant writing professional services obtained.
2023-2031 H.E.: Fair Housing Resources and Services (Program 20)	Provide annual workshops or information fairs with the County fair housing provider or another qualified fair housing provider. Provide fair housing resources or referrals to 50 households annually.	Biennial fair housing workshops. Ongoing provision of resources and referrals to fair housing service providers. Review of demographics to determine appropriate translation and interpretation languages by 2027 and 2031.	Resources, information, and direction provided as questions are received on an ongoing basis.
2023-2031 H.E.: Displacement Prevention/Housing Mobility (Program 21)	Conducted workshop within one year of adoption. Provide resources on source of income discrimination and housing choice vouchers to 35 households annually.	Review in 2027. Revise zoning ordinance to require affordable unit replacement by April 2025; create and distribute informational materials by April 2025, with annual outreach to tenants and relevant organizations. Conduct workshop by April 2024.	Connected with ECHO housing to make information on fair housing resources and workshops available.
2023-2031 H.E.: Housing Resources Education (Program 22)	Provision of housing information to approximately 75 residents annually.	Provision of information by October 2024. Presence at community events at least once per year.	Unit development, permitting, and housing resource information provided at National Night Out event. Information also available at City Hall.
2023-2031 H.E.: ADU, JADU, and SB 9 Education and Promotion (Program 23)	5 ADUs annually; 1 JADU annually.	Develop outreach strategies and compile resources by April 2025. Promotion of Home Sharing and Tenant Matching (Program 11) 6 months after program development. Outreach at no less than 2 events annually.	Information on ADUs, JADUs, SB 9 provided at National Night Out event. 9 permits for ADUs issued in 2024.

Jurisdiction	Pinole	
Reporting Period	2024	(Jan. 1 - Dec. 31)
Planning	6th Cycle	01/31/2023 - 01/31/2031

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

(CCR Title 25 §6202)

Note: "+" indicates an optional field
Cells in grey contain auto-calculation formulas

Table E									
Commercial Development Bonus Approved pursuant to GC Section 65915.7									
Project Identifier				Units Constructed as Part of Agreement				Description of Commercial Development Bonus	Commercial Development Bonus Date Approved
1				2				3	4
APN	Street Address	Project Name+	Local Jurisdiction Tracking ID+	Very Low Income	Low Income	Moderate Income	Above Moderate Income	Description of Commercial Development Bonus	Commercial Development Bonus Date Approved
Summary Row: Start Data Entry Below									

Jurisdiction	Pinole	
Reporting Period	2024	31)
Planning Period	6th Cycle	01/31/2023 - 01/31/2031

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation

Note: "+" indicates an optional field

Cells in grey contain auto-calculation formulas

Table F
Units Rehabilitated, Preserved and Acquired for Alternative Adequate Sites pursuant to Government Code section 65583.1(c)

Please note this table is optional: The jurisdiction can use this table to report units that have been substantially rehabilitated, converted from non-affordable to affordable by acquisition, and preserved, including mobilehome park preservation, consistent with the standards set forth in Government Code section 65583.1, subdivision (c). Please note, motel, hotel, hostel rooms or other structures that are converted from non-residential to residential units pursuant to Government Code section 65583.1(c)(1)(D) are considered net-new housing units and must be reported in Table A2 and not reported in Table F.

Activity Type	Units that Do Not Count Towards RHNA+ Listed for Informational Purposes Only				Units that Count Towards RHNA + Note - Because the statutory requirements severely limit what can be counted, please contact HCD at apr@hcd.ca.gov and we will unlock the form which enable you to populate these fields.				The description should adequately document how each unit complies with subsection (c) of Government Code Section 65583.1+. For detailed reporting requirements, see the chcklist here:
	Extremely Low-Income+	Very Low-Income+	Low-Income+	TOTAL UNITS+	Extremely Low-Income+	Very Low-Income+	Low-Income+	TOTAL UNITS+	https://www.hcd.ca.gov/community-development/docs/adequate-sites-checklist.pdf
Rehabilitation Activity									
Preservation of Units At-Risk									
Acquisition of Units									
Mobilehome Park Preservation									
Total Units by Income									

Jurisdiction	Pinole	
Reporting Period	2024	(Jan. 1 - Dec. 31)
Planning Period	6th Cycle	01/31/2023 - 01/31/2031

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

Note: "+" indicates an optional field

Cells in grey contain auto-calculation formulas

Table F2
Above Moderate Income Units Converted to Moderate Income Pursuant to Government Code section 65400.2

For up to 25 percent of a jurisdiction's moderate-income regional housing need allocation, the planning agency may include the number of units in an existing multifamily building that were converted to deed-restricted rental housing for moderate-income households by the imposition of affordability covenants and restrictions for the unit. Before adding information to this table, please ensure housing developments meet the requirements described in Government Code 65400.2(b).

Project Identifier					Unit Types		Affordability by Household Incomes After Conversion							Units credited toward Moderate Income RHNA		Notes
1					2	3	4							5		6
Prior APN+	Current APN	Street Address	Project Name+	Local Jurisdiction Tracking ID	Unit Category (2 to 4,5+)	Tenure R=Renter	Very Low-Income Deed Restricted	Very Low-Income Non Deed Restricted	Low- Income Deed Restricted	Low- Income Non Deed Restricted	Moderate-Income Deed Restricted	Moderate-Income Non Deed Restricted	Above Moderate-Income	Total Moderate Income Units Converted from Above Moderate	Date Converted	Notes
Summary Row: Start Data Entry Below							0	0	0	0	0	0	0	0		

Jurisdiction	Pinole	
Reporting Period	2024	(Jan. 1 - Dec. 31)
Period	6th Cycle	01/31/2023 - 01/31/2031

NOTE: This table must only be filled out if the housing element sites inventory contains a site which is or was owned by the reporting jurisdiction, and has been sold, leased, or otherwise disposed of during the reporting

Note: "+" indicates an optional field

Cells in grey contain auto-calculation formulas

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation

Table G						
Locally Owned Lands Included in the Housing Element Sites Inventory that have been sold, leased, or otherwise disposed of						
Project Identifier						
1				**2**	**3**	**4**
APN	**Street Address**	**Project Name+**	**Local Jurisdiction Tracking ID+**	**Realistic Capacity Identified in the Housing Element**	**Entity to whom the site transferred**	**Intended Use for Site**
Summary Row: Start Data Entry Below						

Jurisdiction	Pinole		**NOTE: This table must contain an invenory of ALL surplus/excess lands the reporting jurisdiction owns**	Note: "+" indicates an optional field Cells in grey contain auto-calculation formulas
Reporting Period	2024	(Jan. 1 - Dec. 31)		

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation

For Contra Costa County jurisdictions, please format the APN's as follows:999-999-999-9

Table H
Locally Owned Surplus Sites

Parcel Identifier				Designation	Size	Notes
1	2	3	4	5	6	7
APN	**Street Address/Intersection**	**Existing Use**	**Number of Units**	**Surplus Designation**	**Parcel Size (in acres)**	**Notes**
Summary Row: Start Data Entry Below						
401-162-001-2	2301 San Pablo Ave	Vacant		Surplus Land	0.18	Community Corner
401-120-035-1	2100 San Pablo Ave	Other		Surplus Land	2.31	Faria House

Jurisdiction	Pinole	
Reporting Period	2024	(Jan. 1 - Dec. 31)
Planning Period	6th Cycle	01/31/2023 - 01/31/2031

NOTE: STUDENT HOUSING WITH DENSITY BONUS ONLY. This table only needs to be completed if there were student housing projects WITH a density bonus approved pursuant to Government Code65915(b)(1)(F)

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

Note: "+" indicates an optional field

Cells in grey contain auto-calculation formulas

Table J

Student housing development for lower income students for which was granted a density bonus pursuant to subparagraph (F) of paragraph (1) of subdivision (b) of Section 65915

Project Identifier				Project Type	Date	Units (Beds/Student Capacity) Approved							Units (Beds/Student Capacity) Granted	Notes
1				2	3	4							5	6
APN	Street Address	Project Name+	Local Jurisdiction Tracking ID+	Unit Category (SH - Student Housing)	Date	Very Low-Income Deed Restricted	Very Low-Income Non Deed Restricted	Low- Income Deed Restricted	Low- Income Non Deed Restricted	Moderate-Income Deed Restricted	Moderate-Income Non Deed Restricted	Above Moderate-Income	Total Additional Beds Created Due to Density Bonus	Notes
Summary Row: Start Data Entry Below														

Jurisdiction	Pinole	
Reporting Period	2024	(Jan. 1 - Dec. 31)
Planning Period	6th Cycle	01/31/2023 - 01/31/2031

ANNUAL ELEMENT PROGRESS REPORT

Table K
Tenant Preference Policy

Local governments are required to inform HCD about any local tenant preference ordinance the local government maintains when the jurisdiction submits their annual progress report on housing approvals and production, per Government Code 7061 (SB 649, 2022, Cortese). Effective January 1, 2023, local governments adopting a tenant preference are required to create a webpage on their internet website containing authorizing local ordinance and supporting materials, no more than 90 days after the ordinance becomes operational.

Does the Jurisdiction have a local tenant preference policy?	No
If the jurisdiction has a local tenant preference policy, provide a link to the jurisdiction's webpage containing authorizing local ordinance and supporting materials.	
Notes	

Jurisdiction	Pinole	
Reporting Year	2024	(Jan. 1 - Dec. 31)

ANNUAL ELEMENT PROGRESS REPORT
Local Early Action Planning (LEAP) Reporting
(CCR Title 25 §6202)

Please update the status of the proposed uses listed in the entity's application for funding and the corresponding impact on housing within the region or jurisdiction, as applicable, categorized based on the eligible uses specified in Section 50515.02 or 50515.03, as applicable.

Total Award Amount	$ -

Total award amount is auto-populated based on amounts entered in rows 15-26.

