Title 18

PLANNING AND LAND USE

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Chapter 18.05

PURPOSE AND ORGANIZATION

Sections:
18.05.010 Title.
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18.05.010 Title.

This title of the municipal code shall be known and cited as the zoning ordinance. A copy of the zoning regulations and the zoning map, together with a record of all amendments, shall be kept on file by the city clerk. (Ord. 710 § 35-1.1, 1996; 1991 code § 35-1.1)

18.05.020 Purposes.

The broad purposes of the zoning ordinance are to protect and promote the public health, safety, and general welfare, and to implement the policies of the City of Pleasant Hill General Plan. More specifically, the zoning ordinance is intended to:

A. Provide a precise guide for the physical development of the city in order to:
   1. Preserve the character and quality of residential neighborhoods;
   2. Foster convenient, harmonious, and workable relationships among land uses; and
   3. Achieve the arrangement of land uses described in the general plan.

B. Promote the economic stability of existing land uses.

C. Prevent excessive population densities and overcrowding of land or buildings.

D. Ensure the provision of adequate open space for light, air, and fire safety.

E. Ensure that service demands of new development will not exceed the capacities of existing streets, utilities, or public services. (Ord. 710 § 35-1.4, 1996; 1991 code § 35-1.4)

18.05.030 Organization of zoning regulations.

Part 1: General Provisions establishes the overall organization and applicability of the regulations and includes use classifications.

Part 2: Base District Regulations specify the land uses permitted or conditionally permitted in each residential, commercial and industrial zoning district, and include special requirements, if any, that are applicable to specific uses. Base district regulations also include development standards to control the height, bulk, location and appearance of structures on development sites, and requirements for landscaping.

Part 3: Overlay District Regulations modify base district regulations for specific purposes. The overlay district enables the city to designate historic districts and cultural resources.

Part 4: Regulations Applying in All Districts include supplemental site development regulations, parking and loading requirements, sign controls, and provisions for nonconforming uses, structures, and signs.
Part 5: Administration contains detailed procedures for the administration of the zoning ordinance, including requirements for development plans, planned unit developments (including hillside PUDs), precise plan districts, tree removal permits, minor exceptions, reasonable accommodations, zoning permits, use permits, sign permits, variances, architectural review, development agreements, amendments to the ordinance and zoning map, appeals of zoning decisions and calls for review, and enforcement.

Part 6: General Terms includes a list of terms used in the ordinance, with cross-references, and definitions for general terms; it also includes rules for measurement of distances, heights, lot widths, depths and areas, and setback averaging.

(Ord. 890 § 2, 2015; Ord. 710 § 35-1.6, 1996; 1991 code § 35-1.6)
Chapter 18.10

APPLICABILITY AND INTERPRETATION

Sections:
18.10.010 Purpose and applicability.
18.10.020 General rules for applicability of zoning regulations.
18.10.030 Rules for construction of language.
18.10.040 Rules for interpretation of text and zoning map – Record keeping.
18.10.050 Applicability of land use and development regulations.

18.10.010 Purpose and applicability.

The purpose of this chapter is to provide precision in interpretation of the zoning regulations. The meaning and construction of words and phrases defined in this chapter apply throughout the zoning regulations, except where the context requires a different meaning. (Ord. 710 § 35-2.1, 1996; 1991 code § 35-2.1)

18.10.020 General rules for applicability of zoning regulations.

A. Applicability to property. Zoning regulations shall apply to all land within the city, including land owned by the city and other local, state, or federal agencies to the extent allowed by law, with the exception of city-funded projects on public agency-owned property. Application of regulations to specific lots shall be governed by the zoning map.

B. Applicability to streets and rights-of-way. Public streets, utility and other rights-of-way shall be in the same zoning district as contiguous property. Where contiguous properties are classified in different zoning districts, the centerline of the street or right-of-way shall be the district boundary, unless otherwise depicted on the zoning map.

C. Compliance with regulations. No land shall be used, and no structure shall be constructed, occupied, enlarged, altered, demolished or moved in any zoning district except in accord with this title.

D. Public nuisance. Neither the provisions of this title nor the approval of any permit authorized by this title shall authorize the maintenance of a public nuisance. A violation of any provision of this title is a public nuisance. (Reference: PHMC § 18.135.010.)

E. Compliance with public notice requirements. Compliance with public notice requirements prescribed by this title shall be deemed sufficient notice to allow the city to proceed with a public hearing and take action on an application, regardless of actual receipt of mailed or delivered notice.

F. Requests for notice. Where this title requires that notice be given by first class mail to “any person who has filed a written request for such notice,” the request shall be filed with the zoning administrator and shall be subject to the applicable fees set to cover mailing costs. A request for mailing of a single notice of a single decision shall not require payment of a fee.

G. Conflict with other regulations. Where conflict occurs between the provisions of this title and any other city code, chapter, resolution, guideline, or regulation, the more restrictive provision shall control unless otherwise specified in this chapter.

H. Relation to private agreements. This title shall not interfere with or annul any easement, covenant, or other agreement now in effect.

I. Relation to prior ordinance. The provisions of this title supersede all prior zoning ordinances of the city.
J. **Extension of time for holidays and weekends.** If a deadline falls on a weekend or holiday, the time for performing an act shall be extended to the next working day.

K. **Zoning of land proposed for annexation.** The zoning administrator shall recommend prezoning consistent with the general plan designation for land within the city’s sphere of influence. If prezoning is approved by the planning commission and the city council, the zoning shall become effective upon annexation.

L. **Application during local emergency.** The city council, or its authorized designee, may authorize a deviation from a provision of this title during a local emergency declared and ratified under the municipal code in accordance with the California Emergency Services Act (Gov’t Code § 8550 et seq.). (Ord. 934 § 2, 2019; Ord. 890 § 3, 2015; Ord. 710 § 35-2.2, 1996; 1991 code § 35-2.2)

18.10.030 **Rules for construction of language.**

In addition to the general provisions of the Pleasant Hill Municipal Code, the following rules of construction shall apply:

A. The particular controls the general.

B. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:
   1. *And* indicates that all connected words or provisions shall apply;
   2. *Or* indicates that the connected words or provisions may apply singly or in any combination; and
   3. *Either ... or* indicates that the connected words or provisions shall apply singly but not in combination.

C. In case of conflict between the text and a diagram, the text controls.

D. A reference to a public official in the city is to that person who performs the function referred to and includes a designated deputy of such official.

E. All references to days are to calendar days unless otherwise indicated.

F. Section headings shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of any section.

G. The words *activities* and *facilities* include any part thereof. (Ord. 727 § 2, 1998; Ord. 710 § 35-2.4, 1996; 1991 code § 35-2.4)

18.10.040 **Rules for interpretation of text and zoning map – Record keeping.**

A. **Zoning regulations.** Where uncertainty exists regarding the interpretation of a provision of this title or its application to a specific site, the zoning administrator shall determine the intent of the provision.

B. **Zoning map.** Where uncertainty exists regarding the boundary of a zoning district, the following rules shall apply:
   1. District boundaries shown as approximately following the property line of a lot shall be construed to follow the property line.
   2. On unsubdivided land, or where a district boundary divides a lot, the location of the district boundary shall be determined by using the scale appearing on the zoning map, unless the boundary location is indicated by dimensions printed on the map.
   3. District boundaries shown as lying within the right-of-way lines of a freeway, street, railroad, or other identifiable boundary line shall be construed to follow the right-of-way or boundary line.
   4. District boundaries shown as lying within the right-of-way lines of a freeway, street, railroad, or other identifiable boundary line shall be construed to follow the centerline of the right-of-way or boundary line.
5. If any uncertainty remains as to the location of a district boundary or other feature shown on the zoning map, the location shall be determined by the zoning administrator.

C. Record of interpretation. The zoning administrator shall keep a record of interpretations made under this section which shall be available to the public. (Ord. 710 § 35-2.6, 1996; 1991 code § 35-2.6)

18.10.050 Applicability of land use and development regulations.

A. Establishment of base zoning districts. Base zoning districts into which the city is divided are established as follows:

<table>
<thead>
<tr>
<th>Base District Designator</th>
<th>Base District Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-6</td>
<td>Single-Family Residential District: Minimum lot size: 6,000 sq. ft.</td>
</tr>
<tr>
<td>R-7</td>
<td>Single-Family Residential District: Minimum lot size: 7,000 sq. ft.</td>
</tr>
<tr>
<td>R-10</td>
<td>Single-Family Residential District: Minimum lot size: 10,000 sq. ft.</td>
</tr>
<tr>
<td>R-10A</td>
<td>Single-Family Residential District: Minimum lot size: 10,000 sq. ft.</td>
</tr>
<tr>
<td>R-15</td>
<td>Single-Family Residential District: Minimum lot size: 15,000 sq. ft.</td>
</tr>
<tr>
<td>R-20</td>
<td>Single-Family Residential District: Minimum lot size: 20,000 sq. ft.</td>
</tr>
<tr>
<td>MRVL</td>
<td>Very Low Density Multiple-Family Residential District: 7 to 11.9 units per acre</td>
</tr>
<tr>
<td>MRL</td>
<td>Low Density Multiple-Family Residential District: 12 to 19.9 units per acre</td>
</tr>
<tr>
<td>MRM</td>
<td>Medium Density Multiple-Family Residential District: 20 to 29.9 units per acre</td>
</tr>
<tr>
<td>MRH</td>
<td>High Density Multiple-Family Residential District: 30 to 40 units per acre</td>
</tr>
<tr>
<td>NB</td>
<td>Neighborhood Business District</td>
</tr>
<tr>
<td>RB</td>
<td>Retail Business District</td>
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<tr>
<td>C</td>
<td>General Commercial District</td>
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<tr>
<td>PAO</td>
<td>Professional and Administrative Office District</td>
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<tr>
<td>LI</td>
<td>Limited Industrial District</td>
</tr>
<tr>
<td>PUD/PPD</td>
<td>Planned Unit Development or Precise Plan District</td>
</tr>
<tr>
<td>HPUD</td>
<td>Hillside Planned Unit Development District</td>
</tr>
</tbody>
</table>

1In R-10A, the average lot size must be at least 10,000 sq. ft. Smaller lots may be permitted, but not less than 7,000 sq. ft.

References to R districts refer to all single-family and multifamily residential districts.

B. Establishment of overlay zoning districts. Overlay zoning districts, one or more of which may be combined with a base district, are established as follows:

1. CR – Cultural Resource Overlay District;
Chapter 18.15

USE CLASSIFICATIONS

Sections:
18.15.010 Purpose and applicability.
18.15.020 Residential use classifications.
18.15.030 Public and semipublic use classifications.
18.15.040 Commercial use classifications.
18.15.050 Industrial use classifications.
18.15.060 Accessory use classifications.
18.15.070 Temporary use classifications.

18.15.010 Purpose and applicability.

Use classifications describe land uses and activities having similar characteristics. The following use classifications are included: residential, public and semipublic, commercial, industrial, accessory and temporary. If a specific land use or activity is not listed, but is substantially similar in character to the other uses within a classification, the zoning administrator may determine that the use or activity is within a classification. (Ord. 710 § 35-3.1, 1996; 1991 code § 35-3.1)

18.15.020 Residential use classifications.

**Accessory dwelling unit.** An attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes: (1) an efficiency unit, as defined in Health and Safety Code section 17958.1, and (2) a manufactured home, as defined in Health and Safety Code section 18007. (Reference: PHMC § 18.20.095.)

**Bed and breakfast.** An establishment offering lodging (with or without incidental meal and/or beverage service) in a single-family residential building and in conjunction with a single-family residential use, for short-term stays of less than 30 consecutive days.

**Boarding and lodging.** The renting of a room or rooms within an existing single-family dwelling where: (1) a bedroom or bedrooms are rented, with a separate rental agreement for each room, not for the entire dwelling; (2) for a minimum of 30 consecutive days; (3) with the common use of kitchen facilities; and (4) those occupying the bedroom or bedrooms do not function as a family as defined in PHMC § 18.140.010.

**Care facility, large, licensed.** Any one of the following residential or nonresidential care facilities, which serves seven or more residents (or clients):

- A **health facility**, as defined at Health and Safety Code section 1250, including general acute care hospital; acute psychiatric hospital; skilled nursing facility; intermediate care facility; intermediate care facility/developmentally disabled – rehabilitative; special hospital; intermediate care facility/developmentally disabled; intermediate care facility/developmentally disabled – nursing; congregate living health facility; correctional treatment center (including in-patient health services and not including facilities providing offender rehabilitation services); nursing facility; and intermediate care facility/developmentally disabled – continuous nursing.

- A **community care facility**, as defined at Health and Safety Code section 1502, including: residential facility; adult day program; therapeutic day services facility; foster family agency; foster family home; small family home; social rehabilitation facility; community treatment facility; full-service adoption agency; noncustodial adoption agency.
• A **residential care facility**, as defined at Health and Safety Code section 1568.01 as a residential care facility for persons with chronic, life-threatening illnesses who are 18 years of age or older, or are emancipated minors, and for family units.

• A **residential care facility for the elderly**, as defined at Health and Safety Code section 1569.2(k) as a housing arrangement chosen voluntarily by persons 60 years of age or over (or their authorized representative) where varying levels and intensities of care and supervision, protective supervision, or personal care are provided based on their varying needs.

• A **pediatric day health and respite care facility**, as defined at Health and Safety Code section 1760.2, as a facility which provides an organized program of therapeutic social and day health activities and services and limited 24-hour inpatient respite care to medically fragile children 21 years of age or younger, including terminally ill and technology dependent children.

• An **alcoholism or drug abuse recovery or treatment facility**, as defined at Health and Safety Code section 11834.02, licensed by the state.

**Care facility, large, unlicensed.** A residential facility, not licensed by the state, in which seven or more individuals with a disability reside who are not living together as a family (as defined) and in which every person residing in the facility is an individual with a disability (except the licensee, members of the licensee’s family, or persons employed as facility staff).

**Care facility, small, licensed.** A small care facility of a type listed under **Care facility, large, licensed** which is: (1) a residential facility which serves (2) six or fewer residents (not including the licensee or members of the licensee’s family or staff), (3) licensed by the state. Any combination of two or more care facilities that are under the control and management of the same owner, operator, management company, licensee, or any affiliate of them, and are integrated components of one operation, are considered one facility.

**Care facility, small, unlicensed.** A residential facility of six or fewer total residents managed under a single operator and designed for short-term stays by each resident as a transition from drug or alcohol rehabilitation or while on parole. Any combination of two or more care facilities that are under the control and management of the same owner, operator, management company, licensee, or any affiliate of them, and are integrated components of one operation, are considered one facility.

**Cottage food operations.** An enterprise that has not more than $50,000 in gross annual sales; operated by a “cottage food operator” (who operates in his or her private home and owns the operation); and having not more than one full-time equivalent employee, not including a family or household member; that involves preparation of “cottage food products” which are nonhazardous foods such as baked goods without cream or meat fillings; candy; chocolate-covered nonperishable foods; dried fruit; dried pasta; dry baking mixes; fruit pies; granola, cereals and trail mixes; herb blends and dried mole paste; honey; jams, jellies, preserves; nut mixes and nut butters; popcorn; vinegar and mustard; roasted coffee and dried tea; waffle cones and pizelles; other items added by the State Public Health Officer on an approved food products list (Health and Saf. Code § 113758).

**Family day care home.** A facility that regularly provides care, protection, and supervision for 14 or fewer children, in the provider’s own home, for periods of less than 24 hours per day, while the parents or guardians are away and is either a large family day care home or a small family day care home, as defined in Health and Safety Code section 1596.78, including:

• **Day care home, small family** means a facility that provides care, protection, and supervision for eight or fewer children, including children under 10 years of age who reside at the home, as set forth in Health and Safety Code section 1597.44 and as defined in regulations; and
- **Day care home, large family** means a facility that provides care, protection, and supervision for seven to 14 children, inclusive, including children under 10 years of age who reside at the home, as set forth in Health and Safety Code section 1597.465 and as defined in regulations.

A small family day care home or large family day care home includes a detached single-family dwelling, a townhouse, a dwelling unit within a dwelling, or a dwelling unit within a covered multifamily dwelling in which the underlying zoning allows for residential uses. A small family day care home or large family day care home is where the day care provider resides, and includes a dwelling or a dwelling unit that is rented, leased, or owned.

**Group residential.** Shared living quarters, in multifamily zone districts, with or without separate kitchen or bathroom facilities for each room or unit. This classification includes boardinghouses, dormitories, and private residential clubs, but excludes care facilities.

**Home occupation.** A home occupation is an ongoing activity in a dwelling which provides goods or services where such activity is incidental to the primary use of the dwelling for residential purposes. (Reference: PHMC § 18.20.070.)

**Junior accessory dwelling unit.** A unit that is no more than 500 square feet in size and contained entirely within an existing single-family structure. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

**Multifamily residential.** Two or more dwelling units on a site.

**Senior housing.** Housing that is available only to households in which the head of the household is 55 years of age or older, and which is not a care facility (small or large) as defined elsewhere in this section.

**Single-room occupancy.** A single-room occupancy facility is a residential building that includes multiple single-room occupancy units. “Single-room occupancy unit” means housing consisting of single-room dwelling units that are the primary residence of their occupant or occupants. If the single-room occupancy housing consists of new construction, conversion of nonresidential space, or reconstruction, the unit must contain either food preparation or sanitary facilities, and may contain both. If the single-room occupancy housing consists of acquisition or rehabilitation of an existing residential structure or hotel, neither food preparation nor sanitary facilities are required to be in the unit, but if the units do not contain sanitary facilities, the building must contain sanitary facilities that are shared by tenants (see 24 CFR 92.2).

**Single-family residential.** One dwelling unit located on a single lot.

**Supportive housing.** Housing with no limit on length of stay, that is occupied by the target population, and that is linked to an on-site or off-site service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. “Target population” means persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people. Supportive housing is a residential use subject only to the same requirements as apply to other residential dwellings of the same type in the same zone.

**Transitional housing.** Buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the begin-
ning of the assistance. Transitional housing is a residential use subject only to the same requirements as apply to other residential dwellings of the same type in the same zone.

(Ord. 938 § 2, 2020; Ord. 915 §§ 1, 2, 2017; Ord. 890 § 4, 2015; Ord. 874 § 1, 2013; Ord. 867 § 2, 2012; Ord. 856 § 2 (Exh. A), 2011; Ord. 727 §§ 3, 10, 1998; Ord. 710 § 35-3.2, 1996; 1991 code § 35-3.2)

18.15.030 Public and semipublic use classifications.

**Antenna, amateur radio.** Private, noncommercial citizen band, ham and short-wave radio facilities.
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**Care facility, large, licensed.** Any one of the following residential or nonresidential care facilities, which serves seven or more residents (or clients):

- A **health facility**, as defined at Health and Safety Code section 1250, including general acute care hospital; acute psychiatric hospital; skilled nursing facility; intermediate care facility; intermediate care facility/developmentally disabled – rehabilitative; special hospital; intermediate care facility/developmentally disabled; intermediate care facility/developmentally disabled – nursing; congregate living health facility; correctional treatment center (including in-patient health services and not including facilities providing offender rehabilitation services); nursing facility; and intermediate care facility/developmentally disabled – continuous nursing.

- A **community care facility**, as defined at Health and Safety Code section 1502, including: residential facility; adult day program; therapeutic day services facility; foster family agency; foster family home; small family home; social rehabilitation facility; community treatment facility; full-service adoption agency; noncustodial adoption agency.

- A **residential care facility**, as defined at Health and Safety Code section 1568.01 as a residential care facility for persons with chronic, life-threatening illnesses who are 18 years of age or older, or are emancipated minors, and for family units.

- A **residential care facility for the elderly**, as defined at Health and Safety Code section 1569.2(k) as a housing arrangement chosen voluntarily by persons 60 years of age or over (or their authorized representative) where varying levels and intensities of care and supervision, protective supervision, or personal care are provided based on their varying needs.

- A **pediatric day health and respite care facility**, as defined at Health and Safety Code section 1760.2 as a facility which provides an organized program of therapeutic social and day health activities and services and limited 24-hour inpatient respite care to medically fragile children 21 years of age or younger, including terminally ill and technology dependent children.

- An **alcoholism or drug abuse recovery or treatment facility**, as defined at Health and Safety Code section 11834.02, licensed by the state.

**Care facility, large, unlicensed.** A residential facility, not licensed by the state, in which seven or more individuals with a disability reside who are not living together as a family (as defined) and in which every person residing in the facility is an individual with a disability (except the licensee, members of the licensee’s family, or persons employed as facility staff).

**Cemetery.** Land used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of the cemetery.

**Clubs and lodges.** Meeting, recreational, or social facilities of a private or nonprofit organization primarily for use by members or guests. This classification includes union halls, social clubs and youth centers.

**Community center.** A publicly owned facility used for meeting, recreational or social events.

**Cultural institution.** Public or nonprofit institutions displaying or preserving objects of interest in one or more of the arts or sciences. This classification includes libraries, museums, and art galleries.

**Day care, general.** Provision of nonmedical care for more than 14 persons on a less than 24-hour basis. This classification includes nursery schools, preschools, and day care centers for children.
Emergency homeless shelter. Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay (Health and Saf. Code § 50801(e)).

Government office. Administrative, clerical, or public contact office of a government agency, including a postal facility, together with incidental storage and maintenance of vehicles.

Maintenance and service facility. Facility providing maintenance and repair services for vehicles and equipment and areas for storage of equipment and supplies. This classification includes corporation yards, equipment service centers, and similar facilities.

Park and recreation facility. Noncommercial park, playground, recreation facility, open space, commercial tennis/swimming club, golf course, driving range or swim club.

Public safety facility. A facility that provides public safety and emergency services, including, but not limited to, police and fire protection, whether provided by a public entity or by a private entity under contract to a public entity.

Public safety facility, offender rehabilitation services. Establishments primarily engaged in providing post-conviction and/or post-incarceration follow-up services to individuals and/or groups, including, but not limited to: social services, counseling, monitoring, compliance verification, testing, referrals, and/or other similar follow-up services.

Religious assembly. A facility for religious worship and incidental religious education, but not including a private school.

School, public or private. Facility for primary or secondary education, including elementary, junior high and high school and private institution having a curriculum comparable to that required in the public schools of the State of California.

Senior housing. Housing that is available only to households in which the head of the household is 55 years of age or older, and which is not a care facility (small or large) as defined elsewhere in this section.

Utilities, major. Generating plant; electrical substation; above-ground electrical transmission line; switching building; refuse collection and transfer station; processing, recycling or disposal facility; water reservoir; flood control or drainage facility; water or wastewater treatment plant; transportation or communications facility (other than a communication facility as defined in this section); and similar facility of a public agency or public utility.

Utilities, minor. Utility facilities that are necessary to support established uses and involve only minor structures such as electrical distribution lines and underground water and sewer lines, and small recycling collection facilities.

Wireless telecommunications facility. A facility that may include but is not limited to a support structure and attached antennas that sends and/or receives radio frequency signals. This includes antennas and all types of equipment for the transmission or receipt of such signals; telecommunications towers or similar structures built to support such equipment, wall-mounted facilities, microwave transmitting and receiving equipment, equipment cabinets and all other related accessory equipment.

18.15.040 Commercial use classifications.

Adult business. An establishment or concern which, as a regular and substantial course of conduct, offers, sells or distributes adult-oriented merchandise, or which offers to its patrons materials, products, merchandise, services, entertainment or performances that depict, describe, or relate to specified sexual activities: human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, oral copulation, or sodomy; fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts. (Reference: PHMC Chapter 18.70.)

Ambulance service. Provision of emergency medical care or transportation, including incidental storage and maintenance of vehicles.

Animal sales and services.

1. Animal boarding. Provision of shelter and care for small animals on a commercial basis and large animals on a commercial or noncommercial basis. This classification includes activities such as feeding, exercising, grooming, and incidental medical care.

2. Animal clinic. Facility which provides grooming, training or other services to animals, including veterinary services on an outpatient basis with no overnight boarding.

3. Animal day care. An establishment that provides care for two or more small animals on a commercial basis, primarily within an enclosed building, with no overnight boarding.

4. Animal grooming. Provision of bathing and trimming services for small animals on a commercial basis. This classification includes boarding of domestic animals for a maximum period of 48 hours.

5. Animal hospital. An establishment where small animals receive medical and surgical treatment, including grooming and boarding of animals for no more than 30 days if incidental to the hospital use and limited to animals receiving medical care.

6. Animals: retail sales. Retail sales and boarding of small animals, provided such activities take place entirely within an enclosed building. This classification includes grooming if incidental to the retail use.

7. Riding academy. An establishment offering facilities for instruction in horseback riding, including rings, stables, and exercise areas.

Artists’ studios. Work space for artists and artisans, including individuals practicing one of the fine arts or performing arts, or skilled in an applied art or craft.

Automobile maintenance, limited. An establishment engaged in the replacement and refurbishment of motor vehicle fluids (excluding fuel), chassis lubrication, minor tune-ups, smog inspection and other similar maintenance of automobiles and light vehicles, excluding washing of the vehicle, waxing, and other cleaning or surface treatment of the vehicle.

Automobile service station. An establishment engaged in the retail sale of gas or diesel fuel, lubricants, parts, and accessories. This classification includes incidental sales of retail products. This also includes maintenance and repair of automobiles when performed in conjunction with the sale of gas or diesel fuel and vehicle washing, but excludes body and fender work or repair of heavy trucks or vehicles.

Automobile, vehicle/equipment broker. An office use providing assistance to third parties seeking to buy or sell vehicles or equipment. This classification does not include on-site storage, display or maintenance of vehicles.
Automobile, vehicle and equipment repair. Repair of automobiles, trucks, motorcycles, motor homes or recreational vehicles, or boats, including the sale, installation, and servicing of related equipment and parts. This classification includes auto repair shop, body and fender shop, wheel and brake shop, and tire sales and installation, but excludes vehicle dismantling or salvage and tire retreading or recapping.

Automobile, vehicle/equipment sales and rentals. Sale or rental of automobiles, motorcycles, trucks, tractors, construction or agricultural equipment, mobile homes, boats and similar equipment, including storage, incidental repair and maintenance, and other activities accessory to the primary automobile vehicle/equipment sales and rentals, including but not limited to wholesale vehicle sales, unless such accessory uses are expressly limited or prohibited by the terms of the approval issued for the use.

Automobile, vehicle/equipment wholesaler. Wholesaler of automobiles, motorcycles, trucks, tractors, construction or agricultural equipment, mobile homes, boats and similar equipment, including on-site storage and incidental maintenance.

Automobile washing. Washing, waxing, or cleaning of automobiles or similar light vehicles.

Banks and savings and loans. A financial institution that provides retail banking services to individuals and businesses. This classification includes only those institutions engaged in the on-site circulation of money, including businesses offering check-cashing facilities.

1. With drive-up service. Institutions providing services accessible to persons who remain in their automobiles.

Building materials and services. Retailing, wholesaling, or rental of building supplies or equipment. This classification includes a lumber yard, tool and equipment sales or rental establishment, and building contractors’ yard, but excludes an establishment devoted exclusively to retail sales of paint and hardware and activities classified under vehicle/equipment sales and services, including vehicle towing services.

Cannabis retailer means a facility or premises located in the city where cannabis or cannabis products, in any amount or form, either individually or in combination, are offered or provided for retail sale or other sales or transfer to consumers. A cannabis retailer includes an establishment that delivers cannabis as part of a retail sale. The term “cannabis retailer” includes the following subtypes:

1. Cannabis retailer, medical. A cannabis retailer selling medicinal cannabis and medicinal cannabis products to qualified patients with valid physicians’ recommendations, persons with an identification card, and primary caregivers, as each is defined in Health and Safety Code section 11362.7, as amended. A medical cannabis retailer includes a medical marijuana dispensary.

2. Cannabis retailer, adult-use. A cannabis retailer selling adult-use cannabis and cannabis products for adults 21 years of age and over.

Cardroom. A gaming club as defined in Business and Professions Code section 19802.

Catering services. Preparation and delivery of food and beverages for off-site consumption without provision for on-site pickup or consumption. (See also Eating and drinking establishment.)

Commercial filming. Commercial motion picture or video photography at the same location for more than six days per quarter of a calendar year.

Commercial parking facility. Lot offering parking to the public for a fee.

Commercial recreation and entertainment. Provision of participant or spectator recreation or entertainment. This classification includes a bingo parlor, bowling alley, billiard parlor, poolroom, ice/roller skating rink,
scale-model course, tennis/racquetball court, croquet court, swim club, pinball arcade or electronic games center, and similar uses.

1. **Regulated games.** Cardrooms.

**Communications facility.** Broadcasting, recording, and other communication services accomplished through electronic or telephonic mechanisms, but excluding major utilities. This classification includes radio, television, or recording studios; telephone switching centers; and data centers.

**Eating and drinking establishments.** Business serving prepared food or beverages for consumption on or off the premises. Typical uses include, but are not limited to, restaurants, fast food establishments, bars, coffee houses, ice cream/yogurt establishments and juice bars. (See also *Live entertainment.*)

1. **With drive-through service.** Service from a building to persons in vehicles through an outdoor service window.

2. **With outdoor seating.** Seating for more than 12 persons outdoors.
**Equipment and appliance maintenance and repair services.** An establishment providing repair services for personal items and small equipment, such as electronics, appliances and office machines repair. This classification excludes maintenance and repair of vehicles. (See *Automobile, vehicle and equipment repair*.)

**Firearm sales.** The sale, transfer, lease, or offer for sale or lease of a firearm. For purposes of this chapter, firearm sales shall include sale of ammunition, and the terms “firearm” and “ammunition” shall have the same meanings as set forth in PHMC § 9.35.020. See also PHMC § 9.35.020 (Definitions).

**Fitness studio.** An establishment providing exercise and physical conditioning services.

**Food and beverage sales.** Retail sales of food and beverages for off-site preparation and consumption. Typical uses include a supermarket, grocery, convenience store, liquor store, or delicatessen. Establishments at which 20% or more of the transactions are sales of prepared food for on-site or take-out consumption shall be classified as catering services or eating and drinking establishments.

**Funeral and interment services.** An establishment primarily engaged in the provision of services involving the care, preparation or disposition of human dead. Typical uses include a crematory, columbarium, mausoleum or mortuary.

**Horticulture, limited.** The raising of vegetables, flowers, ornamental trees and shrubs as a commercial enterprise. “Horticulture” does not include the planting, growing, harvesting, drying, curing, grading, or trimming of marijuana, as defined in California Health and Safety Code section 11018.

**Hotel.** An establishment offering transient lodging on a less than weekly basis where immediate access to rooms is from a fully enclosed area not directly accessible from parking areas on the lot and providing additional services, such as conference and meeting rooms, restaurant, bar, or recreation facilities.

**Laboratory.** An establishment providing medical or dental laboratory services (including specimen collection facilities) or an establishment with less than 2,000 square feet providing photographic, analytical, or testing services. (Other laboratories are classified as limited industry.)

**Live entertainment.** Live performance for the purpose of amusing a guest or patron, on a scheduled basis, regardless of whether the performers are compensated.

1. **Type A.** Does not include sound amplification and does not occur between 10:00 p.m. and 9:00 a.m.
2. **Type B.** Includes sound amplification or occurs between the hours of 10:00 p.m. and 9:00 a.m.
3. **Type C.** Nightclub or any other commercial establishment with dancing or musical entertainment as the primary use, with food and drink service as the ancillary use.

**Maintenance and repair services.** An establishment providing repair services for personal items and small equipment, such as appliances and office machines repair, or building maintenance services. This classification excludes maintenance and repair of vehicles; see *Automobile, vehicle and equipment repair*.

**Maintenance services establishment.** An establishment providing maintenance and repair services for residential and commercial properties, including businesses such as tree maintenance, pool maintenance, pest extermination services and similar uses. This classification excludes maintenance and repair of vehicles. (See *Automobile, vehicle and equipment repair*.)

**Medical marijuana dispensary.** As used herein the term “medical marijuana dispensary” or “dispensary” means any facility or location where medical marijuana is made available to and/or distributed by or to two or more persons in the following categories: a primary caregiver, a qualified patient, or a person with an identification card, in strict accordance with California Health and Safety Code section 11362.5 et seq. A “medical
marijuana dispensary” shall not include the following uses, as long as the location of such uses are otherwise regulated by this code or applicable law: a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code, a health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code, a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code, a residential care facility for the elderly licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code, a residential hospice, or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code, as long as any such use complies strictly with applicable law including, but not limited to, Health and Safety Code section 11362.5 et seq. and the Pleasant Hill Municipal Code, including but not limited to the city’s zoning ordinance.

Motel. An establishment offering transient lodging on a less than weekly basis primarily for automobile travelers where a majority of the sleeping units have access directly from parking areas. This classification includes a motor lodge and tourist court.

Nursery. An establishment primarily engaged in the retail sale of plants grown elsewhere. Merchandise other than plants is kept within an enclosed building or a fully screened enclosure, and compost, mulch, soil additives, and fertilizer of any type are stored and sold in package form only.

Offices.

1. General. Offices of firms or organizations providing professional, executive, management, or administrative services, such as architectural, computer software consulting, data management, engineering, interior design, graphic design, real estate, insurance, investment, law office or bail bonds. This classification excludes banks and savings and loan associations.

2. Medical. Offices for a physician, dentist, medical practitioner, psychiatrist, psychologist, acupuncturist, optometrist, chiropractor, or other State of California Medical Board licensed physician or surgeon, including (a) medical/dental laboratories incidental to the medical office use and (b) nonmedical counseling uses.

Pawn shops. An establishment engaged in the buying or selling of new or secondhand merchandise and offering loans in exchange for personal property.

Personal improvement service. Provision of instructional services or facilities, including photography, fine arts, crafts, dance or music studio, driving school, business and trade school, diet center, reducing salon, and similar uses.

Personal services. Provision of recurring services of a personal nature. This classification includes a barber or beauty shop, massage, acupressure, tattoo, tanning, seamstress, tailor, shoe repair, dry cleaning agency (excluding dry cleaning plants), photocopying, Internet access facilities (without food or drink service), self-service laundry, and similar uses.

Pharmacy. An establishment where prescription drugs and medicines are sold and dispensed.

Research and development services. An establishment primarily engaged in industrial or scientific research, including limited product testing. This classification includes an electronics research firm or pharmaceutical research laboratory, but excludes manufacturing, except of prototypes, or medical testing and analysis.

Retail sales. An establishment engaged in retail sales of goods, including, but not limited to, the retail sale of merchandise not specifically listed under another use classification. This classification includes but is not limited to a department store, clothing store, secondhand store, furniture store, and business retailing the following goods as examples: toys, hobby materials, groceries, hand-crafted items, jewelry, cameras, photographic supplies, electronic equipment, records, sporting goods, kitchen utensils, hardware, appliances, art, antiques, art supplies and services, baseball cards, coins and other collectibles (e.g., cards or comics), comics, paint and
wallpaper, carpeting and floor covering, medical supplies, office supplies, bicycles, and new automotive parts and accessories (excluding service and installation).

Theater. An establishment providing facilities for motion pictures or dramatic or musical performances and concerts.

Travel services. An establishment providing travel information and reservations to individuals and businesses. This classification excludes car rental agencies.
(Ord. 931 § 2, 2019; Ord. 902 § 2, 2016; Ord. 893 § 1, 2015; Ord. 890 § 6, 2015; