

AGENDA FOR THE



CITY OF PINOLE PLANNING COMMISSION REGULAR MEETING

Monday, September 25, 2023

7:00 P.M.

Via Zoom Videoconference and In Person

WAYS TO WATCH THE MEETING

- IN PERSON. Attendance at the Pinole City Council Chambers (2131 Pear St).
- LIVE ON CHANNEL 26. The Community TV Channel 26 schedule is published on the City's website at www.ci.pinole.ca.us. The meeting can be viewed again as a retelecast on Channel 26.
- VIDEO-STREAMED LIVE ON THE CITY'S WEBSITE, www.ci.pinole.ca.us. and remain archived on the site for five (5) years.
- ZOOM VIDEOCONFERENCE. Zoom details are included below.
- If none of these options are available to you, or you need assistance with public comment, please contact Planning Manager David Hanham at (510) 724-8912 or dhanham@ci.pinole.ca.us.

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 Planning Manager.

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/86505375301>

OR

<https://zoom.us/join>

Webinar ID: 865 0537 5301

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

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

When the Chair opens the comment period for the item you wish to speak on, please use the “raise hand” feature (or press *9 if connecting via telephone) which will alert staff that you have a comment to provide. Once you have been identified to speak, please check to make sure you have unmuted yourself in the videoconference application (or press *6 if connecting via telephone).

WRITTEN COMMENTS

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

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 Development Services Department at (510) 724-8912. Notification of 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.

CITIZEN PARTICIPATION:

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

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

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

A. CALL TO ORDER

B1. PLEDGE OF ALLEGIANCE

B2. 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.

B3. ROLL CALL

C. CITIZENS TO BE HEARD:

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

D. MEETING MINUTES:

1. Planning Commission Meeting Minutes from August 14, 2023

E. PUBLIC HEARINGS:

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

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

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

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

1. Zoning Code Text Amendment Regarding Campaign Signs (PA23-01)

Request: Consideration of a recommendation to City Council for an amendment to Pinole Municipal Code Chapter 17.54 to clarify regulations for posting of political and campaign signs on City property. The project qualifies for a CEQA exemption under CEQA Guidelines Section 15061(b)(3).

Applicant: City of Pinole

Location: Citywide

Staff: Erica Gonzalez/ David Hanham

F. OLD BUSINESS:

None

G. NEW BUSINESS:

None

H. CITY PLANNER'S/COMMISSIONER'S REPORT:

I. COMMUNICATIONS:

J. NEXT MEETING(S):

Planning Commission Regular Meeting, October 23, 2023 at 7:00PM

K. ADJOURNMENT

POSTED: September 21, 2023

David Hanham
Planning Manager

DRAFT

MINUTES OF THE REGULAR MEETING
PINOLE PLANNING COMMISSION

August 14, 2023

THIS MEETING WAS HELD IN A HYBRID FORMAT
BOTH IN-PERSON AND ZOOM TELECONFERENCEA. CALL TO ORDER: 7:02 p.m.B1. PLEDGE OF ALLEGIANCE

B2. 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.*

B3. ROLL CALL

Commissioners Present: Bender, Lam-Julian, Sandoval, Vice Chairperson Menis,
Chairperson Benzuly*
*Via Zoom

Commissioners Absent: Banuelos, Martinez

Staff Present: David Hanham, Planning Manager
Alex Mog, Assistant City Attorney
Justin Shiu, Contract Planner

Reporting on ex parte communications, Vice Chairperson Menis reported he had sent out email messages about the meeting to his email list.

Assistant City Attorney Alex Mog reported Chairperson Benzuly was using the just cause provisions in Assembly Bill (AB) 2449 to participate remotely.

C. CITIZENS TO BE HEARD

There were no comments from the public.

D. MEETING MINUTES

1. Planning Commission Meeting Minutes from June 26, 2023

1 **MOTION** with a Roll Call vote to approve the Planning Commission Meeting Minutes from
2 June 26, 2023, as submitted.