Task	$ Amount Awarded	$ Cumulative Reimbursement Requested	Task Status	Other Funding	Notes

Summary of entitlements, building permits, and certificates of occupancy (auto-populated from Table A2)

Completed Entitlement Issued by Affordability Summary		
Income Level		**Current Year**
Very Low	Deed Restricted	0
	Non-Deed Restricted	0
Low	Deed Restricted	0
	Non-Deed Restricted	0
Moderate	Deed Restricted	0
	Non-Deed Restricted	0
Above Moderate		10
Total Units		**10**

Building Permits Issued by Affordability Summary		
Income Level		**Current Year**
Very Low	Deed Restricted	0
	Non-Deed Restricted	0
Low	Deed Restricted	0
	Non-Deed Restricted	0
Moderate	Deed Restricted	0
	Non-Deed Restricted	0
Above Moderate		9
Total Units		**9**

Certificate of Occupancy Issued by Affordability Summary		
Income Level		**Current Year**
Very Low	Deed Restricted	0
	Non-Deed Restricted	0
Low	Deed Restricted	0
	Non-Deed Restricted	0
Moderate	Deed Restricted	1
	Non-Deed Restricted	0
Above Moderate		9
Total Units		**10**

CITY COUNCIL REPORT

9.F.

DATE: MARCH 18, 2025

TO: MAYOR AND COUNCIL MEMBERS

FROM: Lilly Whalen, Community Development Director, 510-724-9832, lwhalen@pinole.gov

SUBJECT: RECEIVE AND FILE HOUSING SUCCESSOR ANNUAL REPORT FOR FISCAL YEAR 2023-24

RECOMMENDATION

Staff recommends that the City Council receive and file the Housing Successor Agency Annual Report (Attachment A) for Fiscal Year ("FY") 2023-24 to submit to the California Department of Housing and Community Development ("HCD").

BACKGROUND

The City of Pinole ("City") is the housing successor (the "Housing Successor") to the former Redevelopment Agency of the City of Pinole (the "Agency"), which was dissolved on February 1, 2012. State law requires that the City prepare an annual report on Housing Successor finances and activities (Attachment A) as set forth in Health and Safety Code Section 34176.1 (see Attachment B).

The annual report is required to contain: (1) a summary of Housing Successor duties; (2) the balance of the Low- and Moderate-Income Housing Asset Fund ("Housing Asset Fund"); (3) an inventory of properties held in the Housing Asset Fund; and (4) reports on the City's performance thus far in meeting requirements of Health and Safety Code Section 34176.1.

The report is due to HCD by April 1st each year and must be posted on the City's website. The report for FY 2023-24 is being presented to the City Council to receive and file with HCD.

REVIEW AND ANALYSIS

The City is meeting all requirements imposed by Health and Safety Code Section 34176.1. The City's progress on major requirements is summarized below.

Housing Asset Fund Activity and Balance

As of June 30, 2024, the Housing Asset Fund had a balance of approximately $8.3 million, of which $3.5 million is cash and the remainder is non-cash assets. Annual revenues totaled $201,402 from investment income, loan repayments, and miscellaneous revenues. There were $140,836 in Housing Asset Fund expenditures in FY 2023-24. All expenses were administrative items such as professional services, building maintenance and utilities, housing compliance monitoring, and staff costs for time related to Housing Successor administration.

Real Property Assets and Loans Receivables

As of June 30, 2024, the City owns two remaining Housing Successor properties with a value of $355,062: Grove Vacant Land and Faria House Vacant Land. Grove Vacant Land is restricted as open space and cannot be developed. The Faria House is being listed for sale in FY 2024-25. Two properties previously owned by the Housing Successor, 811 San Pablo Ave and 612 Tennent Ave, were sold in FY 2022-23 to be developed with affordable and market rate housing. The Housing Asset Fund has approximately $4.4 million in notes and loans receivable. Additionally, the City has $233,220 in outstanding First-Time Homebuyer Loans and Housing Rehabilitation Loans. The First-Time Homebuyer and Housing Rehabilitation Loans have different maturity dates through 2099.

Expenditure Proportionality Requirements

Expenditures from the Housing Asset Fund must meet specific proportionality requirements by income level and age:

- Administrative and monitoring expenses have an annual maximum limit. Pinole spent $140,836 on administration and monitoring in FY 2023-24, which is well below the $263,100 annual limit.
- Up to $250,000 may be spent annually on homeless prevention and rapid rehousing solutions for homelessness. No Housing Asset Funds have been spent on this category to date in order to prioritize funding for affordable housing development. Pinole had an unhoused population of 7 based on the 2024 Contra Costa County Annual Point-in-Time Count Report.
- If Housing Asset Funds are spent on housing development projects or programs, specific income levels must be assisted within a five-year compliance period (see Appendix 1 of Attachment 2 for more details). FY 2023-24 marks the final year of the second five-year compliance period of January 1, 2019, through June 30, 2024. The Housing Successor complied with this requirement by making a $3.2 million construction loan to SAHA to assist with the development of affordable housing at 811 San Pablo Avenue. Housing Successor funds are dedicated to assisting extremely low-income households at the project. Staff will continue to ensure income targets are met with any future expenditures in the five-year compliance period.
- Housing Asset Funds may not be used to assist senior rental housing units if more than 50% of deed-restricted rental housing units assisted by the Housing Successor, City, or the former Agency in the prior 10 years were restricted to seniors. In the prior ten years, the Housing Successor, City, and former Agency assisted two affordable rental housing developments with 37 units, none of which are restricted to seniors. The Housing Successor may assist up to 37 senior rental units at this time.

The City is meeting all Housing Asset Fund requirements and will continue to ensure compliance with future expenditures.

Excess Surplus

Housing Successors may not accumulate a high balance known as “excess surplus”. Excess surplus is a cash balance that is higher than the greater of $1 million or the sum of all cash deposits to the Housing Asset Fund in the prior four years. Housing successors must spend or encumber any excess surplus within three fiscal years or transfer its excess surplus to HCD to spend on statewide housing programs. The intent of the law is to encourage housing successors to spend available affordable housing funds on a timely basis.

The Housing Successor did not have any excess surplus in FY 2023-24.

ProHousing Fund Award and Housing Fund Policy Development

The City of Pinole has been awarded $650,000 in Prohousing Incentive Funds (PIP) as part of its 2024 Prohousing Community designation by the California Department of Housing and Community Development (HCD). To access these funds, the City must secure matching funding, which will be deposited into the Housing Successor’s Low and Moderate Income Housing Asset Fund. These funds will support affordable housing development and homeownership opportunities for moderate- and lower-income households, with a focus on high-opportunity areas that align with the City’s Housing Element goals. To ensure the strategic and equitable use of these resources, the City is developing a Housing Asset Fund Policy Guide with the support of Housing Fellow Jared Murti, placed through the Partnership for the Bay’s Future. This guide will incorporate Regional Housing Needs Allocation (RHNA) requirements, local housing needs, and fair housing objectives, prioritizing investments in areas with strong environmental, transportation, and educational opportunities, particularly in eastern Pinole. Program 7 of the Adopted/Certified Housing Element outlines the City’s approach to developing this policy, which will ensure that resources are allocated effectively to maximize impact. Once matching funds are secured, the awarded PIP funds will be utilized to create affordable housing opportunities consistent with the City’s commitment to expanding housing choice and mobility in Pinole.

<u>FISCAL IMPACT</u>

There are no implications of receiving and filing this annual report on the City’s activities as the Housing Successor.

<u>ATTACHMENTS</u>

A. Pinole 2023-24 HSA Annual Report
B. Health and Safety Code Section 34176.1.

HOUSING SUCCESSOR ANNUAL REPORT

City of Pinole
Fiscal Year 2023-24

TABLE OF CONTENTS

INTRODUCTION

This Housing Successor Agency Annual Report ("Annual Report") presents information on Fiscal Year ("FY") 2023-24 expenditures and activities as required by Health and Safety Code ("HSC") Section 34176.1(f), including but not limited to a housing successor's compliance with certain expenditure requirements over the year as well as a five-year planning period. This Annual Report is required of any housing successor to a former redevelopment agency.

CITY OF PINOLE AS HOUSING SUCCESSOR

The City of Pinole ("City") is the housing successor (the "Housing Successor") to the former Redevelopment Agency of the City of Pinole (the "Agency"), which was dissolved statewide in 2012. At the time of dissolution, a housing successor was to be selected to accept the transfer of and be responsible for the remaining assets and liabilities of a former redevelopment agency.

This Annual Report is an addendum to the City's Housing Element Annual Progress Report. Both are due to the California Department of Housing and Community Development ("HCD") by April 1 annually. The Housing Successor's FY 2023-24 audited financial statements have been posted on the City website and are incorporated herein by reference.

SCOPE OF THIS HOUSING SUCCESSOR ANNUAL REPORT

This Annual Report is limited to the City's activities as it relates to its role as a housing successor. This may include, but is not limited to, financial activities, property disposition, loan administration, monitoring of covenants, and affordable housing development. This Annual Report describes compliance with various annual, five-year, and ten-year housing expenditure and production requirements. FY 2023-24 is the final year of the current five-year compliance period for income proportionality, which begins July 1, 2019 and ends June 30, 2024.

ASSETS TRANSFERRED TO THE HOUSING SUCCESSOR

Upon the statewide dissolution of redevelopment in 2012, all rights, powers, committed assets, liabilities, duties, and obligations associated with the affordable housing activities of the former Agency were transferred to the Housing Successor. As one of its first duties as a housing successor, the Housing Successor prepared and submitted to the California Department of Finance ("DOF") an inventory of housing assets to be transferred from the former Agency. The inventory was enumerated on a Housing Asset Transfer Form ("HAT") which included:

1. Real properties;
2. Personal property;
3. Low and Moderate Income Housing Fund encumbrances;
4. Loans/Grants Receivable;
5. Rents/Operations; and
6. Deferrals.

All items on the HAT were reviewed and approved by DOF on February 15, 2013. A copy of the HAT is provided as Appendix 1 in Attachment 2. The City, acting as Housing Successor, transferred these assets to the Low and Moderate Income Housing Asset Fund ("Housing Asset Fund", Fund 285). Approval of the HAT set in motion a series of obligations by the City as a housing successor, as described in the following section.

BACKGROUND

This Section summarizes legal requirements for use of housing successor assets that are addressed in this Annual Report.

LEGAL REQUIREMENTS PERTAINING TO HOUSING SUCCESSORS

A year after the dissolution of redevelopment began, the California State Legislature recognized the need to regulate and provide transparency on the use of the housing activities transferred from a former redevelopment agency. Senate Bill 341 (DeSaulnier, 2013) and subsequent legislation enacted several requirements for housing successor agencies contained in HSC Sections 34176-34176.1.

In general, housing successors must comply with three major requirements pursuant to HSC Section 34176.1:

1. Housing Successor expenditures and housing production are subject to income and age targets.
2. Housing successors may not accumulate an "excess surplus," or a high balance based on certain thresholds.
3. Properties must be developed with affordable housing or sold within five to ten years of being approved for transfer from the former redevelopment agency to the housing successor.

Appendix 2 in Attachment 2 provides a detailed summary of the reporting requirements that are addressed in this Annual Report.

PERMITTED USES OF HOUSING ASSET FUNDS

Pursuant to HSC Section 34176.1, Housing Asset Funds may be spent on:

- **Administrative costs** for operation of the housing successor agency. The law allows a housing successor to spend the greater of:
    - $200,000 per year adjusted for inflation, or
    - 5% of the statutory value of real property owned by that housing successor and the value of loans and grants receivable from the HAT ("Portfolio").

  According to HCD, the $200,000 limit adjusted for inflation is $263,100 for FY 2023-24. This is greater than the 5% portfolio value limit of $236,753, therefore this Annual Report applies the FY 2023-24 HCD limit.

- **Homeless prevention and rapid rehousing services** up to $250,000 per year if the former redevelopment agency did not have any outstanding inclusionary housing or replacement housing production requirements as of 2012. Pinole is eligible for this expense because the former Agency did not have any outstanding inclusionary or replacement housing requirements upon dissolution.

- **Affordable housing development** assisting households earning up to 80 percent of the Area Median Income ("AMI"), subject to specific income and age targets over a five-year period.

    Five-Year Income Proportionality on Development Expenditures: Housing Asset Funds may be spent on development of housing projects affordable to low, very low, and extremely low income households. "Development" is defined as "new construction, acquisition and rehabilitation, substantial rehabilitation as defined in HSC Section 33413, the acquisition of long-term affordability covenants on multifamily units as described in HSC Section 33413, or the preservation of an assisted housing development that is eligible for prepayment or termination or for which within the expiration of rental restrictions is scheduled to occur within five years."

    Over each five-year compliance period, at least 30 percent of such development expenditures must assist extremely low income households (30% AMI), while no more than 20 percent may assist low income households (between 60-80%). The balance of the funds may be used on households earning between 30% and 60% of AMI.

The first five-year compliance period was January 1, 2014 through June 30, 2019. The second, and current, five-year compliance period is July 1, 2019 to June 30, 2024. The Housing Successor was compliant with Housing Asset Fund income proportionality expenditure requirements during the first and second five-year compliance periods.

Note that housing successors must report expenditures by category each year, but compliance with income proportionality limits is measured every five years. For example, a housing successor could spend all its funds in a single year on households earning between 60-80% AMI, as long as it was 20 percent or less of the total expenditures during the five-year compliance period.

Should a housing successor not spend at least 30% of its development expenditures assisting extremely low income households, or exceed the amount spent on low income households, future expenditures are subject to greater restriction until these proportionality targets are met. Specifically, if a housing successor is unable to spend at least 30% of its development expenditures on extremely low units, it is required to increase this spending to 50% until compliant with the 30% threshold; a housing successor that spends more than 20% of its development expenditures on low income units cannot spend any further funds on low income developments until it is at or below the 20% threshold.

As such, tracking these expenditures and their progress over the corresponding five-year period is an important function of this Annual Report.

Ten-Year Age Proportionality on Units Assisted: If more than 50% of the total aggregate number of rental units produced by the city, housing successor, or former redevelopment agency during the past 10 years are restricted to seniors, the housing successor may not spend more Housing Asset Funds on senior rental housing.

Appendix 3 in Attachment 2 describes Housing Asset Fund Expenditure requirements in more detail including the types of costs eligible in each category.

LIMITS ON THE ACCUMULATION OF HOUSING FUNDS (EXCESS SURPLUS)

State law limits how much cash a housing successor may retain and, if it fails to commit and spend these dollars in a reasonable timeframe, ultimately penalizes the housing successor by requiring unspent funds be transferred to HCD for use on State housing programs.

HSC Section 34176.1(d) establishes a limit, known as an "excess surplus" on the amount of unencumbered Housing Asset Funds based on the greater of the following:

- $1,000,000, or
- The total amount of deposits made into the Housing Asset Fund over the preceding four years.

Only amounts in excess of this threshold are considered an excess surplus. Once an excess surplus is determined, a housing successor must account for these funds separately and encumber said monies within three years. If after the third year the excess surplus has not been fully encumbered, the remaining balance of the excess surplus is to be transferred to HCD within 90 days. HCD is permitted to use these transferred excess surplus funds anywhere in the State under its Multifamily Housing Program or the Joe Serna, Jr. Farmworker Housing Grant Program.

The concept of excess surpluses carries over from the era prior to dissolution of redevelopment, when redevelopment agencies were often receiving substantial amounts of deposits from the mandatory housing set-aside of 20% of tax increment revenues.

As part of the Annual Report, a housing successor must disclose any excess surplus and describe the housing successor's plan for eliminating this excess surplus.

HOUSING ASSET FUND ACTIVITY

The following section describes the Housing Asset Fund activities in FY 2023-24.

DEPOSITS AND FUND BALANCE

The Housing Successor deposited $201,402 into the Housing Asset Fund in FY 2023-24, as shown in Table 1. Revenue sources consist of investment earnings, a note repayment by Bridge Housing, and other miscellaneous revenues.

Table 1 Fiscal Year 2023-24 Housing Asset Fund Deposits		
Source		**Amount**
Investment Earnings		188,166
Bridge Housing Note Repayment		11,912
Misc. Revenue/ Refunds		1,324
Total	**$**	**201,402**

Source: City of Pinole

EXPENDITURES

The Housing Successor expended a total of $140,836 during FY 2023-24. All expenditures were administrative such as staff labor allocations for administering housing successor programs, professional services and utilities. The total administrative costs are within the HCD limit for FY 2023-24. The Successor Agency will continue to keep its administrative costs within the limit pursuant to HSC Section 34176.1.

ENDING CASH AND FUND BALANCE

The Housing Asset Fund balance as of June 30, 2024 was $8,272,812, as summarized in Table 2. Of this amount, $3,506,880 was cash.

Table 2 Housing Asset Fund Ending Balance FY 2023-24		
Balance Type		**Gross Balance**
Cash		3,506,880
Miscellaneous Receivable		30,870
Notes Receivable		8,444,648
Allowance for Uncollectable Notes		(4,064,648)
Loans Receivable		263,149
Allowance for Uncollectable Loans		(263,149)
Land Held for Resale		355,062
Due from RDA Successor Agency		-
Ending Balance	**$**	**8,272,812**

Source: City of Pinole

HOUSING SUCCESSOR PORTFOLIO

The Housing Successor Portfolio includes real properties and notes and loans receivable transferred from the former Agency. The Portfolio had a value of $4,735,062 as of FY 2023-24, as detailed in Table

Table 3
Portfolio Value of Real Properties and Loans Receivable

Asset		Amount
Land Held for Resale		
Land Held/2100-2150 San Pablo Ave		355,000
Land Held/Heritage Park Housing		62
Subtotal	*$*	*355,062*
Notes Receivable		
Bridge Housing Note		1,076,908
Alvarez Court Note		1,891,538
East Bluff Note		1,096,203
SAHA Note (811 San Pablo)		4,380,000
Allowance for uncollectable notes		(4,064,648)
Subtotal	*$*	*4,380,000*
Loans Receivable		
First-Time Homebuyer Loans		233,220
Housing Rehab Loans		29,929
SERAF Loan		-
Allowance for uncollectable loans		(263,149)
Subtotal	*$*	*0*
Total Portfolio Value	**$**	**4,735,062**

Source: City of Pinole

Note: Allowance for uncollectable notes to account for residual receipt loans that are only payable if there is enough net cash flow after paying other expenses and debts for each property.

3.

REAL PROPERTIES AND DISPOSITION STATUS

The former Agency transferred the following properties to the Housing Successor as approved on the HAT:

- Pinole Grove Senior Housing Vacant Land (Samuel Street) – Pursuant to a Development and Disposition Agreement (“DDA”), this property is required to remain vacant as open space for the adjacent Pinole Grove Senior Housing development. The property has a steep slope and cannot be developed, therefore there are no plans for its disposition.
- Faria House Vacant Land (2100 San Pablo Avenue) – This 2.3-acre parcel is park land in which the Faria House resides. The Faria House is in the process of being listed for sale. Any sales proceeds related to the value of the land must be deposited into the Housing Asset Fund if the site is not developed with affordable housing.
- Collins House (612 Tennent Avenue) – The Housing Successor sold this property in May 2023 and all sale proceeds were deposited into the Housing Asset Fund as required by law. The property was rehabilitated into a fourplex and includes one affordable unit to meet the City’s inclusionary housing requirements.
- Vacant Land (811 San Pablo Avenue) – The Housing Successor entered into a DDA with SAHA dated July 6, 2021, subsequently amended on February 21, 2023, to develop this property with 33 units of housing affordable to extremely low income to low income households. The majority of units will be restricted for veterans by State and Federal funding sources proposed to finance the project. SAHA estimates the units will be occupied in early 2025.

HSC Section 34176.1(e) requires all real properties acquired by a redevelopment agency prior to February 1, 2012 and transferred to the housing successor be development as affordable housing or sold within five to ten years of DOF’s approval of the HAT. The City extended the deadline from February 15, 2018 to February 15, 2023, by action of the City Council on November 21, 2017 as permitted by law. The City has complied with this timeline for 612 Tennent Avenue and 811 San Pablo Avenue as both properties have been sold or are to be developed as affordable housing. The Grove Vacant Land and Faria House vacant land are exempt from this deadline due to their contractual land use restrictions. The Housing Successor will ensure that sales proceeds from the Faria House land value are deposited into the Housing Asset Fund if the site is not developed with affordable housing.

LOANS RECEIVABLE

The Housing Asset Fund has $4,380,000 in collectable notes and loans receivable as described below:

- SERAF Loan Paid Off: Prior to redevelopment dissolution, the former Agency deferred $4,291,575 in Low and Moderate Income Housing Fund set-aside deposits in order to make State-mandated payments into SERAF, a State education fund. The Successor Agency has since been responsible for making SERAF loan repayments from Redevelopment Property Tax Trust Funds ("RPTTF"), which are deposited into the Housing Asset Fund. The final payment was made in FY 2022-23.

- Outstanding Developer Notes in the amount of $4,380,000: The Housing Successor administers four loans made to affordable housing developers by the former Agency or Housing Successor. Table 3 reflects an allowance for uncollectable notes, which equals the amount of three of the four loans, to write off the value of these loans in case they are not repaid. The loans are repaid from residual receipts if the properties have sufficient cash remaining at the end of each operating year. The fourth loan, for 811 San Pablo, is also payable from residual receipts.

- Outstanding First-Time Homebuyer Loans and Housing Rehabilitation Loans in the amount of $233,220: These loans have different maturity dates ranging from 2022 through 2099. Appendix 4 in Attachment 2 provides an inventory of outstanding loans. Table 3 reflects an allowance for uncollectable loans to write off the value of these loans in case they are not repaid.

COMPLIANCE WITH EXPENDITURE & PRODUCTION LIMITS

During FY 2023-24, the City was in compliance with the annual, five-year, and ten-year planning period requirements.

PROPORTIONALITY REQUIREMENTS

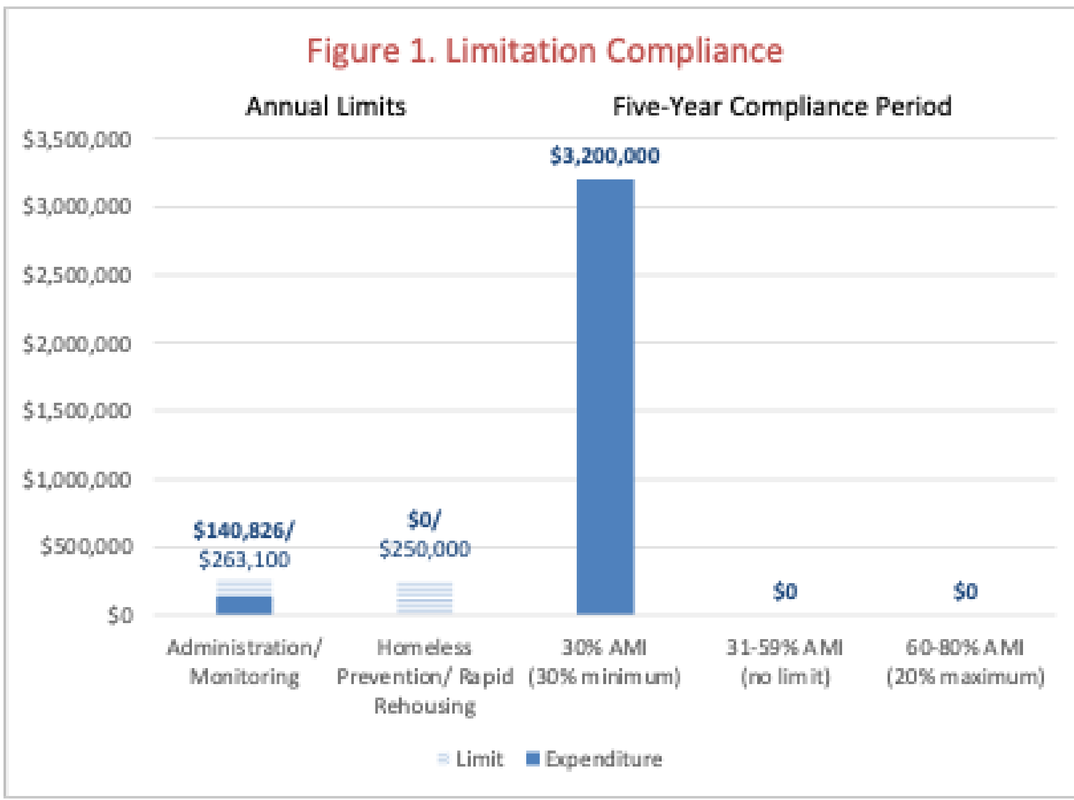
As summarized in Figure 1, the Housing Successor complied with all Housing Asset Fund spending restrictions as of FY 2023-24:

- The Housing Successor spent $140,836 on administrative expenses which is under the maximum annual limit for FY 2023-24 of $263,100.

- The Housing Successor did not use any Housing Asset Funds for homeless prevention or rapid rehousing expenses and was therefore in compliance with the $250,000 spending limit.

- The Housing Successor issued a construction loan to SAHA to assist with the development of extremely low-income rental units at 811 San Pablo Avenue totaling $3,200,000 in FY 2022-23. This is the only housing development spending by the Housing Successor in the current five-year period. The Housing Successor complied with the requirement to spend at least 30% of housing development expenditures on extremely low income households (30% AMI) and no more than 20% on low-income households (80% AMI).

The Housing Successor will ensure that future development-related expenditures comply with spending and income proportionality requirements. The City made a commitment through its Housing Element (Program 7) to develop a policy to provide guidance on the future use of Housing Asset Funds in order to meet affordable housing goals as well as legal requirements.



SENIOR RENTAL HOUSING LIMIT COMPLIANCE

Pursuant to HSC Section 34176 (b), Housing Asset Funds may not assist senior rental housing if more than 50% of deed-restricted rental housing units assisted by the former Agency, Housing Successor, or City in the previous ten years are restricted to seniors. Between FYs 2014-15 through 2023-24, the Housing Successor, former Agency, and City assisted a total of 37 deed-restricted rental units, none of which are restricted to seniors, as shown in Table 4. The Housing Successor may assist up to 37 senior units to remain in compliance. The Housing Successor will ensure that it complies with this requirement moving forward.

Table 4 Deed-Restricted Senior Rental Units Assisted Prior Ten Years						
Property	**Year Assisted**	**Senior Units**	**%**	**Non-Senior Units**	**%**	**Total Units**
811 San Pablo Ave (SAHA)	FY 22-23	0	0%	33	100%	33
612 Tennent Ave	FY 22-23	0	0%	4	100%	4
Total		**0**		**37**		**37**
Total Deed-Restricted Senior Units:			**0%**			

Note: Excludes Vista Woods (178 senior units) because the City/Housing Successor did not provide any financial assistance to the property.

Source: City of Pinole

Appendix 5 in Attachment 2 presents a complete inventory of affordable housing in Pinole that is monitored by the City. Most of the projects were funded by the former Agency over ten years ago or developed to comply with the City's inclusionary housing requirements.

EXCESS SURPLUS

The Housing Asset Fund may not accumulate an "excess surplus," or an unencumbered amount that exceeds the greater of $1 million or the sum of deposits in the prior four fiscal years. This requirement ensures that housing successors are actively spending available Housing Asset Funds on affordable housing. Excess surplus must be expended or encumbered within three fiscal years of each year that excess surplus was accrued. If a housing successor fails to comply, it must transfer any excess surplus to HCD within 90 days of the end of the third fiscal year.

As shown in Table 5, the Housing Successor did not have an excess surplus in FY 2023-24. The unencumbered beginning cash balance ($3,444,325) was less than the total deposits made in the prior four fiscal years ($3,649,772).

Table 5
Excess Surplus

Step 1: Determine Unencumbered Cash Balance From Financials				
FY 23-24 Beginning Cash Balance		3,444,325		
Less: Encumbered Funds		$ -		
Unencumbered Amount				**$ 3,444,325**
Step 2: Determine Greater of $1M or Last 4 Deposits				
$1 Million, or		$ 1,000,000		
Last 4 years' deposits		$ 3,649,772		
2022-23	*$ 1,230,306*			
2021-22	*$ 1,676,410*			
2020-21	*$ 1,865,429*			
2019-20	*$ 107,933*			
Result: Larger Number				**$ 3,649,772**
Step 3: Excess Surplus is Amount Step 1 Exceeds Step 2, if Any				
(1) Unencumbered Amount		$ 3,444,325		
(2) Less: Larger Number From Step 2		$ 3,649,772		
Excess Surplus				**None**

Source: City of Pinole

OTHER INFORMATION

HOMEOWNERSHIP UNIT INVENTORY

Table 6 presents an inventory of homeownership units assisted by the Housing Successor that require restrictions, covenants, or an adopted program that protects Housing Asset Fund monies.

Table 6 Homeownership Unit Inventory		
Project Name / Address	**No.**	**Covenant Expiration**
Maiden Lane		
620 Maiden Lane	1	10/30/54
609 Maiden Lane	1	9/22/54
Heritage Park		
2051 Buena Vista Drive	1	9/23/56
2061 Buena Vista Drive	1	8/31/56
2071 Buena Vista Drive	1	11/7/56

Source: City of Pinole

TRANSFERS TO OTHER HOUSING SUCCESSORS

There were no transfers to another housing successor entity for a joint project pursuant to HSC 34176.1(c)(2).

DEPARTMENT OF FINANCE
HOUSING ASSETS LIST
ASSEMBLY BILL X1 26 AND ASSEMBLY BILL 1484
(Health and Safety Code Section 34176)

Former Redevelopment Agency: Pinole

Successor Agency to the Former Redevelopment Agency: City of Pinole

Entity Assuming the Housing Functions of the former Redevelopment Agency: City of Pinole

Entity Assuming the Housing Functions Contact Name: Belinda Espinosa | Title: City Manager | Phone: 510-724-8933 | E-Mail Address: bespinosa@ci.pinole.ca.us

Entity Assuming the Housing Functions Contact Name: Richard Loomis | Title: Finance Director | Phone: 510-724-9823 | E-Mail Address: rloomis@ci.pinole.ca.us

All assets transferred to the entity assuming the housing functions between February 1, 2012 and the date the exhibits were created are included in this housing assets list.
The following Exhibits noted with an X in the box are included as part of this inventory of housing assets:

Exhibit A - Real Property	X
Exhibit B- Personal Property	X
Exhibit C - Low-Mod Encumbrances	X
Exhibit D - Loans/Grants Receivables	X
Exhibit E - Rents/Operations	X
Exhibit F- Rents	DNA
Exhibit G - Deferrals	X

Prepared By: **Richard H. Loomis, Finance Director**

Date Prepared: **7/30/2012**

Exhibit A - Real Property

City of Pinole
Inventory of Assets Received Pursuant to Health and Safety Code section 34176 (a) (2)

