PLANNING COMMISSION RESOLUTION NO. 10-20

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PINOLE RECOMMENDING THAT THE CITY COUNCIL ADOPT THE THREE CORRIDORS SPECIFIC PLAN AND A COMPREHENSIVE ZONING CODE UPDATE (RZ 10-01)

WHEREAS, the City of Pinole initiated a comprehensive update to the City's General Plan in conformance with Government Code Section 65300 in 2006; and

WHEREAS, Section 65450 of the Government Code of the State of California allows cities to prepare specific plans for the systematic implementation of the City's General Plan for all or part of the area covered by the General Plan; and

WHEREAS, the City of Pinole has concurrently prepared the Draft Three Corridors Specific Plan dated May 2010 to help implement the General Plan and provide focused policy direction and development requirements for portions of San Pablo Avenue, Pinole Valley Road, and Appian Way within the City of Pinole in order to guide future development, facilitate revitalization, and encourage public and private investment along these three major commercial corridors and it is hereby incorporated by reference in this resolution; and

WHEREAS, the City of Pinole has also prepared a Draft Zoning Code Update dated July 2010 to implement the General Plan by providing specific regulations governing the development and use of land within the City limits, provide procedural and reflect legal changes that affect land use throughout the City in order to protect the public health, safety, comfort and convenience and welfare of the residents and businesses of Pinole which is hereby incorporated by reference in this resolution; and

WHEREAS, the Zoning Code Update is the primary regulatory device to implement the General Plan for portions of the City not included within the Three Corridors Specific Plan and includes certain detailed regulations that apply both inside and outside the Specific Plan area when the Specific Plan is silent on a topic; and

WHEREAS, the Three Corridors Specific Plan and Zoning Code Update are complementary components of the General Plan Update project;

WHEREAS, the General Plan Update Steering Committee, staff and consultants have undertaken a comprehensive update of the General Plan and have conducted a public participation program including interviews with property owners and citizens; discussions with affected public agencies; email notifications and updates to interested parties; stakeholder group meetings; community newsletter articles; public workshops and meetings to solicit public input on the contents of the General Plan Update; the Three Corridors Specific Plan and the Zoning Code Update; and

WHEREAS, the City prepared and circulated a Draft EIR dated July 2010 (SCH No. 2009022057) for 45 days and prepared a Final EIR dated September 2010 that analyzed the significant environmental impacts associated with adoption of the General Plan Update project including the Three Corridors Specific Plan and the Zoning Code Update and all the EIR information is hereby incorporated by reference in this resolution; and

WHEREAS, the Planning Commission held a duly-noticed public hearing on September 27, 2010 and after the close of public hearing, the Planning Commission considered all public comments, the presentation by City staff, consultants, the staff report, and all pertinent documents regarding the proposed project; and

WHEREAS, Following the hearing and based on the record before it, the Planning Commission passed Resolution 10-18 recommending that City Council certify the Final EIR and passed Resolution 10-19 recommending approval of the General Plan Update, and these resolutions are incorporated herein by reference; and

WHEREAS, the Planning Commission finds that the May 2010 Draft Three Corridors Specific Plan and the July 2010 Hearing Draft Comprehensive Zoning Code Update comply with California State Planning and Zoning Laws and with the changes described in the addendum for the Three Corridors Specific Plan attached as Exhibit "A" and the addendum for the Zoning Code Update attached as Exhibit "B" to this resolution reflects the independent judgment of the Planning Commission as well as public input received; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Pinole does hereby recommend to the City Council:

1. That the City of Pinole adopt the Draft Three Corridors Specific Plan dated May 2010, with the revisions identified in Exhibit "A" of this resolution; and

2. That the current Zoning Code included as Title 17 in the City's Municipal Code be repealed including the Zoning Map

3. That the Hearing Draft Comprehensive Zoning Code Update dated July 2010, with the revisions identified in Exhibit "B" of this resolution be adopted.

PASSED, APPROVED AND ADOPTED this 27th day of September, 2010 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Patty McGoldrick, Chair 2010-2011

ATTEST:

_____
Winston Rhodes, AICP, Planning Manager

EXHIBIT A

Planning Commission Resolution No. 10-20

Three Corridors Specific Plan Addendum

Building Height and Setbacks

Change #1

Insert Instructions: *Modify the Building Height Requirements for the San Pablo Avenue Corridor starting on P. 6.0-21 as follows:*

DEVELOPMENT STANDARDS

A. Building Height Requirements

The maximum height in San Pablo Avenue varies by sub-area, and is intended to preserve the character of Old Town, the small town feel of Pinole while encouraging compact, walkable, development that will stimulate economic growth.

Table 6.3
Height Requirements

Maximum Height	Old Town	Mixed Use	Service
	~~54~~0' or ~~43~~ stories*	50' or 4 stories*	50' or 4 stories*

*Special Height Requirements:

3) In the Old Town Sub-Area, buildings may exceed 40 feet and 3 stories in height if the following findings can be made:

   i) The building would not exceed 50 feet in height and 4 stories;

   ii) The building architecture complements the architectural styles and building forms on surrounding properties;

   iii) The building has been designed and sited to meet the setback requirements and performance standards established for the sub-area, and to respect existing structures and avoid creating building scale that overwhelms surrounding development; and

   iv) The project would result in one or more community benefits:

- Residential developments with mixed-income workforce housing that includes long-term affordability covenants to assure at least 20 percent of the units on site remain affordable to lower-income households
- Residential or nonresidential developments with on-site child care
- LEED-certified gold or higher green building developments
- On-site recreation facilities available to the public
- Developments that include 50 or more employment opportunities for existing residents
- Developments which include substantial public art features
- Developments that provide a bus turnout or other features that directly benefit transit riders or transit providers
- Construction of off-site infrastructure improvements to correct pre-existing deficiencies
- Substantial financial contributions that enable the City to complete high-priority capital projects listed in the most recent City Capital Improvement Program
- Other features that provide substantial benefits and address unmet needs of the neighborhood or City as a whole

Change #2

Insert Instructions: *Modify the Building Placement requirements starting on P 6.0-39 as follows:*

Table 6.4 displays setback requirements for each sub-area in San Pablo Avenue

Table 6.4
Setback Requirements

Building Placement	Old Town	Mixed-Use	Service
"Build To" Front Line*	Minimum: 0’ Maximum: 5’	Minimum: 0’ Maximum: 10’	Minimum: 0’ Maximum: 5’
Minimum Side Yard	0' except when adjacent to residential uses. When abutting existing residential, minimum setback is 15’.	0’ except when adjacent to residential uses. When abutting existing residential, minimum setback is 15’.	0’ except when adjacent to residential uses. When abutting existing residential, minimum setback is 15’.
Minimum Rear Yard	5’ except when adjacent to residential uses. When abutting existing residential, minimum setback is 15’	0’ except when adjacent to residential uses. When abutting existing residential, minimum setback is 15’.	0’ except when adjacent to residential uses. When abutting existing residential, minimum setback is 15’.

*Build To Front Line Exceptions:

Within the Old Town Sub-Area, the maximum Build to Front Line standard may be increased through project review in order to reduce conflicts with neighboring development patterns (e.g., adjoining craftsman style homes) that establish a different prevailing setback.

Change #3

"Building Setback" Clarification

Add note or clarification text to Table 6.4 that explains that side yard setback distances are total building separation distances (i.e., combined side yard setback distances rather than a minimum distance for each side yard). Add similar note or clarification to Table 6.10 and Table 6.16 so this change applies to all three corridors and modify Specific Plan glossary as needed.

Change #4

Insert Instructions: *Modify the Building Height Requirements for the Pinole Valley Road Corridor starting on P. 6.0-37 as follows:*

DEVELOPMENT STANDARDS

A. Building Height Requirements

The maximum height requirements for Pinole Valley Road is intended to preserve the compact, walkable, historic old town core, offer a gradual transition into the surrounding residential neighborhoods while simultaneously stimulating economic development along the Service sub-district.

Table 6.9 displays height requirements for each sub-area in Pinole Valley Road

Table 6.9
Height Requirements

Maximum Height	Old Town	Service
	~~5~~40' or ~~4~~3 stories*	50' or 4 stories*

*Special Height Requirements:

3) In the Old Town Sub-Area, buildings may exceed 40 feet and 3 stories in height if the following findings can be made:

   i) The building would not exceed 50 feet in height and 4 stories;

   ii) The building architecture complements the architectural styles and building forms on surrounding properties;

iii) The building has been designed and sited to meet the setback requirements and performance standards established for the sub-area, and to respect existing structures and avoid creating building scale that overwhelms surrounding development; and

iv) The project would result in one or more community benefits:

- Residential developments with mixed-income workforce housing that includes long-term affordability covenants to assure at least 20 percent of the units on site remain affordable to lower-income households
- Residential or nonresidential developments with on-site child care
- LEED-certified gold or higher green building developments
- On-site recreation facilities available to the public
- Developments that include 50 or more employment opportunities for existing residents
- Developments which include substantial public art features
- Developments that provide a bus turnout or other features that directly benefit transit riders or transit providers
- Construction of off-site infrastructure improvements to correct pre-existing deficiencies
- Substantial financial contributions that enable the City to complete high-priority capital projects listed in the most recent City Capital Improvement Program
- Other features that provide substantial benefits and address unmet needs of the neighborhood or City as a whole

Insert Instructions: *Modify the Building Placement requirements starting on P 6.0-39 as follows:*

Table 6.10 displays setback requirements for each sub-area in Pinole Valley Road

Table 6.10
Setback Requirements

Building Placement	Old Town	Service
"Build To" Front Line*	Minimum: 0' Maximum: 5'	Minimum: 0' Maximum: 5'
Minimum Side Yard	0' except when adjacent to residential uses. When abutting existing residential, setback is 15'.	0' except when adjacent to residential uses. When abutting existing residential, setback is 15'.
Minimum Rear Yard	5' except when adjacent to residential uses. When abutting existing residential, setback is 15'.	0' except when adjacent to residential uses. When abutting existing residential, setback is 15'.

*Build To Front Line Exceptions:

Within the Old Town Sub-Area, the maximum Build to Front Line standard may be increased through project review in order to reduce conflicts with neighboring development patterns (e.g., adjoining craftsman style homes) that establish a different prevailing setback.

Change #5

Add text to the Applicability/Administration Sub-Section within Section 6.3 that cross-references the Old Town Design Guidelines that shall be retained and amended to be consistent with the Specific Plan to assist with implementation Old Town Sub-Areas of the San Pablo Avenue and Pinole Valley Road corridors and help protect the existing positive characteristics of the Old Town area.