3
4 **MOTION: Bender**

SECONDED: Benzuly

APPROVED: 5-0-2

ABSENT: Banuelos, Martinez

5
6
7 **E. PUBLIC HEARINGS:**

8
9 **1. Comprehensive Design Review (PL23-003 & DR23-01) 2550 Appian Way**

10
11 **Request:** Consideration of a request to enclose a 1,960 square foot
12 parking area below the first floor of the existing commercial
13 building to create additional three areas and to close off
14 utilities areas to deter congregation and nuisances. The
15 project qualifies for a CEQA exemption under CEQA
16 Guidelines Section 15301.

17
18 **Applicant:** Pinole Terrace LLC
19 Athan Magganas
20 2550 Appian Way #201
21 Pinole, CA 94564

22
23 **Location:** 2550 Appian Way (APN: 426-391-001)

24
25 **Planner:** David Hanham

26
27 Planning Manager David Hanham presented the staff report dated August 14, 2023. He
28 recommended the Planning Commission adopt Resolution 23-07 approving
29 Comprehensive Design Review and the California Environmental Quality Act (CEQA)
30 exemption, for the construction of 1,960 square feet of commercial and office space
31 located at 2550 Appian Way, subject to Exhibit A, Conditions of Approval.

32
33 Responding to the Commission, Mr. Hanham and Mr. Mog clarified the following:

- 34
35
 - 36 • Pursuant to Condition 22, EV Parking: The applicant shall be required to install
37 wiring for seven electronic vehicle (EV) parking stalls and provide two EV chargers,
38 to be located anywhere in the center with staff to work out the location with the
39 property owner as part of the building plans.
 - 40 • The project was before the Planning Commission since staff had spotted the
41 construction of the parking area, which had been unpermitted. Pursuant to the
42 entitlement section of the Pinole Municipal Code (PMC), all non-residential
43 additions of more than 500 square feet required comprehensive design review.
44 The Planning Commission had the review authority over comprehensive design
45 review.
 - 46 • Traffic entering and exiting the project site did not have protected turns and while
47 a traffic signal could be considered as part of a Capital Improvement Plan (CIP),
48 project the square footage of the project was small and the remainder of the center
49 had already been approved.

50

- It would be a challenge to require a major transportation improvement at this time since the 1,960 square-foot addition had not triggered any thresholds for traffic, which was why there was no change to the project in that regard.
- Consideration 4, as detailed on Page 13 of the staff report was clarified whereby the applicant would be required to install new green infrastructure in compliance with the most current Contra Costa Clearwater Program Guidelines Program, as required under the current Regional Water Quality Control Permit. The Project would also be required to add trash capture device basins within interior parking lot prior to the issuance of an occupancy permit. The project would be reviewed as part of C.3 requirements. The existing drainage that had been installed as part of the initial project would be able to accommodate the additional 1,960 square feet.
- Sheet 1 had identified accessibility requirements for 2019, which should be corrected to read 2022.
- Condition 74, Fire Code Conformance: The dates in the condition should also be corrected from 2019 to read 2022.
- Condition 41, Master Sign Program: The owner/applicant would be required to submit a Master Sign Program for the property for review and action by the Planning Commission. The Master Sign Program that had been approved for the initial project would be reviewed to incorporate any new signs. Any changes in square footage to the Master Sign Program in terms of the “pylon” sign would be brought back to the Planning Commission.
- All comments from the Pinole Police Department had been included as conditions of approval, as shown in Exhibit A.
- Condition 25, Certified Graded Pad: The applicant shall be required to have a California-Licensed Engineer certify that the graded construction pads had been adequately compacted and designed to support the proposed buildings.
- Condition 72, Tenant Collaboration with Police: Since the addition would be behind the building, the Police Department wanted assurance the area would be monitored and had required some type of surveillance such as cameras so if there were issues they could be reported to the Police Department.
- Condition 19, Sidewalk, Curb and Gutter Repair: The condition applied to the entire project area.
- Condition 69, Public Area Lighting (g) was corrected to read: *The rear parking lot is dark. The recommendation is to update lighting to LEDs and follow the current footcandle requirement as part of the overall project*
- Pursuant to the Site Plan, 2550A had been approved in 1991 and 2550B had been partially constructed and what was currently before the Planning Commission.