Item #	Type of Asset a/		Legal Title and Description	Carrying Value of Asset	Total square footage	Square footage reserved for low-mod housing	Is the property encumbered by a low-mod housing covenant?	Source of low-mod housing covenant b/	Date of transfer to Housing Successor Agency		Construction or acquisition cost funded with Low-Mod Housing Fund monies	Construction or acquisition costs funded with other RDA funds	Construction or acquisition costs funded with non-RDA funds	Date of construction or acquisition by the former RDA	Interest in real property (option to purchase, easement, etc.)
1	Low-mod Housing Project (89-units)	c	2850 Estate Avenue, Pinole, CA 94564 / APN 360-010-017-0	$1,369,323	2.95 Acres	73% of Project Development	YES	RDA 20% Set-Aside Tax Increment	2/24/2011	d	$1,369,323	$-0-	$-0-	9/20/2000	Fee Interest
2	Low-Mod Housing with Commercial		811 San Pablo Ave. Pinole, CA 94564 /	$242,008	26,136 sq. ft.	0%	NO	RDA 20% Set-Aside Tax	2/24/2011	d	$242,008	$-0-	$-0-	3/1/2002	Fee Interest
3	Undevelopable Land (Residual from 70-unit Low-Mod Project)	c	Samuel Street, Pinole, CA 94564 / APN 401-186-031	$411,879	2.32 Acres (101,059 sq. ft.)	0%	NO	RDA 20% Set-Aside Tax Increment	2/24/2011	d	$535,000	$-0-	$400,000	9/4/1992	Fee Interest
4	Low-mod Housing		2100 San Pablo Ave. Pinole, CA 94564	$355,000	2.31 Acres (100,624 sq. ft.)	0%	NO	RDA 20% Set-Aside Tax Increment	2/24/2011	d	$355,000	$-0-	$-0-	3/1/2003	Fee Interest
5	Low-mod Housing		612 Tennent Avenue, Pinole, CA 94564 / APN 401-142-011	$625,000	5,000 sq. ft.	0%	NO	RDA 20% Set-Aside Tax Increment	2/25/2011	d	$625,000	$-0-	$-0-	11/6/2007	Fee Interest
6															
7															
8															
9															
10															
11															
12															
13															
14															
15															
16															
17															
18															
19															
20															

a/ Asset types may include low-mod housing, mixed-income housing, low-mod housing with commercial space, mixed-income housing with commercial space.

b/ May include California Redevelopment Law, tax credits, state bond indentures, and federal funds requirements.

c/ Fee Interest In Land Only (Improvements owned by Non-profit 501-c3 Housing Corporation)

d/ Title to all Housing Program Properties was transferred to the City prior to enactment of ABx1-26, and were subsequently confirmed by a Superior Court Validation Action

Exhibit B - Personal Property

City of Pinole
Inventory of Assets Received Pursuant to Health and Safety Code section 34176 (a) (2)

Item #	Type of Asset a/	Description	Carrying Value of Asset	Date of transfer to Housing Successor Agency	Acquisition cost funded with Low-Mod Housing Fund monies	Acquisition costs funded with other RDA funds	Acquisition costs funded with non-RDA funds	Date of acquisition by the former RDA
1	Equipment	Digital Camera (property tag #2412)	$-0-	6/30/2012	$300	$0	$0	2/25/2005
2	Equipment	Metal Bookcase	$0	6/30/2012	$497	$0	$0	7/1/1999
3	Equipment	Office Desk	$0	6/30/2012	$2,726	$0	$0	4/4/2001
4	Equipment	Office Table (Round)	$0	6/30/2012	$380	$0	$0	4/1/2001
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								
16								
17								
18								
19								
20								

a/ Asset types any personal property provided in residences, including furniture and appliances, all housing-related files and loan documents, office supplies, software licenses, and mapping programs, that were acquired for low and moderate income housing purposes, either by purchase or through a loan, in whole or in part, with any source of funds.

Exhibit C - Low-Mod Encumbrances

City of Pinole
Inventory of Assets Received Pursuant to Health and Safety Code section 34176 (a) (2)

Item #	Type of housing built or acquired with enforceably obligated funds a/	Date contract for Enforceable Obligation was executed	Contractual counterparty	Total amount currently owed for the Enforceable Obligation	Is the property encumbered by a low-mod housing covenant?	Source of low-mod housing covenant b/	Current owner of the property	Construction or acquisition cost funded with Low-Mod Housing Fund monies	Construction or acquisition costs funded with other RDA funds	Construction or acquisition costs funded with non-RDA funds	Date of construction or acquisition of the property
1	Low-mod Housing Project (89-units)	5/20/2003	Pinole Assisted Living Community, Inc. (California Non-profit 501-c3 Corporation)	$6,922,945 (as of 06/30/2012)	YES	CRL	City of Pinole (Fee Interest in Land Only)	$-0-	$-0-	$7,130,000	9/20/2000
2											
3											
4											
5											
6											
7											
8											
9											
10											
11											
12											
13											
14											
15											
16											
17											
18											
19											
20											

a/ May include low-mod housing, mixed-income housing, low-mod housing with commercial space, mixed-income housing with commercial space.

b/ May include California Redevelopment Law, tax credits, state bond indentures, and federal funds requirements.

Exhibit D - Loans/Grants Receivables

City of Pinole
Inventory of Assets Received Pursuant to Health and Safety Code section 34176 (a) (2)

Item #	Was the Low-Mod Housing Fund amount issued for a loan or a grant?	Amount of the loan or grant	Date the loan or grant was issued	Person or entity to whom the loan or grant was issued	Purpose for which the funds were loaned or granted		Are there contractual requirements specifying the purposes for which the funds may be used?	Repayment date, if the funds are for a loan		Interest rate of loan	Current outstanding loan balance (g)
1	Loan	$40,000	9/17/2009	[redacted]	FTHB	a	YES	9/17/2044		0%	$40,000
2	Loan	$20,000	10/9/1996	[redacted]	FTHB	a	YES	DNA	e	0%	$20,000
3	Loan	$114,600	5/29/2003	[redacted]	FTHB	a	YES	DNA	e	0%	$114,600
4	Loan	$30,000	9/11/2001	[redacted]	FTHB	a	YES	DNA	e	0%	$30,000
5	Loan	$20,000	9/27/1996	[redacted]	FTHB	a	YES	DNA	e	0%	$20,000
6	Loan	$30,000	3/24/2010	[redacted]	FTHB	a	YES	3/24/2045		0%	$30,000
7	Loan	$30,000	9/11/2001	[redacted]	FTHB	a	YES	DNA	e	0%	$30,000
8	Loan	$30,000	7/1/2009	[redacted]	FTHB	a	YES	7/1/2044		0%	$30,000
9	Loan	$30,000	3/1/2010	[redacted]	FTHB	a	YES	3/1/2045		0%	$30,000
10	Loan	$50,000	1/10/2008	[redacted]	FTHB	a	YES	DNA	e	0%	$50,000
11	Loan	$20,000	8/26/1999	[redacted]	FTHB	a	YES	DNA	e	0%	$20,000
12	Loan	$50,000	7/28/2003	[redacted]	FTHB	a	YES	DNA	e	0%	$50,000
13	Loan	$30,000	2/25/2010	[redacted]	FTHB	a	YES	2/25/2045		0%	$30,000
14	Loan	$20,000	11/28/1995	[redacted]	FTHB	a	YES	DNA	e	0%	$20,000
15	Loan	$50,000	12/30/2003	[redacted]	FTHB	a	YES	DNA	e	0%	$50,000
16	Loan	$30,000	10/7/2009	[redacted]	FTHB	a	YES	10/7/2044		0%	$30,000
17	Loan	$20,000	11/16/1995	[redacted]	FTHB	a	YES	DNA	e	0%	$20,000
18	Loan	$54,575	7/31/2010	[redacted]	FTHB	a	YES	7/31/2050		0%	$54,575
19	Loan	$13,292	10/10/2006	[redacted]	RES-REH	b	YES	11/1/2036		2%	($2,683.37)
20	Loan	$22,000	8/12/2002	[redacted]	RES-REH	b	YES	DNA	f	2%	$22,000.00
21	Loan	$17,500	10/28/1998	[redacted]	RES-REH	b	YES	7/1/2037		2%	$2,342.76
22	Loan	$69,500	4/13/2006	[redacted]	RES-REH	b	YES	DNA	f	2%	$23,300.00
23	Loan	$2,649	3/21/2006	[redacted]	RES-REH	b	YES	5/1/2038		2%	$1,625.33
24	Loan	$26,000	8/2/2004	[redacted]	RES-REH	b	YES	DNA	f	2%	$26,000.00
25	Loan	$87,500	9/25/2000	[redacted]	RES-REH	b	YES	DNA	f	2%	$19,500.00
26	Loan	$10,429	6/9/2010	[redacted]	RES-REH	b	YES	DNA	f	2%	$10,429.00
27	Loan	$65,000	7/26/2004	[redacted]	RES-REH	b	YES	11/1/2020		2%	$39,110.16
28	Loan	$18,115	2/2/1999	[redacted]	RES-REH	b	YES	DNA	f	2%	$14,660.00
29	Loan	$17,916	3/6/2008	[redacted]	RES-REH	b	YES	5/31/2023		2%	$13,531.12
30	Loan	$14,081	4/2/1998	[redacted]	RES-REH	b	YES	DNA	f	2%	$14,081.00
31	Loan	$18,000	10/12/2004	[redacted]	RES-REH	b	YES	3/1/2020		2%	$9,971.46
32	Loan	$12,000	2/19/2010	[redacted]	RES-REH	c	YES	4/1/2025		2%	$10,600.07

33	Loan		$15,000		8/14/2007		[redacted]		RENTAL-REH	c	YES		5/1/2015		6%		$4,121,73
34	Loan		$21,250		6/21/1999		[redacted]		RENTAL-REH	c	YES		7/1/2037		6%		$4,192.58
35	Loan		$343,964.82		11/24/2003		[redacted]		MIXED USE	d	YES		10/1/2037		4%		$266,416.52
36	Loan		$275,800		8/1/2007		[redacted]		MIXED USE	d	YES		12/1/2015		6%		$94,256.03

a/ First Time Home Buyers Program
b/ Residential Rehabilitation Program
c/ Rental Rehabilitation Program
d/ Low-Mod Housing with Commercial Space
e/ Upon sale of property (equity sharing in-lieu of interest accrual)
f/ Paid upon sale of property
g/ Outstanding principle as of 06/30/2012

Exhibit E - Rents/Operations

City of Pinole
Inventory of Assets Received Pursuant to Health and Safety Code section 34176 (a) (2)

Item #	Type of payment a/	Type of property with which they payments are associated b/	Property owner	Entity that collects the payments	Entity to which the collected payments are ultimately remitted	Purpose for which the payments are used	Is the property encumbered by a low-mod housing covenant?	Source of low-mod housing covenant c/	Item # from Exhibit A the rent/operation is associated with (if applicable)
1	Ground Lease	Low-Mod Housing (Assisted Living Center)	Pinole Assisted Living Community, Inc. [CA 501(c3)]	City of Pinole	City of Pinole	Housing Programs & Activities	YES	CRL	#1
2	Emergency Service Fee	Low-Mod Housing	Pinole Assisted	City of Pinole	City of Pinole	Public Safety Programs	YES	CRL	#1
3	Construction Loans	Low-Mod Housing (Assisted Living Center)	Pinole Assisted Living Community, Inc. [CA 501(c3)]	City of Pinole	City of Pinole	Housing Programs & Activities	YES	CRL	#1
4									
5									
6									
7									
8									
9									
10									

a/ May include revenues from rents, operation of properties, residual receipt payments from developers, conditional grant repayments, costs savings and proceeds from refinancing, and principal and interest payments from homebuyers subject to enforceable income limits.

b/ May include low-mod housing, mixed-income housing, low-mod housing with commercial space, mixed-income housing with commercial space.

c/ May include California Redevelopment Law, tax credits, state bond indentures, and federal funds requirements.

Exhibit F - Rents

City of Pinole
Inventory of Assets Received Pursuant to Health and Safety Code section 34176 (a) (2)

Item #	Type of payment a/	Type of property with which the payments are associated b/	Property owner	Entity that collects the payments	Entity to which the collected payments are ultimately remitted	Purpose for which the payments are used	Is the property encumbered by a low-mod housing covenant?	Source of low-mod housing covenant c/	Item # from Exhibit A the rent is associated with (if applicable)
1									
2									
3									
4									
5									
6									
7									
8									
9									
10									
11									
12									
13									
14									
15									
16									
17									
18									
19									
20									

a/ May include rents or home loan payments.

b/ May include low-mod housing, mixed-income housing, low-mod housing with commercial space, mixed-income housing with commercial space.

c/ May include California Redevelopment Law, tax credits, state bond indentures, and federal funds requirements.

Exhibit G - Deferrals

City of Pinole
Inventory of Assets Received Pursuant to Health and Safety Code section 34176 (a) (2)

Item #	Purpose for which funds were deferred		Fiscal year in which funds were deferred		Amount deferred		Interest rate at which funds were to be repaid		Current amount owed		Date upon which funds were to be repaid
1	H&S 33690 (c) (1)	a	2009-10		$3,558,867		0%		$3,558,867		6/30/2015
2	H&S 33690.5 (c) (1)	a	2010-11		$732,708		0%		$732,708		6/30/2016
3											
4											
5											
6											
7											
8											
9											
10											
11											
12											
13											
14											
15											
16											
17											
18											
19											
20											

a/ Supplemental Educational Revenue Augmentation Funding Loan to Redevelopment Agency

APPENDIX 2 - HOUSING SUCCESSOR ANNUAL REPORT REQUIREMENTS

Housing Successor Reporting Requirements
Health and Safety Code Section 34176.1(f)

Housing Asset Fund Revenues & Expenditures	Other Assets and Active Projects	Obligations & Proportionality
Total amount deposited in the Housing Asset Fund for the fiscal year Amount of deposits funded by a Recognized Obligation Payment Schedule ("ROPS")	Description of any project(s) funded through the ROPS	Description of any outstanding production obligations of the former Agency that were inherited by the Housing Successor
Statement of balance at the close of the fiscal year	Update on property disposition efforts (note that housing successors may only hold property for up to five years, unless it is already developed with affordable housing)	Compliance with proportionality requirements (income group targets), which must be upheld on a five-year cycle
Description of Expenditures for the fiscal year, broken out as follows: • Homeless prevention and rapid rehousing • Administrative and monitoring • Housing development expenses by income level assisted	Other "portfolio" balances, including: • Statutory value of any real property either transferred from the former Agency or purchased by the Housing Asset Fund • Value of loans and grants receivable	Percentage of deed-restricted rental housing restricted to seniors and assisted by the former Agency, the Housing Successor, or the City within the past ten years compared to the total number of units assisted by any of those three agencies
Description of any transfers to another housing successor for a joint project	Inventory of homeownership units assisted by the former Agency or the housing successor that are subject to covenants or restrictions or to an adopted program that protects the former Agency's investment of monies from the Low and Moderate Income Housing Fund	Amount of any excess surplus, and, if any, the plan for eliminating it

APPENDIX 3 – HOUSING ASSET FUND EXPENDITURE REQUIREMENTS

Housing Asset Fund Expenditure Requirements *Health and Safety Code Section 34176.1*		
Expense Category	Limits	Allowable Uses
Administration and Compliance Monitoring	**$263,100 maximum** for FY 2023-24 (limit increases each year)	Administrative activities such as: • Professional services (consultant fees, auditor fees, etc.) • Staff salaries, benefits, and overhead for time spent on Housing Successor administration • Compliance monitoring to ensure compliance with affordable housing and loan agreements • Property maintenance at Housing Successor-owned properties Capped at $200,000 adjusted annually for inflation or 5% of the statutory value of real property owned by the housing successor and the value of loans and grants receivable from the HAT (“Portfolio”), whichever is greater.
Homeless Prevention and Rapid Rehousing Solutions	**$250,000 maximum** per fiscal year	Services for individuals and families who are homeless or would be homeless but for this assistance, including: • Contributions toward the construction of local or regional homeless shelters • Housing relocation and stabilization services including housing search, mediation, or outreach to property owners • Short-term or medium-term rental assistance • Security or utility deposits • Utility payments • Moving cost assistance • Credit repair • Case management • Other appropriate activities for homelessness prevention and rapid rehousing of persons who have become homeless.
Affordable Housing Development	No spending limit, but must comply with income and age targets	“Development” includes: • New construction • Acquisition and rehabilitation • Substantial rehabilitation • Acquisition of long-term affordability covenants on multifamily units • Preservation of at-risk units whose affordable rent restrictions would otherwise expire over the next five years

<table>
<tr><th colspan="3">Housing Asset Fund Expenditure Requirements
Health and Safety Code Section 34176.1</th></tr>
<tr><th>Expense Category</th><th>Limits</th><th>Allowable Uses</th></tr>
<tr><td rowspan="2"></td><td>Income Targets</td><td>Every five years (currently FYE 2020-2024), Housing Asset Funds must meet income targets:
• At least 30% on extremely low income rental households (up to 30% AMI or “Area Median Income”)
• No more than 20% on low income households (60-80% AMI)

Moderate and above moderate income households may not be assisted (above 80% AMI).

Failure to comply with the extremely low income requirement in any five-year compliance period will result in having to ensure that 50 percent of remaining funds be spent on extremely low income rental units until in compliance.

Exceeding the expenditure limit for low households earning between 60-80% AMI in any five-year reporting period will result in not being able to expend any funds on these income categories until in compliance.</td></tr>
<tr><td>Age Targets</td><td>For the prior ten years (resets every year), a maximum of 50% of deed-restricted rental housing units assisted by the Housing Successor or its host jurisdiction may be restricted to seniors.

If a housing successor fails to comply, Housing Asset Funds may not be spent on deed-restricted rental housing restricted to seniors until in compliance.</td></tr>
</table>

APPENDIX 4 – FIRST-TIME HOMEBUYER AND RESIDENTIAL REHABILITATION LOAN INVENTORY

Appendix 4
Outstanding First-Time Homebuyer and Housing Rehabilitation Loans

CLIENT NO	GROUP NAME	PROJECT NAME	ACCOUNT NO	LOAN TYPE	ORIGINAL BALANCE	ORIGINAL TERM (MOS.)	INTEREST RATE	MATURITY	PRINCIPAL BALANCE DUE	LOAN NOTE DATE
85	CITY OF PINOLE	FIRST TIME HOME BUYER (11610)	1000013492	DEF LOAN	$ 20,000.00	0	0%	12/31/99	$ 20,000.00	10/9/96
85	CITY OF PINOLE	FIRST TIME HOME BUYER (11610)	1000013493	DEF LOAN	$ 20,000.00	0	0%	12/31/99	$ 20,000.00	11/16/95
85	CITY OF PINOLE	FIRST TIME HOME BUYER (11610)	1000013494	DEF LOAN	$ 20,000.00	0	0%	12/31/99	$ 20,000.00	9/27/96
85	CITY OF PINOLE	FIRST TIME HOME BUYER (11610)	1000013495	DEF LOAN	$ 20,000.00	0	0%	12/31/99	$ 20,000.00	8/26/99
85	CITY OF PINOLE	FIRST TIME HOME BUYER (11610)	1000024061	PRIN ONLY	$ 30,000.00	420	0%	3/1/45	$ -	3/1/10
85	CITY OF PINOLE	FIRST TIME HOME BUYER (11610)	1000026167	PRIN ONLY	$ 54,575.00	480	0%	7/31/50	$ 47,298.20	7/31/10
85	CITY OF PINOLE	FIRST TIME HOME BUYER (11610)	1000026886	PRIN ONLY	$ 30,000.00	420	0%	3/24/45	$ -	3/24/10
85	CITY OF PINOLE	FIRST TIME HOME BUYER (11610)	1000023122	PRIN ONLY	$ 40,000.00	420	0%	9/17/44	$ 25,921.92	9/17/09
85	CITY OF PINOLE	FIRST TIME HOME BUYER (11610)	1000013497	DEF LOAN	$ 30,000.00	0	0%	12/31/99	$ 30,000.00	9/11/01
85	CITY OF PINOLE	FIRST TIME HOME BUYER (11610)	1000013500	DEF LOAN	$ 50,000.00	0	0%	12/31/99	$ 50,000.00	7/28/03
				Subtotal	**$ 314,575.00**			**Total**	**$ 233,220.12**	
85	CITY OF PINOLE	RESIDENTIAL REHAB (11630)	1000013422	PRIN & INT	$ 65,000.00	183	2%	10/1/22	$ -	7/29/07
85	CITY OF PINOLE	RESIDENTIAL REHAB (11630)	1000025458	DEF LOAN	$ 10,429.00	0	2%	12/31/99	$ 10,429.00	6/9/10
85	CITY OF PINOLE	RESIDENTIAL REHAB (11630)	1000020592	DEF LOAN	$ 69,500.00	0	2%	12/31/99	$ -	4/13/06
85	CITY OF PINOLE	RESIDENTIAL REHAB (11630)	1000013504	DEF LOAN	$ 87,500.00	0	2%	12/31/99	$ 19,500.00	6/21/00
				Subtotal	**$ 232,429.00**			**Total**	**$ 29,929.00**	
				Total Original Balance	**$ 547,004.00**			**Total Outstanding Balance 6/30/24**	**$ 263,149.12**	

Source: City of Pinole

811 SAN PABLO AVE	Bal Sheet (Fund 285) 6-30-20	Asset - 285-17103		$ 242,008.00
SAMUEL STREE	Bal Sheet (Fund 285) 6-30-20	???????		$ 411,879.00
2100 SAN PABLO AVE	Bal Sheet (Fund 285) 6-3020	Asset - 285-17108		$ 355,000.00
612 TENNENT	Bal Sheet (Fund 285) 6-30-20	Asset - 285-17107		$ 625,000.00
Supplemental Education Revenue Augmentation Fund		Bal Sheet (Fund 285) 6-30-20	Asset - 285-10503	$ 3,558,867.00
Supplemental Education Revenue Augmentation Fund		Bal Sheet (Fund 285) 6-30-20	Asset - 285-10503	$ 732,708.00
				$ 4,291,575.00

APPENDIX 5 – PINOLE AFFORDABLE HOUSING INVENTORY

Appendix 5 Pinole Affordable Housing Inventory					
Project	**Address**	**Total # Affordable Units**	**Type**	**Senior?**	**Owner/Operator**
Fernandez Corner	2401 San Pablo Avenue Pinole, CA 94564	16	Rental	No	Eclipse Property Management Inc.
647 Tennent Avenue	647 Tennent Ave Pinole, CA 94564	1	Rental	No	Private Homeowner
Alvarez Court Apartments	760 Alvarez Avenue Pinole, CA 94564	19	Rental	No	The John Stewart Company
East Bluff Apartments	1813 Marlesta Road Pinole, CA 94564	144	Rental	No	Eden Housing
Westmont of Pinole	2850 Estates Avenue Pinole, CA 94564	65	Rental	Yes	Westmont Living
Pinole Grove Senior Housing	800 John Street Pinole, CA 94564	69	Rental	Yes	BRIDGE Housing
DeNova Homes - 312 Felice Circle	312 Felice Circle Pinole, CA 94564	1	Rental	No	Private Homeowner
DeNova Homes - 336 Felice Circle	336 Felice Circle Pinole, CA 94564	1	Rental	No	Private Homeowner
DeNova Homes - 360 Felice Circle	360 Felice Circle Pinole, CA 94564	1	Rental	No	Private Homeowner
DeNova Homes - 424 Felice Circle	424 Felice Circle Pinole, CA 94564	1	Rental	No	Private Homeowner
DeNova Homes - 448 Felice Circle	448 Felice Circle Pinole, CA 94564	1	Rental	No	Private Homeowner
DeNova Homes - 460 Felice Circle	460 Felice Circle Pinole, CA 94564	1	Rental	No	Private Homeowner
609 Maiden Lane	609 Maiden Lane Pinole, CA 94564	1	Ownership	No	Private Homeowner
620 Maiden Lane	620 Maiden Lane Pinole, CA 94564	1	Ownership	No	Private Homeowner
612 Tennent Avenue	612 Tennent Avenue Piniole, CA 94564	1	Rental	No	LDW Investment
Vista Woods	600 Roble Avenue Piniole, CA 94564	178	Rental	Yes	MRK Partners
Valor Village	811 San Pablo Avenue Piniole, CA 94564	33	Rental	No	SAHA
TOTAL # AFFORDABLE HOUSING UNITS		**534**			

Represents affordable housing units monitored by the City of Pinole. Includes units assisted by the former Agency and units created to comply with the City's inclusionary housing ordinance.

State of California

HEALTH AND SAFETY CODE

Section 34176.1

34176.1. Funds in the Low and Moderate Income Housing Asset Fund described in subdivision (d) of Section 34176 shall be subject to the provisions of the Community Redevelopment Law (Part 1 (commencing with Section 33000)) relating to the Low and Moderate Income Housing Fund, except as follows:

(a) Subdivision (d) of Section 33334.3 and subdivision (a) of Section 33334.4 shall not apply. Instead, funds received from the successor agency for items listed on the Recognized Obligation Payment Schedule shall be expended to meet the enforceable obligations, and the housing successor shall expend all other funds in the Low and Moderate Income Housing Asset Fund as follows:

(1) For the purpose of monitoring and preserving the long-term affordability of units subject to affordability restrictions or covenants entered into by the redevelopment agency or the housing successor and for the purpose of administering the activities described in paragraphs (2) and (3), a housing successor may expend per fiscal year up to an amount equal to 5 percent of the statutory value of real property owned by the housing successor and of loans and grants receivable, including real property and loans and grants transferred to the housing successor pursuant to Section 34176 and real property purchased and loans and grants made by the housing successor. If this amount is less than two hundred thousand dollars ($200,000) for any given fiscal year, the housing successor may expend up to two hundred thousand dollars ($200,000) in that fiscal year for these purposes. The Department of Housing and Community Development shall annually publish on its Internet Web site an adjustment to this amount to reflect any change in the Consumer Price Index for All Urban Consumers published by the United States Department of Labor for the preceding calendar year. For purposes of this paragraph, “statutory value of real property” means the value of properties formerly held by the former redevelopment agency as listed on the housing asset transfer form approved by the department pursuant to paragraph (2) of subdivision (a) of Section 34176, the value of the properties transferred to the housing successor pursuant to subdivision (f) of Section 34181, and the purchase price of properties purchased by the housing successor.

(2) Notwithstanding Section 33334.2, if the housing successor has fulfilled all obligations pursuant to Sections 33413 and 33418, the housing successor may expend up to two hundred fifty thousand dollars ($250,000) per fiscal year for homeless prevention and rapid rehousing services for individuals and families who are homeless or would be homeless but for this assistance, including the provision of short-term or medium-term rental assistance, contributions toward the construction of local or regional homeless shelters, housing relocation and stabilization services including

housing search, mediation, or outreach to property owners, credit repair, security or utility deposits, utility payments, rental assistance for a final month at a location, moving cost assistance, and case management, or other appropriate activities for homelessness prevention and rapid rehousing of persons who have become homeless.

(3) (A) The housing successor shall expend all funds remaining in the Low and Moderate Income Housing Asset Fund after the expenditures allowed pursuant to paragraphs (1) and (2) for the development of housing affordable to and occupied by households earning 80 percent or less of the area median income, with at least 30 percent of these remaining funds expended for the development of rental housing affordable to and occupied by households earning 30 percent or less of the area median income and no more than 20 percent of these remaining funds expended for the development of housing affordable to and occupied by households earning between 60 percent and 80 percent of the area median income. A housing successor shall demonstrate in the annual report described in subdivision (f), for 2019, and every five years thereafter, that the housing successor's expenditures from January 1, 2014, through the end of the latest fiscal year covered in the report comply with the requirements of this subparagraph.

(B) If the housing successor fails to comply with the extremely low income requirement in any five-year report, then the housing successor shall ensure that at least 50 percent of these remaining funds expended in each fiscal year following the latest fiscal year following the report are expended for the development of rental housing affordable to, and occupied by, households earning 30 percent or less of the area median income until the housing successor demonstrates compliance with the extremely low income requirement in an annual report described in subdivision (f).

(C) If the housing successor exceeds the expenditure limit for households earning between 60 percent and 80 percent of the area median income in any five-year report, the housing successor shall not expend any of the remaining funds for households earning between 60 percent and 80 percent of the area median income until the housing successor demonstrates compliance with this limit in an annual report described in subdivision (f).

(D) For purposes of this subdivision, "development" means new construction, acquisition and rehabilitation, substantial rehabilitation as defined in Section 33413, the acquisition of long-term affordability covenants on multifamily units as described in Section 33413, or the preservation of an assisted housing development that is eligible for prepayment or termination or for which within the expiration of rental restrictions is scheduled to occur within five years as those terms are defined in Section 65863.10 of the Government Code. Units described in this subparagraph may be counted towards any outstanding obligations pursuant to Section 33413, provided that the units meet the requirements of that section and are counted as provided in that section.

(b) Subdivision (b) of Section 33334.4 shall not apply. Instead, if the aggregate number of units of deed-restricted rental housing restricted to seniors and assisted individually or jointly by the housing successor, its former redevelopment agency, and its host jurisdiction within the previous 10 years exceeds 50 percent of the aggregate number of units of deed-restricted rental housing assisted individually or jointly by the housing successor, its former redevelopment agency, and its host jurisdiction within the same time period, then the housing successor shall not expend these funds to assist additional senior housing units until the housing successor or its host jurisdiction assists, and construction has commenced, a number of units available to all persons, regardless of age, that is equal to 50 percent of the aggregate number of units of deed-restricted rental housing units assisted individually or jointly by the housing successor, its former redevelopment agency, and its host jurisdiction within the time period described above.

(c) (1) Program income a housing successor receives shall not be associated with a project area and, notwithstanding subdivision (g) of Section 33334.2, may be expended anywhere within the jurisdiction of the housing successor or transferred pursuant to paragraph (2) without a finding of benefit to a project area. For purposes of this paragraph, "program income" means the sources described in paragraphs (3), (4), and (5) of subdivision (e) of Section 34176 and interest earned on deposits in the account.

(2) Two or more housing successors within a county, within a single metropolitan statistical area, within 15 miles of each other, or that are in contiguous jurisdictions may enter into an agreement to transfer funds among their respective Low and Moderate Income Housing Asset Funds for the sole purpose of developing transit priority projects as defined in subdivisions (a) and (b) of Section 21155 of the Public Resources Code, permanent supportive housing as defined in paragraph (2) of subdivision (b) of Section 50675.14, housing for agricultural employees as defined in subdivision (g) of Section 50517.5, or special needs housing as defined in federal or state law or regulation, or for a regional homeless shelter, if all of the following conditions are met:

(A) Each participating housing successor has made a finding based on substantial evidence, after a public hearing, that the agreement to transfer funds will not cause or exacerbate racial, ethnic, or economic segregation.

(B) The development to be funded shall not be located in a census tract where more than 50 percent of its population is very low income, unless the development is within one-half mile of a major transit stop or high-quality transit corridor as defined in paragraph (3) of subdivision (b) of Section 21155 of the Public Resources Code.

(C) The completed development shall not result in a reduction in the number of housing units or a reduction in the affordability of housing units on the site where the development is to be built.

(D) A transferring housing successor shall not have any outstanding obligations pursuant to Section 33413.

(E) No housing successor may transfer more than one million dollars ($1,000,000) per fiscal year.

(F) The jurisdictions of the transferring and receiving housing successors each have an adopted housing element that the Department of Housing and Community Development has found pursuant to Section 65585 of the Government Code to be in substantial compliance with the requirements of Article 10.6 (commencing with

Section 65580) of Chapter 3 of Division 1 of Title 7 of the Government Code and have submitted to the Department of Housing and Community Development the annual progress report required by Section 65400 of the Government Code within the preceding 12 months.

(G) Transferred funds shall only assist rental units affordable to, and occupied by, households earning 60 percent or less of the area median income.

(H) Transferred funds not encumbered within two years shall be transferred to the Department of Housing and Community Development for expenditure pursuant to the Multifamily Housing Program or the Joe Serna, Jr. Farmworker Housing Grant Program.

(d) Sections 33334.10 and 33334.12 shall not apply. Instead, if a housing successor has an excess surplus, the housing successor shall encumber the excess surplus for the purposes described in paragraph (3) of subdivision (a) or transfer the funds pursuant to paragraph (2) of subdivision (c) within three fiscal years. If the housing successor fails to comply with this subdivision, the housing successor, within 90 days of the end of the third fiscal year, shall transfer any excess surplus to the Department of Housing and Community Development for expenditure pursuant to the Multifamily Housing Program or the Joe Serna, Jr. Farmworker Housing Grant Program. For purposes of this subdivision, “excess surplus” shall mean an unencumbered amount in the account that exceeds the greater of one million dollars ($1,000,000) or the aggregate amount deposited into the account during the housing successor’s preceding four fiscal years, whichever is greater.

(e) Section 33334.16 shall not apply to interests in real property acquired on or after February 1, 2012. With respect to interests in real property acquired by the former redevelopment agency before February 1, 2012, the time periods described in Section 33334.16 shall be deemed to have commenced on the date that the department approved the property as a housing asset.

(f) Section 33080.1 of this code and Section 12463.3 of the Government Code shall not apply. Instead, the housing successor shall conduct, and shall provide to its governing body, an independent financial audit of the Low and Moderate Income Housing Asset Fund within six months after the end of each fiscal year, which may be included in the independent financial audit of the host jurisdiction. If the housing successor is a city or county, it shall also include in its report pursuant to Section 65400 of the Government Code and post on its Internet Web site all of the following information for the previous fiscal year. If the housing successor is not a city or county, it shall also provide to its governing body and post on its Internet Web site all of the following information for the previous fiscal year:

(1) The amount the city, county, or city and county received pursuant to subparagraph (A) of paragraph (3) of subdivision (b) of Section 34191.4.

(2) The amount deposited to the Low and Moderate Income Housing Asset Fund, distinguishing between amounts deposited pursuant to subparagraphs (B) and (C) of paragraph (3) of subdivision (b) of Section 34191.4, amounts deposited for other items listed on the Recognized Obligation Payment Schedule, and other amounts deposited.

(3) A statement of the balance in the fund as of the close of the fiscal year, distinguishing any amounts held for items listed on the Recognized Obligation Payment Schedule from other amounts.

(4) A description of expenditures from the fund by category, including, but not limited to, expenditures (A) for monitoring and preserving the long-term affordability of units subject to affordability restrictions or covenants entered into by the redevelopment agency or the housing successor and administering the activities described in paragraphs (2) and (3) of subdivision (a), (B) for homeless prevention and rapid rehousing services for the development of housing described in paragraph (2) of subdivision (a), and (C) for the development of housing pursuant to paragraph (3) of subdivision (a).

(5) As described in paragraph (1) of subdivision (a), the statutory value of real property owned by the housing successor, the value of loans and grants receivable, and the sum of these two amounts.

(6) A description of any transfers made pursuant to paragraph (2) of subdivision (c) in the previous fiscal year and, if still unencumbered, in earlier fiscal years and a description of and status update on any project for which transferred funds have been or will be expended if that project has not yet been placed in service.

(7) A description of any project that the housing successor receives or holds property tax revenue pursuant to the Recognized Obligation Payment Schedule and the status of that project.

(8) For interests in real property acquired by the former redevelopment agency before February 1, 2012, a status update on compliance with Section 33334.16. For interests in real property acquired on or after February 1, 2012, a status update on the project.

(9) A description of any outstanding obligations pursuant to Section 33413 that remained to transfer to the housing successor on February 1, 2012, of the housing successor's progress in meeting those obligations, and of the housing successor's plans to meet unmet obligations. In addition, the housing successor shall include in the report posted on its Internet Web site the implementation plans of the former redevelopment agency.

(10) The information required by subparagraph (B) of paragraph (3) of subdivision (a).

(11) The percentage of units of deed-restricted rental housing restricted to seniors and assisted individually or jointly by the housing successor, its former redevelopment agency, and its host jurisdiction within the previous 10 years in relation to the aggregate number of units of deed-restricted rental housing assisted individually or jointly by the housing successor, its former redevelopment agency, and its host jurisdiction within the same time period.

(12) The amount of any excess surplus, the amount of time that the successor agency has had excess surplus, and the housing successor's plan for eliminating the excess surplus.

(13) An inventory of homeownership units assisted by the former redevelopment agency or the housing successor that are subject to covenants or restrictions or to an

adopted program that protects the former redevelopment agency's investment of moneys from the Low and Moderate Income Housing Fund pursuant to subdivision (f) of Section 33334.3. This inventory shall include all of the following information:

(A) The number of those units.

(B) In the first report pursuant to this subdivision, the number of units lost to the portfolio after February 1, 2012, and the reason or reasons for those losses. For all subsequent reports, the number of the units lost to the portfolio in the last fiscal year and the reason for those losses.

(C) Any funds returned to the housing successor as part of an adopted program that protects the former redevelopment agency's investment of moneys from the Low and Moderate Income Housing Fund.

(D) Whether the housing successor has contracted with any outside entity for the management of the units and, if so, the identity of the entity.

(Amended by Stats. 2017, Ch. 35, Sec. 1. (AB 346) Effective January 1, 2018.)

CITY COUNCIL REPORT

9.G.

DATE: MARCH 18, 2025

TO: MAYOR AND COUNCIL MEMBERS

FROM: Heather Bell, City Clerk, hbell@pinole.gov

SUBJECT: RESOLUTION AFFIRMING CITY AND COMMUNITY VALUES

RECOMMENDATION

At the December 17, 2024 meeting, Mayor Sasai requested a future agenda item reaffirming the City's commitment to supporting and valuing all members of the Pinole community and to protecting its democratic values, the rule of law and the civil rights and liberties of Pinole's residents, workers and visitors. The City Council approved this request.

BACKGROUND

Staff was provided with draft language and has prepared the attached resolution for the City Council's consideration.

REVIEW AND ANALYSIS

The City Council may recommend changes to the draft language for inclusion in the final resolution.

FISCAL IMPACT

There is no fiscal impact.

ATTACHMENTS

A. Resolution

RESOLUTION NO. 2025-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PINOLE, REAFFIRMING THE CITY'S COMMITMENT TO PROTECTING IMMIGRANT AND OTHER VULNERABLE COMMUNITIES, UPHOLDING CIVIL RIGHTS AND LIBERTIES, AND DEFENDING CONSTITUTIONAL VALUES AND THE RULE OF LAW FOR ALL PINOLE RESIDENTS, WORKERS, AND VISITORS

WHEREAS, on April 20, 2021, the Pinole City Council issued a proclamation expressing its unwavering support for the Asian American and Pacific Islander (AAPI) communities, condemning the xenophobic rhetoric and discrimination that surged during the COVID-19 pandemic, acknowledging that harmful statements of the prior presidential administration contributed significantly to the spread of fear, stigma, and anti-Asian sentiment, and reaffirming the City’s commitment to fostering a community of inclusivity, dignity, and respect for all people, regardless of race, ethnicity, national origin or background; and

WHEREAS, the City of Pinole is a diverse community of people from a variety of cultural backgrounds, economic statuses, gender identities, sexual orientations, immigration statuses, religions, and ethnicities, all of whom are valued in the Pinole community; and

WHEREAS, Pinole residents are deeply committed to one another and their community, often volunteering for service organizations, getting involved in their neighborhoods, supporting the most vulnerable, and coming together to celebrate our diversity; and

WHEREAS, the Pinole community has become increasingly concerned about the serious risks to marginalized populations of harassment, discrimination, deportation, persecution, rejection of fundamental human and civil rights and liberties, and nullification of national laws safeguarding protected classes of people; and

WHEREAS, the City of Pinole is committed to working with our partners and elected representatives at the County, State, and Federal levels of government to support policies that affirm the rights of Pinole residents, workers, and visitors; and

WHEREAS, in light of recent actions by the federal government under the new presidential administration, including the increased ICE raids and the expansion of immigration enforcement powers, which directly target undocumented individuals in California and sanctuary jurisdictions, the City of Pinole recognizes the importance of supporting our residents who may become the targets of unjust deportation, family separation, and the erosion of civil liberties; and

WHEREAS, the City of Pinole reaffirms its adherence to California's Sanctuary State status as established by Senate Bill 54 (de León), which limits local law enforcement cooperation, including the Pinole Police Department, with federal immigration authorities, limits the use of city resources for immigration enforcement, and protects the civil rights of all individuals by ensuring that schools, hospitals, and courthouses remain safe spaces, free from immigration-relation detentions and inquiries; and

WHEREAS, the City of Pinole fully embraces the system of democracy, checks and balances, the rule of law, and federalism enshrined in the United States Constitution and Bill of Rights and will do everything in its power to protect these sacred institutions in Pinole; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Pinole hereby commits to protecting the rights, liberties, and freedoms of Pinole residents, workers, and visitors; and

FURTHER, BE IT RESOLVED, that the City of Pinole affirms the rights and liberties of all Pinole residents; and

FURTHER, BE IT RESOLVED, that the City of Pinole will ensure that "Know Your Rights" red cards and related informational materials from Stand Together Contra Costa are made available at all public facilities within the city, in a variety of languages, to ensure that all residents, especially those from vulnerable communities, are properly informed of their constitutional rights, regardless of their immigration status, and are equipped to protect themselves against potential constitutional violations; and

FURTHER, BE IT RESOLVED, that the City of Pinole will disseminate information about these resources to the public through various communication channels, including but not limited to the Mayor and/or City Council's video and written communications, city newsletters, and the City's official social media platforms, with the goal of ensuring that all residents, particularly those in vulnerable communities, are informed about their rights and where to access these critical resources.

FURTHER, BE IT RESOLVED, that the City of Pinole intends to comply with Senate Bill 54 (de León) and the State law restrictions on the use of law enforcement resources to facilitate the deportation of Pinole residents, workers, and visitors, except as explicitly mandated by law pursuant to the provisions of SB 54 (de León).