Change #6

Insert Instructions: *Modify Section 7.4 to include a reference to Old Town Design Guidelines as follows:*

7.4 OLD TOWN SUB-AREA DESIGN GUIDELINES

1. SITE DESIGN

a. On corner properties, orienting and locating the building at the minimum setback is required.

b. Corner buildings shall have angled corners or corner walk-throughs to provide drivers visibility when turning right at the intersection.

c. Pedestrian linkages should be provided to nearby neighborhoods, parks, and activity areas in the vicinity.

d. Structures that are distinctive because of their age, cultural significance, or unique architectural style should be preserved and incorporated into development proposals.

e. Link compatible residential and non-residential uses by utilizing access roads, walkways, common landscape areas, building orientation, and unfenced property lines.

f. Loading areas, access, and circulation driveways, trash and storage areas, and rooftop equipment should be located at the rear or side of buildings and screened from public view.

g. Employ landscaping to screen parking lots from adjacent residential uses and streets.

h. Corner buildings should have a strong tie to the front setback lines of each street. Angles building corners or open plazas are encouraged at corner locations.

i. Site amenities should be preserved and should become part of the new project.

j. Development shall conform to the Old Town Design Guidelines maintained by the City as periodically updated.

Land Use Changes

Change#7

Modify Table 6.2 and/or the Three Corridors Specific Plan glossary to include truck and bus terminals as well as parking facilities be allowed uses in the Office Industrial Mixed Use (OIMU) zone with a conditional use permit.

Change #8

Insert Instructions: *Modify Land Use Table 6.2 as well as Table 6.8 as follows:*

Table 6.2
Permitted Land uses for San Pablo Avenue
Permitted Use provisions are symbolized in the table as follows:
P = Land Use permitted by right
CUP = Land Use permitted with approval of Conditional Use Permit
N = Land Use not permitted

LAND USE CLASSIFICATIONS	Old Town Sub-Area					Service Sub-Area					Mixed-Use Sub-Area				
	MDR		RMU	CMU	OPMU	PQI	CMU	OPMU	OIMU	Public/ Quasi Public	VHDR	RMU	CMU	OPMU	Public/ Quasi Public
Residential Use Listings															
Adult Day Care Home	P		P	P	P	N	P	P	P	N	P	P	P	P	P
Child Day Care Facility	CUP		CUP	CUP	CUP	CUP	CUP	CUP	N	CUP	CUP	CUP	CUP	CUP	CUP
Dwelling, Multifamily	P		P	N[b]	N[b]	N	P[b]	P[b]	P[b]	N	P	P	P[b]	P[b]	N
Dwelling, Second Unit	CUP		N	N	N	N	N	N	N	N	N	N	N	N	N
Dwelling, Single-family	P		P	N	N	N	N	N	N	N	N	N	N	N	N
Dwelling, Two-family	P[d]		P[d]	N[d]	N	N	N	N	N	N	N	N	N	N	N
Family Day Care Home, Small (6 children or less)	P		P	P	P	P	P[d]	P[d]	N	N	P	P	P[d]	P	N
Family Day Care Home, Large (7 – 24 children)	P[a]		P[a]	P[a]	P[a]	N	P	P	N	P	P	P	P	N	N

LAND USE CLASSIFICATIONS	Old Town Sub-Area					Service Sub-Area					Mixed-Use Sub-Area				
	MDR		RMU	CMU	OPMU	PQI	CMU	OPMU	OIMU	Public/ Quasi Public	VHDR	RMU	CMU	OPMU	Public/ Quasi Public
Home Occupation	P		P	P	P	N	P[a]	P[a]	P[a]	P	P[d]	P[d]	P[a]	P	N
Live-Work Facility	P		P	P	P	P	P	P	P	P	N	P	P	P	P
Residential Care Home	CUP		P	P	P	CUP	CUP[b]	CUP[b]	CUP	CUP	CUP	P[a]	CUP[b]	CUP[b]	N
Emergency Shelter/ Temporary Home	N		N	N	N	N	CUP[b]	CUP[b]	P	CUP	CUP	P[a]	CUP[b]	CUP[b]	N

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

LAND USE CLASSIFICATIONS	Old Town Sub-Area					Service Sub-Area					Mixed-Use Sub-Area					
	MDR		RMU	CMU	OPMU	PQI	CMU	OPMU	OIMU	Public/ Quasi Public	VHDR	RMU	CMU	OPMU	Public/ Quasi Public	
Retail, Service, and Office Listings																
Adult-Related Business	N		N	N	N	N	N	N	CUP	N	N	N	N	N	N	
Alcoholic Beverage Sales	N		CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	N	CUP	CUP	CUP	CUP	
Banks and Financial Services	N		P	P	P	N	P	P	P	N	N	P	P	P	N	
Bars and Nightclubs	N		CUP	CUP	CUP	N	CUP	CUP	CUP	CUP	N	CUP	CUP	CUP	N	
Bed and Breakfast	CUP		CUP[b]	CUP[b]	N	N	CUP[b]	N	N	N	CUP	CUP[b]	CUP[b]	N	N	
Building Materials Stores and Yards	N		CUP	CUP	N	N	N	N	CUP	N	N	N	N	N	N	
Business Support Services	N		N	CUP	CUP	N	P	P	P	N	N	P	P	P	N	
Drive-in/Drive-through sales/services	N		N	N	N	N	N	CUP	CUP	N	N	N	CUP	CUP	N	
Equipment Sales and Rental	N		CUP[C]	P	CUP	N	N	CUP	CUP	N	N	N	N	CUP	N	
Home Improvement Supplies	N		CUP	P	CUP	N	P	CUP	CUP	N	N	CUP[c]	P	CUP	N	
Hotels/Motels	N		N	CUP	CUP	N	P	CUP	CUP	N	N	CUP	P	CUP	N	
Kennels	N		N	CUP	CUP	N	CUP	CUP	CUP	N	N	N	CUP	CUP	N	
Medical Services - General	N		N	CUP	CUP	N	CUP	CUP	CUP	N	N	N	CUP	CUP	N	
Medical Services – Hospital	N		N	CUP	CUP	P	P	P	P	P	N	N	CUP	CUP	P	
Office – Business and Professional	N		P	P	P	P	P	P	P	P	N	P	P	P	P	
Personal Services	CUP		P	P	P	P	P	P	P	P	CUP	P	P	P	P	
Personal Services - Restricted	N		CUP	CUP	CUP	N	CUP	CUP	CUP	N	N	CUP	CUP	CUP	N	
Restaurants	N		P	P	P	N	P	P	P	N	N	P	P	P	N	
Retail	N		P	P	P	N	P	P	P	N	N	P	P	P	N	
Veterinary Facility	N		CUP	P	P	N	P	P	P	N	N	CUP	P	P	N	
Automotive and Vehicle Use Listings																
Auto Parts Sales	N		CUP	P	P	N	P	P	P	N	N	CUP	P	P	N	

LAND USE CLASSIFICATIONS	Old Town Sub-Area					Service Sub-Area					Mixed-Use Sub-Area				
	MDR		RMU	CMU	OPMU	PQI	CMU	OPMU	OIMU	Public/ Quasi Public	VHDR	RMU	CMU	OPMU	Public/ Quasi Public
Car Wash and Detailing	N		N	N	N	N	N	N	CUP	N	N	N	N	N	N
Service Stations	N		N	N	N	N	N	N	CUP	N	N	N	N	N	N
Vehicle Services	N		N	CUP	CUP	N	CUP	CUP	CUP	CUP	N	N	CUP	CUP	N
Industrial, Manufacturing, and Processing Use Listings															
Manufacturing - Minor	N		CUP~~N~~	CUP~~N~~	N	N	N	N	CUP	N	N	N	N	N	N
Cottage Industry	N		~~CU~~P	P~~N~~	N	N	P	P	P	N	N	CUP	N	N	N
Personal Storage Facility	N		N	N	N	N	N	N	CUP	N	N	N	N	N	N
Printing and Publishing	N		CUP	P	P	N	P	P	P	N	N	CUP	P	P	N
Recycling Facility – Collection	N		P	P	P	P	P	P	P	P	P	P	P	P	P
Recycling Facility – Processing	N		N	N	N	N	N	N	CUP	N	N	N	N	N	N

Footnotes:

a – Home occupations must have no external evidence of business activity, (e.g. signs, noise, odor, vibration, etc.) or reduce available parking. No customers or employees are allowed at the home and no advertising which gives the home address is allowed.

~~*b – Not allowed on first floor at street frontage*~~

~~*c*~~*b – Square footage not to exceed 10,000 Square feet.*

~~*d*~~*c – Not permitted if the same use is preexisting and within 300'*

Note: The land use table shall be updated to reflect the changes in footnote references

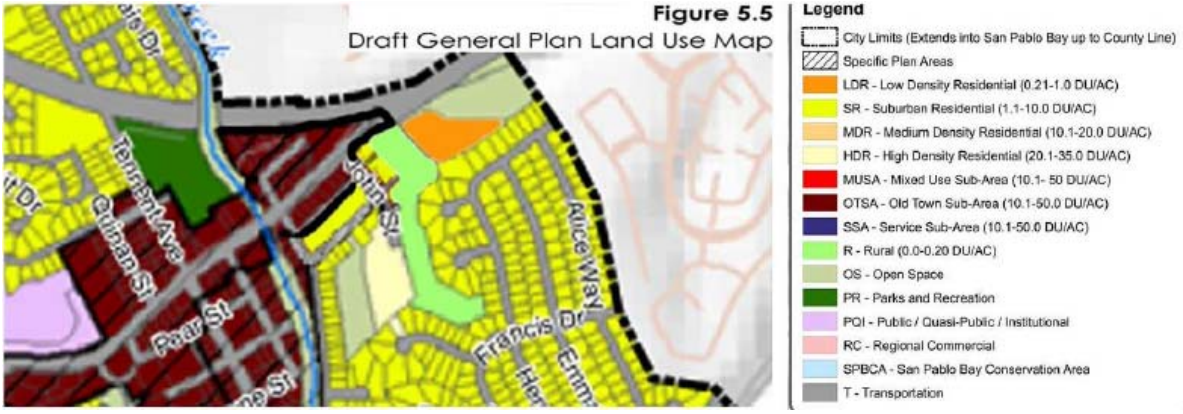
Land Use Map Changes

Change #9

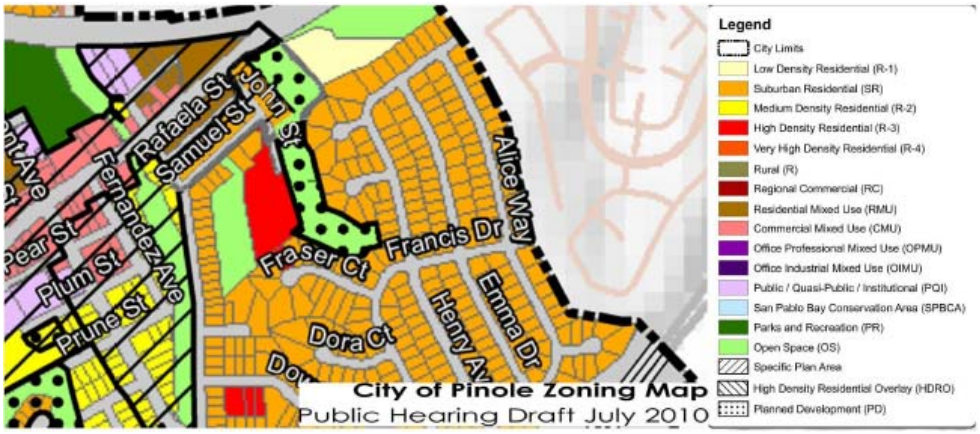
<u>Revise John Street Land Use</u>

Remove the area east of Pinole Valley Road between Rafaela and Samuel Streets, and the area east of John Street from the Specific Plan. This will require modifications to the **Cover** graphic and **Figures 1.2a, 1.2b, 3.4a, 3.4b, 3.4c, 4.3, 5.2, and 6.2**:

Establish Suburban Residential and Open Space Land Uses designations on General Plan **Figure 5.5** as indicated below:



Establish Suburban Residential and Open Space Zoning for the John Street neighborhood and delete the Planned Development Overlay noted on the Zoning Map.



Change #10

<u>Revise Pinon Street Land use</u>

Change the land use designation from Commercial Mixed Use to Residential Mixed use on Specific Plan **Figure 6.2** for the block surrounded by Pinon, Roble, and San Pablo Avenues as shown below:

Revise the description of Land Use Districts in Table 6.1 on page 6.0-4 to clarify that lower residential densities may be permitted in the Residential Mixed Use land use designation:

Table 6.1
Land Use Districts

Symbol	Land Use	Purpose and Characteristics
MDR	Medium Density Residential	The purpose of the Medium Density Residential District is to allow development of diverse housing types with a density between 10.1 and 20.0 dwelling units per acre. This designation is intended for small lot single-family detached, single-family attached (e.g., townhomes, condominiums, brownstones), and small apartment complexes and provides a transition between the single-family residential neighborhoods of the City to the more built-up centers.
HDR	High Density Residential	The purpose of the High-Density Residential District is to allow development of housing types with a density between 20.1 and 35.0 dwelling units per acre. This designation is intended for higher density housing including townhomes, condominiums, and apartment complexes.
HDRO	High-Density Residential	The purpose of the High-Density Residential District Overlay is to identify sites where a minimum number of residential units must be developed. In the HDRO districts, 20 percent of the site shall develop at a density of no less than 20.1 dwelling units per acre. This requirement may also be satisfied by integrating an equivalent number of dwelling units within a mixed use project.
VHDR	Very High Density Residential	The purpose of the Very High-Density Residential District is to designate property for the development of a wide range of housing types with a density between 35.1 to 50 dwelling units per acre. This designation is intended for higher density housing including townhomes, condominiums, brownstones and apartment complexes.
RMU~~R~~	Residential Mixed Use	The purpose of the Residential Mixed Use District is to designate property for the development of medium- and high-density housing that may incorporate office and/or commercial services. While the predominant use of the development is residential, the City encourages the vertical and/or horizontal integration of commercial and/or office uses that are compatible with the residential development. This Designation does not preclude development that is solely residential, but rather encourages a mix of uses. At least a minimum of 51 percent of the total floor area should be residential. Consistent with the General Plan, this Designation allows between 10.1 and 35.0 dwelling units per acre. **Lower residential densities may be allowed to accommodate special housing needs within this designation.** This Designation promotes the integration of retail and office uses into the edges of neighborhoods with all of the commercial use at the ground floor on the street front wherever possible.

Change #11

Revise Quinan Street Land Use

Change the land use designation from Medium Density Residential (10.1 – 20.0 du/acre) to Residential Mixed Use (10.1 – 35.0 du/acre) to reflect existing mix of land uses. This will require modifications to **Figure 6.2**.

Change #12

Revise South Side of San Pablo Avenue Land Use East of Pinole Valley Road

Revise the land use designation for properties located at 2501, 2503, and 2529 San Pablo Avenue from RMU to CMU to reflect the fact that these parcels presently contain commercial uses. This will require modifications to **Figure 6.2**.

Change #13

Revise Heritage Park Land Use

Revise the land use designation for the non-residential portion of Heritage Park site (north side of San Pablo Avenue and west of Quinan Street neighborhood and south of the three homes facing Buena Vista Drive) from MDR to CMU. This will require modifications to **Figure 6.2**.

Change #14

Revise Land Use for Former Caltrans Property

Designate City Redevelopment Property recently purchased from Caltrans northeast of Pinole Valley Road and Interstate 80 interchange (adjacent to the westbound off ramp) as Office Professional Mixed Use (OPMU).

Change #15

Materials and Colors

Revise Section 7.4, Old Town Sub-Area Design Guidelines, to indicate that stucco covered foam maybe an acceptable building material depending on various conditions (see below).

Materials and Color

a. New construction details and materials should follow the pattern and principles of the historic architectural design.

b. Buildings shall incorporate materials with at least two textures at streetfront elevations. Large uninterrupted and unarticulated monochromatic expanses are prohibited.

d. Materials shall be durable, and low maintenance. Brick, iron, and other masonry-type materials are encouraged. When using these materials as a veneer, attention shall be paid to the corner treatment and similar details so that the materials do not appear too thin.

e. Corrugated metal siding, reflective glass, plywood siding, and synthetic siding materials (plastics) are strongly discouraged unless they can be demonstrated attractively.

f. Stucco-covered foam ~~is~~ **may be** acceptable if properly detailed and applied. Special attention to durability is required at lower levels accessible to the pedestrian.

Change #16

Revise the discussion of Fire Station 73 on page 9.0-11 as follows:

FIRE PROTECTION

Existing Conditions

The City of Pinole Fire Department provides fire protection services within the incorporated area of the City. The Department uses two fire stations:

1. Station 73 – located at 880 Tennent Avenue in the Public Safety Building; and

2. Station 74 – located at 3700 Pinole Valley Road.

Opened in May 2002, Station 74 primarily serves the Pinole Valley residents located south of Interstate 80 and Pinole

Station 74, completed in August 2002

Valley Road south of the interstate, including surrounding wildlands. Station 74 also provides the secondary engine on any multiple responses or multi-engine responses. ~~There are currently no plans for additional facilities for the Fire Department. It was noted, however, that the location of Station 73 (the main station) is no longer optimally located for city coverage. A fire station in the general area of the Appian Way interchange with Interstate 80 and the Appian Way and Tara Hills Drive intersection would best serve the community.~~

Amendments shown herein with track changes represent proposed modifications to the July 2010 Draft Zoning Code Update. Language proposed for removal is shown with strike-out text and new language proposed is shown with underlined text.

ARTICLE I Zoning Code Establishment, Administration, and Entitlements

Chapter 17.12 Entitlements

17.12.060 Administrative Use Permit

A. **Purpose.** Administrative Use Permits provide a mechanism for administrative review and approval of uses and activities to ensure compatibility with the project site and surrounding uses. The Administrative Use Permit allows expedited review for situations that do not warrant consideration for a Conditional Use Permit due to minimal impacts and effects on surrounding uses.

B. **Applicability.** Administrative Use Permit (AUP) is required for all uses specifically identified as requiring an Administrative use Permit in Chapter 17.20 (Allowed Land Uses and Requirements) or as otherwise listed in this Title.

~~B.~~C. **Approving Authority.** The Community Development Director shall be the designated Approving Authority for Administrative Use Permits.

~~C.~~D. **Application Contents.** The application for an Administrative Use Permit shall be on a form prepared as prescribed by the Community Development Director.

~~D.~~E. **Public Hearing/Notice.** Administrative Use Permits shall all be considered at a public hearing with notice pursuant to Section 17.10.050 (Public Hearing and Public Notice).

~~E.~~F. **Approval Findings.** Whenever authorized by ordinance, the Approving Authority may issue an Administrative Use Permit when he/she finds as follows:

1. The proposed use is consistent with the General Plan and the provisions of this Title; and

2. All applicable conditions prescribed by ordinance or City Council resolution have been satisfied.

~~F.~~G. **Conditions of Approval.** Whenever any Administrative Use Permit is granted, the designated Approving Authority may impose such conditions as may be necessary to safeguard the public safety and the intent of this Title.

~~G.~~H. **Notification**

1. Notice of the decision. The decision of the Approving Authority shall be mailed to the applicant within five working days.

2. Notification to Planning Commission. After approving an application for an Administrative Use Permit, the Approving Authority shall advise the Planning Commission of his or her decision at their next regular meeting.

~~H.~~I. **Appeals.** Appeal of the Approving Authority's action on the request for an Administrative Use Permit shall be made in accordance with the procedures specified in Section 17.10.070 (Appeals).

~~I.~~J. **Expiration.** All approved Administrative Use Permits are subject to the provisions set forth in Section 17.10.100 (Permit Time Limits, Extensions, and Expirations).

17.12.080 Administrative Design Review

F. **Approval Findings**. The Approving Authority shall make the following findings to approve or conditionally approve an Administrative Design Review application:

1. Compliance with the General Plan and any applicable Specific Plans.

2. Compliance with applicable provisions of the Zoning Code.

3. Compatibility with the surrounding neighborhood.

~~3.~~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.

17.12.150 Comprehensive Design Review

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; ~~and~~

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~~.~~

~~3.~~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.

ARTICLE II Zoning Districts, Allowed Uses, and Development Standards

Chapter 17.18 Establishment of Zoning Districts and Land Use Classification System

TABLE 17.18.020-1:
ZONING DISTRICTS

Zoning District Symbol	Zoning District Name/Description	General Plan Land Use Designation Implemented by Zoning District
Residential Zoning Districts		
~~R-1~~LDR	**Low Density Residential Zoning District**. This zoning district provides for larger lot single-family dwellings and includes sites located adjacent to open space areas or near environmental resources where a development transition from suburban to rural land use is desirable.	Low Density Residential
~~SR~~R-1	**Suburban Residential Zoning District**. This zoning district provides for single-family development that is typical of most residential areas of the city. This is the single largest residential category.	Suburban Residential
R-2	**Medium Density Zoning District**. This zoning district provides for detached or attached dwellings, townhomes, apartments with on-site usable open space. Dwellings in this district are typically two or three stories	Medium Density Residential
R-3	**High Density Zoning District**. This zoning district provides for higher-density multi-family units, townhomes, and apartments usually located near transit corridors or arterial roadways~~y~~ and in close proximity to commercial services. Dwellings in this zoning district are typically two and three stories.	High Density Residential
R-4	**Very High Density Zoning District**. This zoning district provides for multi-family units at the highest residential densities allowed, including townhomes, condominiums, and apartment complexes found along arterial roadways, near transit and/or commercial services. Dwellings in this zoning district are typically three or more stories.	Very High Density Residential
Rural Zoning District		
R	**Rural Zoning District**. This zoning district includes sites characterized by steep slopes, which have geologic constraints, visual significance in the community, sensitive environmental resources, or which have been identified as having limited development due to service delivery constraints.	Rural
Commercial Zoning District		

Zoning District Symbol	Zoning District Name/Description	General Plan Land Use Designation Implemented by Zoning District
RC	**Regional Commercial Zoning District**. This zoning district provides for large regional commercial shopping center area along Interstate 80. This designation would apply to areas along Interstate 80 that are not within the Corridor Specific Plan Area.	Regional Commercial
Mixed Use Zoning Districts		
RMU	**Residential Mixed Use Zoning District**. The predominant use of this zoning district is residential. It also encourages the vertical and/or horizontal integration of commercial and/or office uses that are compatible with the residential development. This zoning district does not preclude development that is solely residential, but rather encourages a mix of uses.	RMU
CMU	**Commercial Mixed Use Zoning District**. The predominant use of this zoning district is commercial. This category is designed to provide for the integration of retail and service commercial uses with office and/or residential uses.	CMU
OPMU	**Office Professional Mixed Use Zoning District**. The predominant use of this zoning district is office, but commercial uses may be integrated into office buildings or located horizontally in freestanding buildings.	OPMU
OIMU	**Office Industrial Mixed Use Zoning District**. This zoning district allows a wide range of office and light industrial development as well as emergency housing. It is intended for office and light industrial uses with supporting retail and service uses. Retail must be ancillary to the principal industrial activity of the property.	OIMU
Public, Quasi Public, and Recreational Zoning Districts		
SPBCD	**San Pablo Bay Conservation District**. This zoning district is reserved for the portion of the Pinole Planning Area that extends into San Pablo Bay and the land immediately adjacent to San Pablo Bay. This is primarily an open space designation with a few other possible uses such as for expansion of the Pinole-Hercules Water Pollution Control Plant; railroad corridors; passenger rail stations, recreation facilities such as the Bay Trail; or flood protection improvements. In addition, very limited commercial development which is directly related to, and enhances the public use of, the waterfront may also be allowed.	San Pablo Bay Conservation Area
PQI	**Public/Quasi-Public/Institutional Zoning District**. This zoning district provides for uses which are primarily public-serving in nature, including City and other government offices public school facilities, publicly owned recreation facilities, and fire and police facilities. This district also allows for quasi-public and institutional uses such as places of worship.	Public Facilities

Zoning District Symbol	Zoning District Name/Description	General Plan Land Use Designation Implemented by Zoning District
PR	**Parks and Recreation Zoning District**. This zoning district includes public parks, City-owned or East Bay Regional Park District owned conservation lands, and private open space or recreation facilities for active sport use.	Parks and Recreation
OS	**Open Space Zoning District**. This zoning district includes undeveloped lands which are vacant of structures and improvements and which are primarily maintained in their natural condition and designated as open space.	Open Space
Special Purpose Zoning Districts		
SP	**Specific Plan Zoning District**. This zoning district designates areas for master planning with unique zoning and design standards through adoption of a Specific Plan to govern development of land within the plan area.	All
PD	**Planned Development Zoning District**. This zoning district recognizes Planned Development zoning adopted prior to the effective date of the 2010 comprehensive Zoning Code update.	All

Chapter 17.20 Allowed Land Uses and Requirements

17.20.020 Allowed Uses and Required Entitlements

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

~~R-1~~LDR = Low Density Residential Zoning District

~~S~~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

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

R = Rural Zoning District

RC = Regional Commercial Zoning District

RMU= Residential Mixed Use Zoning District

CMU = Commercial Mixed Use Zoning District

PQI = Public Quasi-Public Institutional Zoning District

SPBCA = San Pablo Bay Conservation Zoning District

TABLE 17.20.030-1:
ALLOWED USES AND REQUIRED ENTITLEMENTS FOR CITY OF PINOLE BASE ZONING DISTRICTS

Land Use \ Zoning District	~~R-1~~LDR	~~SRR-1~~	R-2	R-3	R-4	R	RC	RMU	CMU	OPMU	OIMU	OS	PR	~~P~~QI	SPBCA
Residential Uses															
Adult Day Care Home	P	P	P	P	P	P ~~N~~	N	P	P	P	P	N	N	N	N
Caretaker Housing	N	N	N	N	N	N	P	N	N	N	N	N	N	N	N
Dwelling, Multifamily	N	N	P	P	P	N	N	P	P	N	N	N	N	N	N
Dwelling, Second Unit (1)	P	P	P	N	N	P ~~N~~	N	P	N	N	N	N	N	N	N
Dwelling, Single Family	P	P	P	P	N	P	N	N	N	N	N	N	N	N	N
Dwelling, Two-Family	N	N	P	P	N	N	N	N	N	P	P	N	N	N	N
Dwelling, Three- and Four-Family	N	N	P	P	P	N	N	P	P	N	N	N	N	N	N
Emergency Shelter (2)	N	N	C	C	C	N	N	C	C	N	P ~~N~~	N	N	N	N
Family Day Care Home, Large	C	C	C	C	C	C	N	C	C	N	N	N	N	N	N
Family Day Care Home, Small	P	P	P	P	P	P	N	P	P	N	N	N	N	N	N
Group Residential	P	P	P	P	P	N	N	C	C	N	N	N	N	N	N
Home Occupations (3)	P	P	P	P	P	P	N	P	P	P	P	N	N	N	N
Manufactured Home	P	P	P	P	P	P	N	N	N	N	N	N	N	N	N
Mobile Home Park	C	C	C	C	C	C	N	N	N	N	N	N	N	N	N
Residential Care Facilities	P	P	P	P	P	P	N	P	P	N	N	N	N	N	N
Single Room Occupancy Facilities	N	N	C	C	C	N	N	C	C	N	N	N	N	N	N
Transitional Housing (2)	N	P	C	C	P	N	N	C	C	N	N	N	N	N	N
Agriculture, Resource, and Open Space Uses															
Animal Keeping, Domestic Pets (4)	P	P	P	P	P	P	N	P	P	N	N	N	N	N	N
Animal Keeping, Exotic Animals (4)	P	P	P	P	P	P	N	P	P	N	N	N	N	N	N
Animal Keeping, Livestock (4)	N	N	N	N	N	P	N	N	C	N	N	N	N	N	N
Animal Keeping, Poultry, Rabbits (4)	P	P	C	C	C	P	N	N	N	N	N	N	N	N	N
Equestrian Facility, Commercial	N	N	N	N	N	C	N	N	N	N	N	N	C	N	N
Equestrian Facility, Hobby	N	N	N	N	N	P	N	N	N	N	N	N	C	N	N
Kennels, Hobby	N	N	N	N	N	C	N	N	N	N	N	N	N	N	N
Recreation, Education, and Public Assembly Uses															
Cemeteries, Mausoleums	C	C	C	C	C	C	N	N	N	N	N	N	N	N	N
Clubs, Lodges, and Private Meeting Halls	C	C	C	C	N	N	N	N	C	C	C	N	N	C	C

Land Use \ Zoning District	~~R-1~~LDR	~~SRR-1~~	R-2	R-3	R-4	R	RC	RMU	CMU	OPMU	OIMU	OS	PR	~~PF~~ OI	SPBCA
Community Centers/Civic Uses	C	C	C	C	C	C ~~N~~	N	C	C	C	N	N	P	P	C
Community Garden	P	P	P	P	P	P ~~N~~	N	P	P	P	P	P	P	P	N
Indoor Amusement/Entertainment Facility	N	N	N	N	N	N	C	N	C	N	N	N	N	N	N
Indoor Fitness and Sports Facility	N	N	N	N	N	N ~~P~~	P	C	N	C	C	N	N	P	N
Libraries and Museums	C	C	C	C	N	N	N	C	C	C	C	N	N	C	C
Outdoor Commercial Recreation	C	C	C	C	N	N	N	N	N	N	N	N	P	P	N
Parks and Public Plazas	P	P	P	P	P	P	N	P	P	P	P	N	P	P	N
Public Safety Facility	P	P	P	P	P	P	P	C	C	C	C	N	C	P	C
Recreational Vehicle Parks	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Religious Institutions	C	C	C	C	C	C ~~N~~	N	N	C	C	C	N	N	N	N
Resource Protection and Restoration	P	P	P	P	P	P	C	N	N	N	N	P	P	P	P
Resource-Related Recreation	P	P	P	P	P	P	N	N	N	N	N	P	P	P	P
Schools, Private and Special/Studios	N	N	N	N	N	N	P	N	C	C	C	N	N	N	N
Schools, Public	P	P	P	P	P	P ~~N~~	N	P	P	P	P	N	N	C	N
Theaters and Auditoriums	N	N	N	N	N	N	P	N	N	N	N	N	N	N	N
Utility, Transportation, and Communication Uses															
Broadcasting and Recording Studios	N	N	N	N	N	N	P	N	N	N	N	N	N	P ~~N~~	N
Bus and Transit Shelters	N	P	P	P	P	N	P	P	P	P	P	N	P	P	P
Bus and Truck Terminal and Parking	N	N	N	N	N	N	N	N	N	N	C	N	N	N	N
Heliports	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Park and Ride Facility	N	N	C	C	N	N ~~C~~	P	C	C	C	C	N	N	P ~~N~~	N
Parking Facility	N	N	P	P	P	N	P	P	P	P	P	N	N	P ~~N~~	N
Wireless Communication Facility, Freestanding Tower (5)	C ~~N~~	C ~~N~~	C	C	C	C	C	C	C	C	C	C	C	C	C
Wireless Communication Facility, co-location, antenna, satellite (5)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Transit Facilities	N	N	N	N	N	N	P	N	N	C	C	N	N	P ~~N~~	C
Utility Facility and Infrastructure (6)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Retail, Service, and Office Uses															
Adult Oriented Business (~~7~~6)	N	N	N	N	N	N	N	N	N	N	C	N	N	N	N
Adult Day Care Facility	C	C	C	C	P	N	N	P	C	N	N	N	N	N	N
Alcoholic Beverage Sales	N	N	N	N	N	N	P	C	C	C	C	N	N	N	N
Ambulance Service	N	N	N	N	N	N	N	C	N	N	P	N	N	N	N

Land Use \ Zoning District	~~R-1~~LDR	~~S~~RR-1	R-2	R-3	R-4	R	RC	RMU	CMU	OPMU	OIMU	OS	PR	~~PF~~ OI	SPBCA
Animal Sales and Grooming	N	N	N	N	N	N	P	C	C	P	P	N	N	N	N
Art, antique, collectable.	N	N	N	N	N	N	P	P	P	C	C	N	N	N	N
Artisan Shops	N	N	N	N	N	N	P	P	P	P	C	N	N	N	N
Artist Studio	N	N	P	P	P	P	N	C	C	C	P	N	N	N	N
Banks and Financial Services	N	N	N	N	N	N	P	P	P	P	C	N	N	N	N
Bars and Nightclubs	N	N	N	N	N	N	C	C	C	C	N	N	N	N	N
Bed and Breakfast Inns	N	N	N	N	N	N ~~C~~	N	C ~~P~~	C	N	N	N	N	N	N
Building Materials Store and Yard	N	N	N	N	N	N	P	N	C	N	C	N	N	N	N
Business Support Services	N	N	N	N	N	N	P	P	P	P	P	N	N	N	N
Call Centers	N	N	N	N	N	N	N	C	C	P	P	N	N	N	N
Card Room	N	N	N	N	N	N	C	C	C	N	N	N	N	N	N
Check Cashing Business	N	N	N	N	N	N	N	N	C	C	C	N	N	N	N
Child Day Care Facility	C	C	C	C	C	N	C	P	P	P	C	N	N	N	N
Convenience Stores	N	N	N	N	N	N ~~C~~	P	P	P	P	P	N	N	N	N
Drive-in and Drive-through Sales and Service (~~87~~)	N	N	N	N	N	N ~~C~~	P	N	C	C	C	N	N	N	N
Equipment Sales and Rental	N	N	N	N	N	N ~~C~~	C	N	P	C	P	N	N	N	N
Furniture, Furnishings, and Appliance Stores	N	N	N	N	N	N	P	C	P	C	C	N	N	N	N
Garden Center/Plant Nursery	N	N	N	N	N	N	C	N	C	C	P	N	N	N	N
Grocery Stores/Supermarket	N	N	N	N	N	N ~~P~~	P	P	P	C	N	N	N	N	N
Home Improvement Supplies	N	N	N	N	N	N ~~P~~	P	C	C	C	C	N	N	N	N
Hotels and Motels	N	N	N	N	N	N ~~P~~	P	C	C	C	N	N	N	N	N
Hotels and Motels, Extended Stay	N	N	N	N	N	N	P	C	C	C	N	N	N	N	N
Kennels, Commercial	N	N	N	N	N	C	N	N	C	N	C	N	N	N	N
Maintenance and Repair, Small Equipment	N	N	N	N	N	N	P	C	C	C	P	N	N	N	N
Massage Therapy Establishment (~~98~~)	N	N	N	N	N	N	C	P	P	P	C	N	N	N	N
Medical Services, General	N	N	N	N	N	N	P	C	C	P	P	N	N	N	N
Medical Services, Extended Care	N	N	N	N	N	N	N	C	C	C	N	N	N	N	N
Medical Services, Hospitals	N	N	N	N	N	N	N	N	C	P	N	N	N	N	N
Mortuaries and Funeral Homes	N	N	N	N	N	N	N	N	C	C	P	N	N	N	N
Neighborhood Market	N	N	N	N	N	N	N	P	P	C	C	N	N	N	N
Office, Temporary	N	N	N	N	N	N	N	N	C	P	P	N	N	N	N
Offices, Business and Professional	N	N	N	N	N	N ~~C~~	P	P	P	P	P	N	N	N	N

Land Use \ Zoning District	~~R-1~~LDR	~~SRR-1~~	R-2	R-3	R-4	R	RC	RMU	CMU	OPMU	OIMU	OS	PR	~~PF~~ OI	SPBCA
Offices, Accessory	N	N	N	N	N	N ~~P~~	P	P	P	C	P	N	N	N	N
Pawn Shop	N	N	N	N	N	N	C	N	C	C	C	N	N	N	N
Personal Services	N	N	N	N	N	N ~~P~~	P	P	P	C	N	N	N	N	N
Restaurants	N	N	N	N	N	N ~~P~~	P	C	P	P	P	N	N	N	N
Retail, Accessory	N	N	N	N	N	N ~~P~~	P	P	P	P	P	N	N	N	N
Retail, General	N	N	N	N	N	N ~~P~~	P	P	P	P	C	N	N	N	N
Retail, Warehouse Club	N	N	N	N	N	N	P	N	C	N	N	N	N	N	N
Smoke Shop	N	N	N	N	N	N	N	N	C	N	N	N	N	N	N
Temporary Real Estate	C	C	C	C	C	C	C	C	C	C	C	N	N	N	N
Thrift Store	N	N	N	N	N	N	C	C	C	N	N	N	N	N	N
Veterinary Facility	N	N	N	N	N	N	C	C	C	C	C	N	N	N	N
Automobile and Vehicle Uses															
Auto and Vehicle Sales and Rental	N	N	N	N	N	N	C	N	C	C	C	N	N	N	N
Auto and Vehicle Sales, Wholesale	N	N	N	N	N	N	N	N	N	N	C	N	N	N	N
Auto and Vehicle Storage	N	N	N	N	N	N	N	N	N	N	C	N	N	N	N
Auto Parts Sales	N	N	N	N	N	N	P	N	N	N	P	N	N	N	N
Car Washing and Detailing	N	N	N	N	N	N	C	N	C	C	C	N	N	N	N
Service Stations	N	N	N	N	N	N	C	N	C	C	C	N	N	N	N
Vehicle Services, Major	N	N	N	N	N	N	C	N	C	N	C	N	N	N	N
Vehicle Services, Minor	N	N	N	N	N	N	C	N	C	N	C	N	N	N	N
Industrial, Manufacturing, and Processing Uses															
Manufacturing, Major	N	N	N	N	N	N	N	N	N	C	C	N	N	N	N
Manufacturing, Minor	N	N	N	N	N	N	N	N	C	C	P	N	N	N	N
Manufacturing, Small Scale	N	N	N	N	N	N	N	C	C	P	P	N	N	N	N
Printing and Publishing	N	N	N	N	N	N	N	N	C	C	P	N	N	N	N
Recycling Facility, Collection	N	N	N	N	N	N ~~C~~	C	C	C	C	C	N	N	N	N
Recycling Facility, Processing	N	N	N	N	N	N	N	N	N	C	C	N	N	N	N
Recycling Facility, Scrap and Dismantling Facility	N	N	N	N	N	N	N	N	N	N	C	N	N	N	N
Research and Development	N	N	N	N	N	N	N	C	P	P	P	N	N	N	N
Storage, Personal Storage Facility	N	N	N	N	N	N	C	N	C	N	P	N	N	N	N
Storage, Warehouse	N	N	N	N	N	N	N	N	N	C	P	N	N	N	N
Storage, Yards	N	N	N	N	N	N	N	N	N	N	C	N	N	N	N
Wholesaling and Distribution	N	N	N	N	N	N	N	N	N	N	C	N	N	N	N

Notes:
(1) See additional regulations for Second Dwelling Units in Chapter 17.70.
(2) See additional regulations for Emergency Shelters and Transitional Housing in Chapter 17.62.

(3) See additional regulations for Home Occupations in Chapter 17.64
(4) Additional regulations applicable to animal keeping where permitted are as follows:
a. Domestic Pets. Keeping of any combination of five or more cats and dogs is considered a kennel for the purposes of this Title.
b. Exotic Animals. All exotic animals shall be kept and maintained a minimum distance of 40 feet from any property line, unless contained within the dwelling.
c. Livestock. Two livestock animals may be permitted for each half-acre of land. All livestock animals shall be kept and maintained a minimum distance of 40 feet from any residential dwelling.
d. Poultry and Rabbits. All poultry animals shall be kept and maintained a minimum distance of 40 feet from any property line.
(5) See additional regulations for Wireless Communication Facilities in Chapter 17.76.
(6) Utility facilities and infrastructure involving hazardous or volatile gas and/or liquid pipeline development require approval of a Conditional Use Pemit.
(~~7~~6) See additional regulations for Adult Entertainment Businesses in Chapter 17.58
(~~8~~7) See additional regulations for Drive-In and Drive-Through Facilities in Chapter 17.40.
(~~9~~8) See additional regulations for Massage Therapy in Chapter 17.66.

Chapter 17.22 Allowed Use Definitions

17.22.020 Allowed Use Definitions

Smoke Shop. An establishment that either devotes more than 15 percent of its total floor area to smoking, drug, and/or tobacco paraphernalia or devotes more than a two foot by four foot (two feet in depth maximum) section of shelf space for display for sale of smoking, drug, and/or tobacco paraphernalia.

Chapter 17.24 Development Standards by Zoning District

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 of Pinole is also subject to compliance with all adopted Uniform Building and Fire Codes. Finally, 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. Zoning district names for the zoning district symbols used in the table are as follows:

~~R-1~~LDR = Low Density Residential Zoning District

~~SRR-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	~~R-1~~LDR	~~SR~~R-1	R-2	R-3	R-4	R	RC	RMU	CMU	OPMU	OIMU	OS	PR	~~PQP~~PF	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	7.1	15.1	30.1	N/A	N/A	20.1 ~~10.1~~	20.1 ~~10.1~~	20.1 ~~N/A~~	N/A	N/A	N/A	N/A	N/A
• Maximum Density	1.0	7.0	15	30	50	0.2	N/A	35	30	30 ~~N/A~~	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~~5~~ (2)	8 (3)	5	5	0	15	0	0	0	10	10~~0~~	0	10	10	10
• Side Yard for Second Story	15	12	10	0	0	15	0								
• Street Side Yard	15 (4)	12 (4)	10	0	0	20	0					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				
• Accessory Buildings (6)	6	6	3	3	3	6									
Building Height (maximum feet)															
• Primary Buildings	35	35	35	35	50	35	50	50~~3~~ ~~5~~	50~~3~~ ~~5~~	50	50	0	35	40	35
• Accessory Buildings	~~35~~ 15	~~35~~ 15	~~35~~ 15	~~35~~ 15	~~35~~ 15	~~35~~ 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 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 20 ~~15~~ feet.
(3) Within required side yards, at least one side shall provide 4 feet of unobstructed surface to allow unobstructed access between the front and rear yards.
(4) Listed setback distance or 20% of lot width in side yard and 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 Chapter 17.70.

ARTICLE III Site Planning Standards

Chapter 17.30 Accessory Structures

17.30.040 Development Standards

TABLE 17.30.040-1
DEVELOPMENT STANDARDS FOR ACCESSORY STRUCTURES

Accessory Structure (Type)	Minimum Setback Distance from Property Line or Other Structures					Maximum Cumulative Lot Coverage	Maximum Height	Maximum Number or Yard Area Ratio
	Front	Rear	Side	Other Accessory Structures	Primary Building			
Enclosed Solid Roof Building	Not permitted	5 ft. (1)	10 ft. (1),(2)	6 ft.	(1),(3)	50% required yard area	~~20~~ 15 ft.	1 or 1 per 1200 sq. ft. yard area, whichever is greater
Landscape Features	No minimum	3 ft.	10 ft.	6 ft.	No minimum	Not applicable	16 ft.	1 or 1 per 400 sq. ft. yard area, whichever is greater
Pools/spas	Not permitted	5 ft. (4)	5 ft. (4)	5 ft.	No minimum	50% required yard area	5 ft.	2 or 1 per 900 sq. ft. rear yard area, whichever is greater

(1) Accessory buildings not exceeding 15 feet in height at the highest point may be built to the side and/or rear property line, provided that the accessory structure is not less than six feet in distance from the primary building.
(2) For reverse corner lots, the street side yard setback shall be the same as the front yard setback for the adjacent key lot. See Figure 17.42.030-1
(3) No minimum setback required. Accessory buildings may be attached to and have a common wall with the main building or, when located as required by this chapter, may be connected to the main building by a breezeway.
(4) Measurement from water's edge. Related equipment shall be set back a minimum of three feet from all side and rear property lines..

Chapter 17.34 Automobile Service Stations

17.34.050 Development and Design Standards

The following requirements apply to all new service stations and qualifying expansions/improvements to existing service stations. Service station uses shall also comply with all applicable state and federal regulations regarding site design, pricing signs, containment, maintenance, and operations.

E. **Building and Canopy Design**. The service station building and/or canopy shall be designed for architectural compatibility with the surrounding area. Notwithstanding any other requirements in the Zoning Code, the maximum height for all service station buildings (including canopy) shall be 25 feet. Pitched roofs are preferred, but not required. In order to reduce the visual impact of the canopy structure and corresponding lighting, the maximum height of the canopy clearance shall be 15 feet and the maximum width of the canopy fascia shall be 30 inches. A lighting study shall be required in conjunction with the design review process to examine light pollution issues,

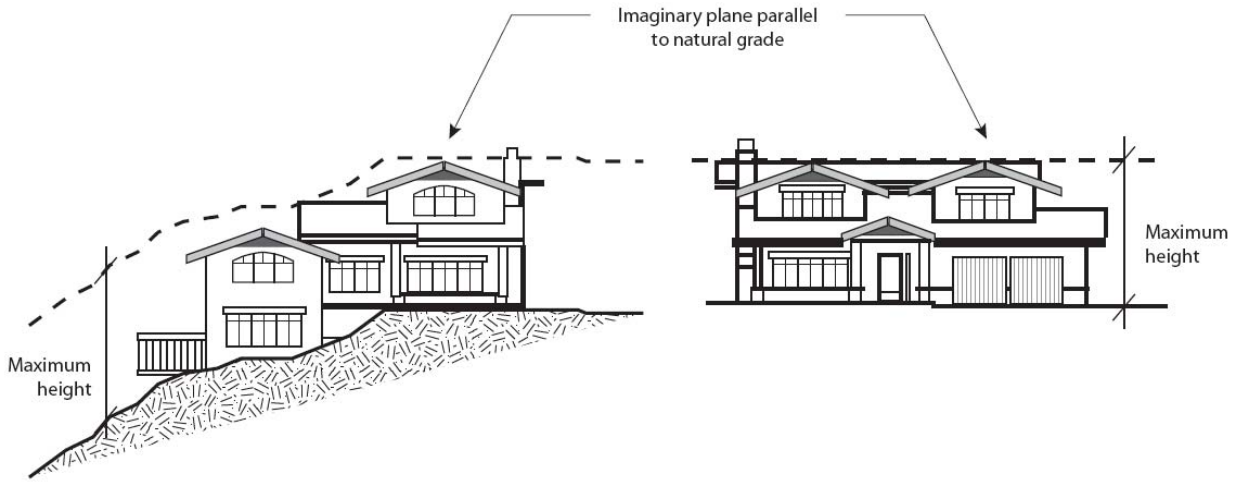
including but not limited to safety and glare pursuant to Chapter 17.46 (Lighting). The canopy fascia shall match the color and texture of the primary building. See Figure 17.34.050-1 (Service Station Building and Canopy Design). Deviations from these requirements may be allowed in conjunction with ~~Administrative Design Review (Section 17.12.080) or~~ Comprehensive Design Review (Section 17.12.140).

Chapter 17.36 Building Height Measurement and Projections

17.36.030 Height Measurement

The height of a structure shall be measured as the vertical distance from the ~~finish~~ natural grade of the site to an imaginary plane located the allowed number of feet above and parallel to the grade. See Figure 17.36.030-1(Measurement of Height).

FIGURE 17.36.030-1
MEASUREMENT OF HEIGHT



Chapter 17.42 Fences, Walls and Screening

17.42.030 Location and Height Restrictions

A. **Maximum Allowed Heights and Locations**. Each fence and wall shall comply with height limits and locations shown in Table 17.42.030-1 (Maximum Height of Fences and Walls in Required Yard Area) and Figure 17.42.030-1 (Maximum Height of Fences and Walls in Required Yard Area).

TABLE 17.42.030-1
MAXIMUM HEIGHT OF FENCES AND WALLS IN REQUIRED YARD AREA

Location of Fence/Wall	~~Location or Minimum Setback of Fence~~Required Setback from Property Line (1), ~~(3)~~	Maximum Height (1)
~~Required~~ Front Yard Area	~~Determined by Zoning District~~0 ft.	3.5 ft. (2) (3)
~~Required~~ Rear and Interior Side Yard Area (Along Rear and Interior Property Lines)	0 ft.	6 ft. (3)
~~Required~~ Street Side Yard Area (Along Street Side Property Lines)	0~~5~~ ft. ~~(3)~~	6 ft. (3)
~~At intersections of streets, alleys, and driveways within the clear vision triangle~~	~~Varies (4)~~	~~30 in.~~
~~All other areas of lot~~	~~0 ft.~~	~~6 ft.~~

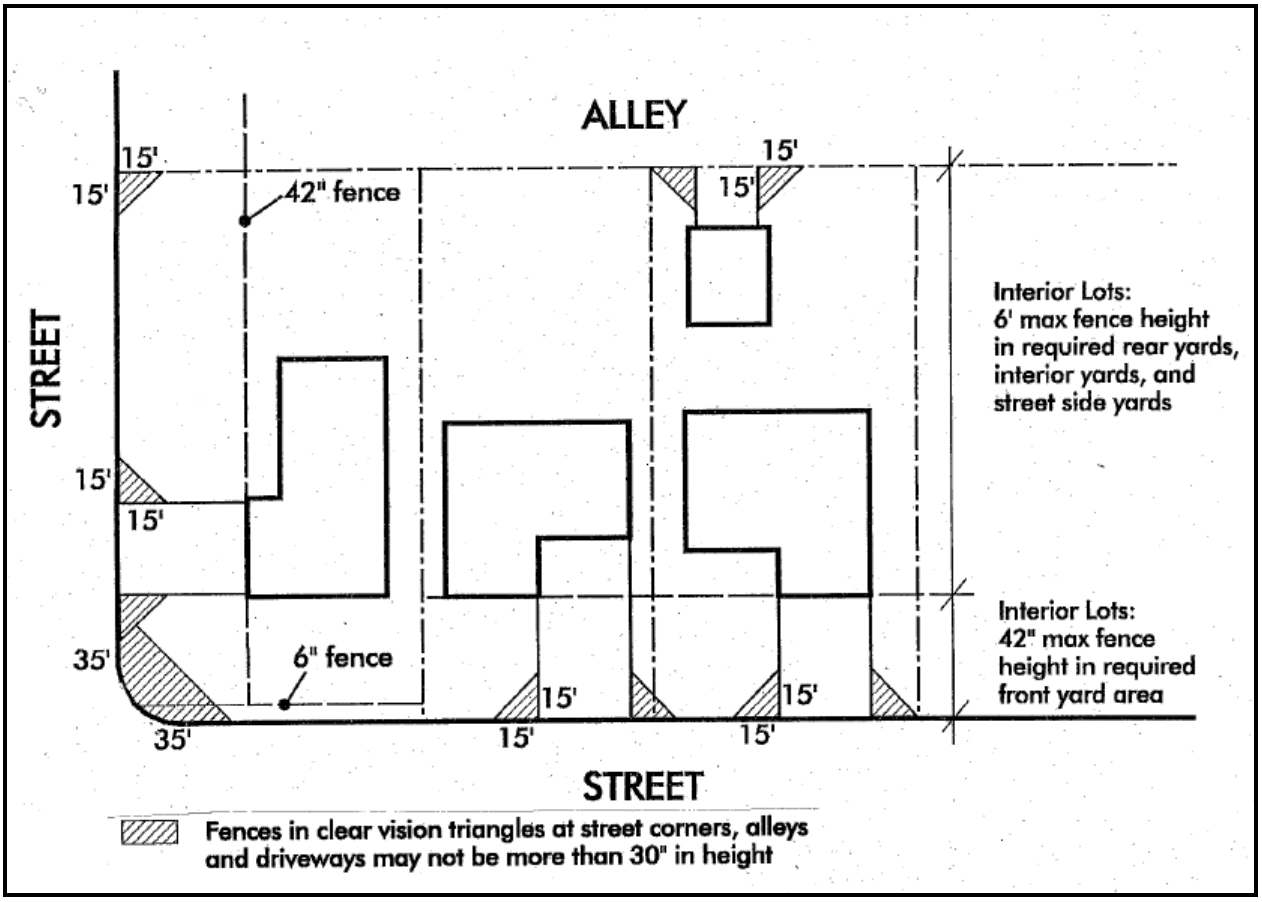
(1) As part of Administrative Design Review or other discretionary entitlement, the designated Approving Authority may grant additional height or location requirements to enclose or screen specific areas or uses or for fences and walls designed for noise attenuation.

(2) Height of front yard fence or wall may be increased to a maximum of five feet if set back at least 10 feet behind the front property line or sidewalk if the fence or wall remains visually open and transparent (e.g., picket fence, open wood slats, open wrought iron).

~~(3) Setback area for street side yard is measured from back of sidewalk to the fence or wall. If no sidewalk exists, then street side yard is measured from the property line to the fence or wall.~~

(3~~4~~) Within the required clear vision triangle at the intersections of streets, alleys and driveways, the maximum fence and wall height shall be reduced to a maximum of 30 inches. See definition of clear vision triangle in Section 17.98.020 (General Definitions).

FIGURE 17.42.030-1
~~FRONT AND STREET SIDE SETBACK AREAS~~MAXIMUM HEIGHT OF FENCES AND WALLS IN REQUIRED YARD AREAS



Chapter 17.43 Integrated Developments

Sections:

17.43.010 Purpose 17.43-1
17.43.020 Definition 17.43-1
17.43.030 Approval by Specific Plan Zoning 17.43-1
17.43.040 General Requirements. 17.43-1

Draft Zoning Code Changes:

This new chapter provides a tool for considering projects with multiple parcels and/or buildings consistent with the Integrated Development concept introduced in the Appian Way, Pinole Valley Road, and San Pablo Avenue Specific Plans.

17.43.010 Purpose

The purpose of this chapter is to allow consideration of an integrated development project on multiple parcels and/or in multiple buildings. The intent is to encourage the integration of uses vertically and horizontally using flexibility in zoning standards to design the project across the entire site rather than parcel by parcel.

17.43.020 Definition

For purposes of this Title, an integrated development is a group of two or more adjacent parcels, under single or multiple ownership, or uses planned and/or developed in a joint manner which may include shared buildings, public spaces, landscape, parking or other facilities.

17.43.030 Approval by Specific Plan Zoning

An integrated development shall only be approved through Specific Plan zoning adopted by ordinance pursuant to Section 17.12.170 (Specific Plans).

17.43.040 General Requirements

A. Design. Proposed projects should seek to maximize development opportunities and minimize site constraints. Comprehensive Design Review shall be required for all integrated developments prior to issuance of building or grading permits.

B. Parcel boundaries. Buildings may not be constructed across parcel boundaries. Parking, landscaping or other similar improvements may cross parcel boundaries subject to cross-easements, joint use agreements or other similar mechanisms approved by the City.

C. Maintenance. Applications for integrated developments shall specify how buildings, facilities, improvements or areas in joint or common ownership or management shall be maintained, e.g., tenant association(s), CC&Rs, etc.

Chapter 17.44 Landscaping

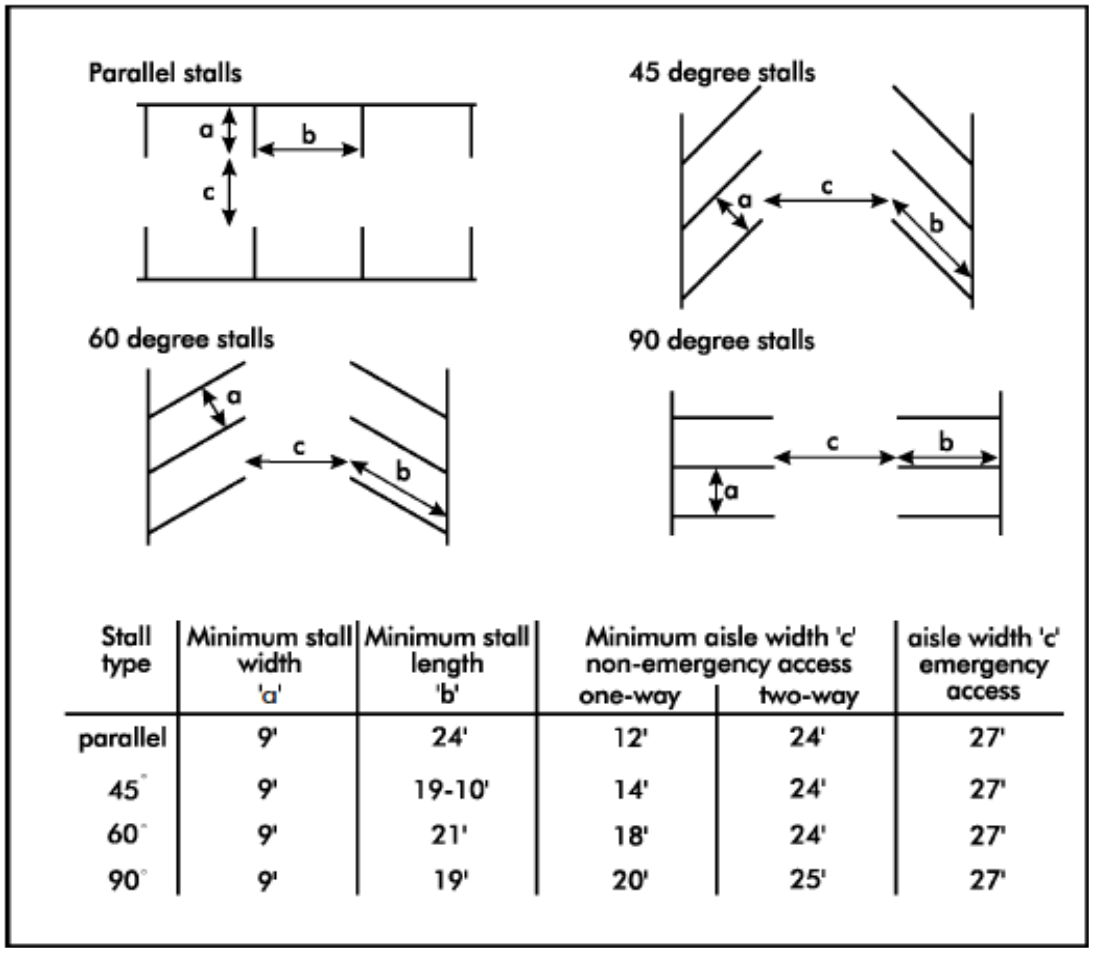
17.44.010 Purpose

The purpose of this chapter is to establish minimum landscape requirements to enhance the appearance of developments, reduce heat and glare, control soil erosion, conserve water, ensure ongoing maintenance of landscape areas, and ensure that landscape installations do not create hazards for motorists or pedestrians. This Chapter is consistent with the City's adopted Water Efficient Landscape Ordinance (WELO).

Chapter 17.48 Parking and Loading Requirements

17.48.040 General Parking and Loading Berth 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'

17.48.050 Number of Parking Spaces Required

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	1 space per dwelling unit (garage enclosed or covered)

Land Use Type	Required Parking Spaces
Dwelling, Single-Family – one bedroom	2 spaces per dwelling unit (garage enclosed or covered), tandem parking spaces permitted
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
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)
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	1.5 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 Three+ 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
Second Dwelling Unit	1 space per bedroom, with a maximum of 2 bedrooms and 2 parking spaces; tandem parking is permitted
Senior units, studio, one- and two-bedroom units	1 space per dwelling unit
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 ~~designated for dining~~, excluding kitchen and other non-public areas

Land Use Type	Required Parking Spaces
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

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 50 percent or more, which would result in a parking demand of 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 years or after every fifth new use, that would require ten 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 85 percent of the available capacity within a two-block radius of a project.

4. Parking Controls. The Planning Commission will implement parking controls (e.g., time limits, metered parking, 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.

Chapter 17.52 Signs

17.52.090 Sign Construction, Maintenance, and Removal Requirements

This section describes the requirements applied to the construction, maintenance, and removal of signs within the City.

H. **Sign Removal or Replacement**. An owner of property on which a sign was constructed, painted, installed or maintained in conformance with a permit under this chapter, but for which the permit has lapsed or become void, shall forthwith remove the sign without additional notice or action from the City. When a sign is removed or replaced, all brackets, poles, and other structural elements that support the sign shall also be removed. Affected building surfaces shall be restored to match the adjacent portion of the structure. This requirement does not apply to routine maintenance.

17.52.110 Special Sign Requirements

In addition to the General Design Requirements in Section 17.52.100, the following requirements shall apply to special sign types as listed.

F. **Electronic Message Signs**.

1. Off-site electronic message signs. Off-site electronic message signs shall only be allowed in conjunction with pylon signs along Interstate 80 pursuant to the requirements provided in Table 17.52.110-1 (Electronic Message Signs).

2. Sign area and height. Maximum sign area for all electronic messages shall be 100 square feet and maximum height of sign structure containing electronic message shall be 100 feet.

3. Sign brightness. The electronic message sign (including both graphic and video displays) must not exceed a maximum illumination of 6000 nits (candelas per square meter) during daylight hours and a maximum illumination of 1000 nits (candelas per square meter) between dusk to dawn as measured from the sign's face at maximum brightness. All electronic message centers shall be designed and operated with automatic dimming features and have the capability for the

owner/operator of the sign to reduce the illumination and/or brightness to adjust to background and ambient light conditions. These controls may include an auxiliary photocell on or near the sign.

~~2.~~4. If an electronic message sign displays more than one type of electronic message as categorized by Table 17.52.110-1 (Electronic Message Signs) (e.g., time and temperature message and electronic display), each type of electronic message shall be subject to the relevant regulations for such message type when that message type is displayed. For instance, when a time and temperature message is displayed, it may only be displayed pursuant to the requirements for time and temperature signs; when an electronic graphic display message is displayed, it may only be displayed pursuant to the requirements for electronic graphic displays; even if multiple message types are displayed on one sign, each message type shall be governed by the relevant regulations for that message type. Electronic displays or electronic graphic displays shall not be allowed to use the text and message limits established for time and temperature messages, even if a time and temperature message is displayed on the sign in addition to other electronic message types. The regulations provided below shall apply to the specified message type whenever such message type is displayed, regardless of alterations between message types.

ARTICLE IV Special Use Standards

Chapter 17.59 Alcohol Sales

17.59.010 Purpose and Intent

It is the purpose and intent of this chapter to provide for the orderly regulation of businesses that sell alcohol for on-sale or off-sale consumption in commercial and mixed-use zones. It is recognized that these establishments by their very nature, have some objectionable characteristics and when concentrated, can contribute to the blighting or downgrading of the surrounding neighborhood. In order to protect and preserve public health, safety and welfare, special regulations, review of proposed business operations, and approval of a Conditional Use Permit by the Planning Commission is necessary.

17.59.020 Definitions

As used in this chapter:

A. **Alcohol**. Any bottled or prepared beverage with more than one-half of one percent (0.005%) alcohol content per volume. This includes any beer, wine, wine cooler, frozen mixed drink, hard alcohol or spirits, liqueur or any other variation of a drink with alcoholic content.

B. **Commercial Zones**. The RC and MU zoning districts.

C. **On-Sale Alcohol**. Any drink served an/or prepared at the site with the intent of buying and drinking at this same site. This includes any bar or any bar affiliated with a restaurant.

D. **Off-Sale Alcohol**. Any drink served at a site with the intention of buying the drink there and taking it somewhere private to drink.

E. **Public Convenience Or Necessity**. The grouping of criteria that is considered when making the determination of whether a new site where alcohol will be bought and sold will be established.

F. **Residential Zone**. The LDR, R-1, R-2, R-3, R-4, and MU, zoning districts.

17.59.030 Review Process

Before the opening of a new business, extending the hours of operation of any establishment that sells or serves any alcoholic beverage, or adding to the capacity, floor area or shelf space devoted to alcoholic beverages of any establishment that sells or serves any alcoholic beverages, the applicant must obtain a conditional use permit from the Planning Commission. Conditions of approval will vary with each application including location, on-sale or off-sale business, public convenience and necessity, and any other, city, state, and federal laws that may apply. The criteria that will be followed to approve the conditional use permit are as follows:

A. Conditional Use Permit. The Planning Commission shall review all conditional use permit requests for proposed alcohol sales. The following information must be provided to approve conditional use permit requests:

1. A list of all establishments within a one thousand foot radius with similar size and array of products. If there is any other establishment, other than a food service establishment with incidental service of beer and/or wine within a one thousand foot radius of the site of the proposed use that is in the same category of alcoholic beverage sales or service, the city shall not approve the application unless it makes all of the following findings of "public convenience or necessity;"

2. The number of businesses having authority to sell alcoholic beverages in the census tract of applicant;

3. The extent to which the crime reporting district in which applicant is located exceeds the average for crime reporting districts subject to the jurisdiction of the Police Department;

4. The proximity of the applicant to school, park, playground, recreational center, day care, or similar use.

B. Public Convenience or Necessity. A determination of Public Convenience or Necessity (PCN) is required by the Department of Alcoholic Beverage Control (ABC) when there is an overconcentration of alcohol sales licenses within a defined Census Tract. ABC determines if there is an overconcentration of licenses in a Census Tract and will require a determination of Public Convenience or Necessity from the City . The City Council is the appropriate authority to review and make a PCN determination. This determination must be made prior to Planning Commission review of a Conditional Use Permit to allow alcohol sales.

C. To approve a PCN determination, the following findings must be satisfied:

1. The proposed establishment will promote the city's economic health, contribute to General Plan or Area Plan policies or further district purposes;

2. The economic benefits associated with the establishment could not reasonably be achieved without the proposed alcohol sales;

3. The applicant has not operated a licensed establishment, which has been the subject of verified, complaints, or violations regarding alcohol, public safety or nuisance statutes or regulations;

4. The Police Department has reported that the proposed establishment would not be expected to add to crime in the area;

5. Alcoholic beverages sold by the applicant are incidental to the other products available for sale at the establishment.

17.59.040 Standard Conditions

In addition to any other conditions appropriate to the particular circumstances, the following standard conditions should apply to all alcohol sales establishments:

A. All on-sale or off-sale locations shall comply with the following conditions:

1. No wine shall be sold with alcohol content greater than seventeen percent by volume except ports, sherries, madeira's or desert wines which are vintage dated and/or aged for two years or more

2. There shall be no sales of beer or ales with an alcohol content greater than six percent by volume.

3. Beer, malt beverages, and wine coolers in container of sixteen (16) ounces or less cannot be sold as single items, but must instead be sold in manufacturer prepackaged multi unit quantities.

4. The sale of beer or malt beverages in quantities of quarts, twenty-two (22) ounces, thirty-two (32) ounces, forty (40) ounces and/or similar size quantities is prohibited.

5. There shall be no sales of beers, ales or wines that have screw tops in bottles less than three hundred and seventy-five (375) milliliters, unless sold in manufacturer prepackaged multi-unit quantities.

6. The applicant shall be responsible for maintaining free of litter that area in front of and adjacent to the premises over which they have control.

7. No signs advertising the sale of alcoholic beverages shall be displayed outside of the store.

8. Licensee of its employees shall regularly police the area under the licensee's control in an effort to prevent the loitering of persons about the premises.

9. The sale of liquor in the store shall be limited to no more than two hundred (200) linear feet of display, which shall include the use of multi-tiered shelving not to exceed thirty-six (36) inches in depth.

10. If any of conditions are found to be disregarded, the use permit for alcohol sales may be revoked, and this aspect of the business operation may be immediately suspended.

11. Establish and maintain a "complaint response/community relations" program with the Police Department.

B. On-Sale Business. An on-sale establishment must comply with the following conditions:

1. No sale of alcohol for off-site consumption;

2. No vegetation around the site that can be used as a hiding place;

3. A sign concerning the California law prohibiting minors to drink alcohol and a sign prohibiting loitering or public drinking must be posted;

4. A copy of the conditions of approval must be kept on premises and available upon request;

5. All servers within ninety days of employment receive "responsible beverage service training," and the city have documentation of this training, retained on the premises;

C. Off-sale business. An off-site establishment must comply with the following conditions:

1. No sale of alcohol for on-site consumption;

2. Trash receptacles shall be located at convenient locations outside the establishment, and operators of the business shall remove all trash on a daily basis;

3. Pay telephones on the site of the establishment, when applicable, must be of the type that only allow outgoing calls;

4. In establishments with glass storefronts, windows shall allow for unobstructed interior viewing of the cash register area from the street;

5. A sign concerning the California law prohibiting minors to drink alcohol and a sign prohibiting loitering or public drinking must be posted;

6. A copy of any use permit conditions of approval will need to be kept on premises and available upon request;

7. All employees within ninety (90) days of employment shall receive "responsible beverage service training," and any employee on duty between 10:00 p.m. and 2:00 a.m. will be at least twenty-one (21) years of age, and the city to receive documentation of this training, and retained on the premises;

8. Make attempts to limit alcohol related problems which negatively impact those living or working in the neighborhood.

17.59.0150 Restrictions

A. New alcohol sales licenses at new or existing gas stations located in the City of Pinole are not permitted.

B. No on-sale or off-sale liquor establishments shall be open within an exclusively residential district. This restriction shall not apply to the following uses special event functions provided all other permits are secured from the Pinole Police Department.

Chapter 17.70 Second Dwelling Units

17.70.040 Performance Standards

A second dwelling unit which conforms to the requirements of this chapter 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. Second dwelling units may be permitted, pursuant to the requirements of this chapter, on any lot zoned residential on which there is a single-family house, subject to the following regulations:

H. Detached second dwelling units shall:

1. Be eligible to ~~r~~Receive a 20 percent setback reduction for the otherwise required rear, side, and street side setbacks for the residential district when not abutting a creek or other protected open space area;

2. Not be less than eight feet from the main structure;

3. Not exceed ~~one~~ two ~~y~~stories~~y~~ or ~~31~~5 feet in height;

4. Not exceed a total rear lot coverage of 50 percent when considered with all other accessory buildings; and

5. 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 structure.

Chapter 17.76 Wireless Communication Facilities

17.76.050 Application Requirements

An application for the approval of a wireless telecommunication facility shall include the following information, in addition to all other information required by the City for a Conditional Use Permit application as established in Section 17.12.130 (Conditional Use Permit):

S. In conjunction with application submittal once an application is schedule for a public hearing, applicants shall be required to construct a full-scale mock-up of a proposed facility ~~less than 25 feet in height~~, using materials and colors that resemble the actual facility for proposed ground-mounted facilities and roof-mounted facilities. The mock-up shall be installed ten days prior to the scheduled public hearing date and left in place for a period of ten days after the date of any final action taken on the project application. The notice of public hearing shall contain information about the location and placement

of the mock-up structure. Additionally, all mock-up structures shall be removed by the applicant within one month from the date of final action taken on the project application.

17.76.060 Development Standards

A. **General Development Standards**. Unless otherwise exempt pursuant to Section 17.76.040 (Exemptions), the following general development standards shall apply to all wireless telecommunication facilities.

13. Freestanding wireless telecommunication facilities shall not be located within the required setback of any property ~~property and shall be located a minimum of 150 feet from any residential use~~.

14. All freestanding wireless telecommunication facilities shall be designed at the minimum functional height required for the coverage area unless it is determined that additional height~~, up to the maximum allowable for the Zoning District,~~ is needed for architectural reasons or is part of a City-approved plan to reduce the impact(s) of future installations.

F. **Wireless Telecommunication Facilities on Major or Minor Ridgelines or Open Space Areas**. In addition to all other applicable development standards listed above, wireless telecommunication facilities proposed for location on a major or minor ridgeline, or proposed for location in an Open Space Area, shall be reviewed by the designated Approving Authority for compliance with the following.

1. No wireless telecommunication facility shall be located within 400 horizontal feet of a major ridgeline ~~(as shown on Map GP-12 of the General Plan~~) and 100 horizontal feet of a minor ridgeline (as shown on Figure 10.4 of the General Plan) and within 100 vertical feet for both. The distance shall be measured from the peak of the ridge. An exception may be granted by the designated Approving Authority only if any of the following findings can be made:

   i. Due to the specific location and design of the proposed facility, it will not be visible from surrounding properties or public view;

   ii. Due to existing development or existing vegetation at the site, the proposed facility will be substantially screened from the view of surrounding properties and public view and will not result in an adverse visual impact; or

   iii. The applicant can demonstrate that there is no feasible alternative.

City of Pinole Zoning Map Changes

1. Modify the Zoning Map to be consistent with Three Corridor Specific Plan Addendum of changes identified in Exhibit A

2. Modify legend to reflect nomenclature changes of "LDR" for Low Density Residential and "R-1" for Suburban Residential to be consistent with Table 17.20.030-1 changes listed above.

3. Designate City Redevelopment Property recently purchased from Caltrans northeast of Pinole Valley Road and Interstate 80 interchange (adjacent to the westbound off ramp) as Office Professional Mixed Use (OPMU)