- The property owner also wanted to do the same thing with 2550C as they had with 2550B, and staff recommended it be brought together as one project so that the property owner could finish it off and not have to come back to the Planning Commission for approval.

PUBLIC COMMENTS OPENED

Athan Magganas, 2550 Appian Way, #201, Pinole, Pinole Terrace LLC, explained that the property was part of the Pinole Vista Shopping Center but was also an oddity in that the terrain was steeply up from Pinole Vista. They had tried to attract retailers and they needed a good amount of people in the upper areas to support the lower spaces. The project had originally been built in 1987, and the portion under discussion, the lower level/rear, was an area people did not really like. An effort had been made to bring more interest to the area which had been a challenge due to the steep terrain, people did not want to be there, parking in the rear had been rarely used since people had to walk around and the solution was to enclose a portion of that area.

Conditions had been exacerbated due to the pandemic and the Pinole Police Department had different attitudes about enforcement given the problems with homeless individuals, which had created threats and risks for the building. While efforts had been made with enforcement and increased surveillance, there were constant challenges to move things out and dispose of accumulated debris due to the homeless population that had necessitated the need to protect and enclose the building as much as possible and find ways to bring in more life to that area of the center.

Mr. Magganas expressed his hope that with the additional space it would be easier for other businesses to locate and utilize the space. He emphasized the extensive interaction with the Police Department which wanted to see infrared lights in the area that would come on with any movement, and which would make the space nicer and more acceptable to people.

Mr. Magganas added there were a series of huge trees along Appian Way that were an impediment to traffic and potential customers to the site. The Public Works Department had considered a traffic signal years ago but ultimately had determined it would be better without a traffic signal. He was uncertain that would be a solution but a study in discussion with the applicant could improve things in the future.

PUBLIC COMMENTS CLOSED

Chairperson Benzuly supported the project and recognized the need to increase the amount of general office space.

Commissioner Bender commented with respect to Conditions 21 and 22 that the EV and bicycle parking had not been identified on the drawings but he would rely on staff to ensure follow through. Having recently visited the site, he understood the potential issues the applicant had with people in the secluded rear of the site and he understood the security concerns.

Commissioner Sandoval supported the project and hoped the applicant had success finding tenants for the space.

Vice Chairperson Menis clarified with staff the trees along Appian Way were located in the median, which he understood were covered in the City's Tree Ordinance and could not be removed unless they were eucalyptus trees. He also clarified with staff the use of the future spaces and tying them in with the City's future Economic Development Plan was outside the Planning Commission's consideration; however, in his opinion the project was reasonably scoped to handle a clear and present public safety risk as the applicant had noted and Commissioners had observed directly, and had various conditions of approval to create public improvements to the site to ensure it looked better and was more sustainable through increased EV parking, trash capture devices and improved lighting and which would overall improve the health and safety of the region. He was overall in favor of the project.

MOTION to adopt Resolution 23-07, with Exhibit A: Conditions of Approval, a Resolution of the Planning Commission of the City of Pinole Approving Comprehensive Design Review (DR23-01) to Construct a 1,960 Square-Foot Addition of Commercial/Professional Office Space at Pinole Terrace Center, 2550 Appian Way (APN: 426-391-001), subject to modification to references in Exhibit A: Conditions of Approval and other associated documents to update 2019 relative codes to 2022.

MOTION: Benzuly

SECONDED: Lam-Julian

APPROVED: 5-0-2

ABSENT: Banuelos, Martinez

H. CITY PLANNER'S / COMMISSIONERS' REPORT

Mr. Hanham reported the City's Housing Element had been certified by the State of California and the City was now in compliance with State law. Staff was working on the Safety and Environmental Justice Elements, to be presented to the Planning Commission in late fall/early winter and with staff also working on the policies and programs in the Housing Element.

Commissioner Bender asked the status of the former Pinole Creek Café and its use given that the business had been closed since the start of the pandemic, to which Mr. Hanham reported that while nothing had been proposed staff was working with the property owner.

Vice Chairperson Menis reopened public comment at this time.

PUBLIC COMMENTS OPENED

Anthony Vossbrink, Pinole, reported he had tried to call in earlier in the meeting but had experienced technical difficulties, which issue had occurred in the past during other meetings. He was unsure whether the technical difficulties were at his end or the City's and was unsure whether that could be verified moving forward. He asked the status of the following: Tara Hills I-80 Safeway Shopping Center given rumors in the community about a new gas station; a new spay/neuter facility for feral animals at the former Pinole Animal Shelter, which building had signage posted for months advertising it as the new home of a spay/neuter clinic; and the caretaker's home and Adobe Trail, where soil was to have been taken from the caretaker's home site to fill a sinkhole in the middle of the trail after repairs to the parking lot, although nothing had been done.

1 Mr. Vossbrink asked about the crossbar bridge over I-80 on Appian Way where a concrete
2 barrier had been knocked out over a year or two ago with no repair. He also referenced a
3 past application for Verizon to install an artificial tree behind Fire Station 74 before the build
4 out of the station on Indian land, which should be vetted as a possible connection to the lack
5 of progress for the caretaker's property that was losing money for the City as it was being
6 allowed to remain vacant. He asked for an investigation related to the Fire Marshal's
7 cancellation of the Fourth of July fireworks at the last minute due to concerns with the
8 proximity of the fireworks to the Pinole-Hercules Wastewater Treatment Plant, although the
9 event had been approved by the City Council. He emphasized the need for tree and
10 vegetation maintenance around the plant and commented on discussions he had with an
11 individual who suggested there was no risk with the proximity of the plant to a fireworks
12 display other than the need for maintenance of the vegetation. He suggested the fireworks
13 display could have been relocated as opposed to being canceled at the last minute.
14

15 Mr. Vossbrink further suggested that any trail improvements to Adobe Road behind the
16 caretaker's home should be renamed after the indigenous Ohlone people given the City of
17 Pinole had no sites named in recognition of the Ohlone people as surrounding jurisdictions
18 had done.
19

20 PUBLIC COMMENTS CLOSED
21

22 Mr. Mog clarified in response to the Vice Chair that members of the public may comment on
23 items that had been discussed and considered by the Planning Commission separate from
24 the general statements under Citizens to be Heard.
25

26 **I. COMMUNICATIONS:** None
27

28 **J. NEXT MEETING**
29

30 The next meeting of the Planning Commission to be a Regular Planning Commission
31 Meeting scheduled for August 28, 2023 at 7:00 p.m.
32

33 **K. ADJOURNMENT:** 8:20 p.m. *In Memory of Amber Swartz.*
34

35 Transcribed by: Reviewed and edited by:
36
37

38 Sherri D. Lewis City Staff
39 Transcriber



Memorandum

TO: PLANNING COMMISSION MEMBERS

FROM: Erica Gonzalez, Senior Associate, City Attorney's Office
David Hanham, Planning Manager

SUBJECT: Zoning Code Text Amendment Regarding Campaign Signs

DATE: September 25, 2023

Applicant:	City of Pinole 2131 Pear Street Pinole, CA 94564
File:	PL23-0074/Zoning Text Amendment PA23-01
Location:	Citywide
Assessor Parcel Numbers:	N/A
Total Area:	N/A
General Plan Land Use Designation:	N/A
Specific Plan Land Use Designation:	N/A
Zoning Classification:	N/A
Review Authority:	Comprehensive Design Review - Planning Commission – Pinole Municipal Code (PMC) Section Table 17.10.060-01 California Environmental Quality Act Determination – Planning Commission – CA Public Resources Code Section 15022

REQUEST

Staff requests the Planning Commission consider a Zoning Code text amendment (PA23-01) to amend Section 17.54.030 of the Zoning Code to include campaign signs and other political material among generally prohibited signage, consistent with the current general prohibition of affixing signs to city property by private parties.

BACKGROUND

The City's Zoning Code currently prohibits affixing signs to city property by private parties unless specifically authorized by Chapter 17.54. Campaign signs and other political material are not currently allowed on public property under the City's Zoning Code but are not expressly identified within the

general prohibition found at section 17.54.030. Staff have highlighted the need for clarifying language after Code enforcement observed prohibited signs on city property.

ANALYSIS

The City Attorney's office and staff have prepared a text amendment to the Zoning Code amending section 17.54.030 to include the posting of campaign signs and other political material on City property within the generally prohibited posting of signs by private parties to city property. The text amendment is attached hereto as Exhibit A.

The City Attorney's Office presented information regarding the proposed amendment to the Municipal Code Update Subcommittee (the "Subcommittee") who met on January 30, 2023 to review the amendment and provide initial feedback. The Subcommittee met again on February 27, 2023 and offered input to the ordinance. The proposed amendment included in Exhibit A reflects the direction of the Subcommittee.

The proposed Zoning Code text amendment specifically identifies political and campaign signs, or any other sign designed to influence voters to support or oppose any candidate or ballot measure, within the generally prohibited posting of signs by private parties to city property, without further substantive change to the current code. The amendment does not impact posting of political and campaign signs on private property. The proposed amendment is consistent with the General Plan and can be used to help ensure consistency with the General Plan.

ENVIRONMENTAL REVIEW

The Zoning Code amendment is not subject to CEQA under the general rule in CEQA Guidelines Section 15061(b)(3) that CEQA applies only to projects which have the potential for causing a significant effect on the environment. As a minor text amendments and addition, it can be said with certainty that there is no possibility that the resolution will have a significant effect on the environment and is an activity not subject to CEQA.

STAFF RECOMMENDATION

That the Planning Commission approve Resolution 23-08 recommending that the City Council adopt an ordinance amending Chapter 17.54 "Signs on City Property" Section 17.54.030 "General Prohibitions" of the Pinole Municipal Code to include political and campaign signs.

ATTACHMENTS

- A. Resolution 23-08, with Exhibit A. Zoning Text Amendment to Chapter 17.54, Section 17.54.000

**PLANNING COMMISSION RESOLUTION 23-08
WITH EXHIBIT A: ZONING TEXT AMENDMENTS**

RESOLUTION OF THE CITY OF PINOLE PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING CHAPTER 17.54 “SIGNS ON CITY PROPERTY” SECTION 17.54.030 “GENERAL PROHIBITION” OF THE PINOLE MUNICIPAL CODE TO INCLUDE POLITICAL AND CAMPAIGN SIGNS

WHEREAS, Pinole Municipal Code (“PMC”) Title 17 Zoning Code, Chapter 17.54 provides the process and requirements for establishing signage on City property; and

WHEREAS, PMC Section 17.54.030 “General Prohibition” prohibits private parties from affixing signs on City property unless specifically authorized under the Municipal Code; and

WHEREAS, the City desires to amend the Municipal Code to include political and campaign signs, or any other sign designed to influence voters to support or oppose any candidate or ballot measure, among generally prohibited signage, consistent with the current code; and

WHEREAS, the proposed amendment to the Zoning Code is attached hereto as Exhibit A; and

WHEREAS, the Planning Commission held a duly noticed public hearing related to the proposed Zoning Code amendment on September 25, 2023; and

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

WHEREAS, the proposed ordinance amendments are exempt from the California Environmental Quality Act (CEQA) based on the rule set forth in CEQA Guidelines Section 15061(b)(3) that CEQA applies only to projects which have the potential for causing a significant effect on the environment, and well as sections 15305 and 15303, which respectively exempt minor encroachment permits and the installation of small equipment and facilities on a small structures.

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

BE IT FURTHER RESOLVED, that the Planning Commission of the City of Pinole hereby recommends that the City Council adopt an ordinance amending Chapter 17.54 “Signs On City Property,” Section 17.54.030 “General Prohibition” of the Pinole Municipal Code to include political and campaign signs as set forth in Exhibit A, attached hereto and incorporated herein.

PASSED AND ADOPTED by the Planning Commission of the City of Pinole on this 25th day of September, 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Adam Benzuly, Chair, 2023-2024

ATTEST:

David Hanham, Planning Manager

5489718.1

EXHIBIT A

CHAPTER 17.54 SIGNS ON CITY PROPERTY

Sections:

- 17.54.010 Purpose and proprietary capacity.
- 17.54.020 Intent as to public forum.
- 17.54.030 General prohibition.
- 17.54.040 Signs allowed on city property.
- 17.54.050 Temporary signs displaying noncommercial messages.
- 17.54.060 Street banner program.

17.54.010 PURPOSE AND PROPRIETARY CAPACITY.

The purpose of this chapter is to provide the process and requirements for establishing signage on city property. In adopting this chapter, the City Council acts in its proprietary capacity as to city property, as defined herein, within the city. This chapter is adopted pursuant to the city's general powers, property rights, Government Code Sections 65850(b), 38774, and 38775, Business and Professions Code Sections 5200 *et seq.*, and Penal Code Section 556 *et seq.*

17.54.020 INTENT AS TO PUBLIC FORUM.

The city declares its intent that not all city property shall function as a designated public forum, unless some specific portion of city property is designated herein as a public forum of one (1) particular type. In such case, the declaration as to public forum type shall apply strictly and only to the specified area and for the specified time period.

17.54.030 GENERAL PROHIBITION.

Unless specifically authorized by this chapter, no signs may be affixed to city property by private parties, including, but not limited to, political and campaign signs, or any other sign designed to influence voters to support or oppose any candidate or ballot measure. Any sign posted on city property in violation of this chapter may be summarily removed by the city as a trespass and a public nuisance.

17.54.040 SIGNS ALLOWED ON CITY PROPERTY.

The following signs may be erected and displayed on city property:

Traffic control and traffic directional signs erected by the city or another governmental unit;

- A. Signs required by law;
- B. Signs erected and maintained by a public agency on public property;
- C. Safety and emergency signs, including identification and warning signs concerning potential hazards or hazardous conditions, utility installations, flood hazards or flood control facilities, emergency conditions or services and crime and accident scene control;

- D. Signs allowable under Section 17.54.050 (Temporary Signs Displaying Noncommercial Message) of this chapter;
- E. Signs authorized under Section 17.54.060 (Street Banner Program); and
- F. Signs authorized pursuant to a temporary use permit issued pursuant to Section 17.12.070 of the Pinole Municipal Code.

17.54.050 TEMPORARY SIGNS DISPLAYING NONCOMMERCIAL MESSAGES.

In areas qualifying as traditional public forums, private persons may display noncommercial message signs thereon, provided that such signs conform to all of the requirements listed below. These requirements are intended to preserve safety and aesthetic quality within the city.

- A. The signs must be personally held by a person or personally attended by one (1) or more persons. "Personally attended" means that a person is physically present within five (5) feet of the sign at all times.
- B. The maximum aggregate size of all signs held or personally attended by a single person is six (6) square feet. For purposes of this rule, apparel and other aspects of personal appearance do not count toward the maximum aggregate sign area.
- C. The maximum size of any one (1) sign which is held or personally attended by two (2) or more persons is fifty (50) square feet, measured on one (1) side only. The sign must have no more than two (2) display faces and may not be inflatable or air-activated.
- D. In order to serve the city's interests in traffic flow and safety, persons displaying signs under this chapter may not stand in any vehicular traffic lane when a roadway is open for use by vehicles, and persons displaying signs on public sidewalks must give at least five (5) feet width clearance for pedestrians to pass by. Persons holding signs may not obstruct the clear vision triangle, as defined in this title.
- E. The message substitution policy of the sign ordinance applies only to traditional public forum areas.

17.54.060 STREET BANNER PROGRAM.

- A. The street banner program is limited to signs, banners, pennants or other displays placed by the city and/or redevelopment agency relating to any civic events or activities organized or sponsored by the city or redevelopment agency on public property.
- B. For purposes of this section, "civic event or activity" shall mean the following: any event or activity organized or sponsored by the city or redevelopment agency, including but not limited to:
 - 1. Any public program or educational activity; and
 - 2. The commemoration or celebration of any historical date, event or person, holiday or persons or events of local, state or national significance.
- C. For purposes of this section, "sponsored by" shall mean the following: The city and/or

redevelopment agency is:

1. Participating in an official capacity in the planning, preparation or promotion of the event or activity; and
2. Contributing twenty-five percent (25%) of the total estimated costs of the civic event or activity, or at least one thousand dollars (\$1,000), whichever is less. This contribution may take the form of funds, labor, staff time, materials, fee subsidies, or any combination of the foregoing.

5489633.1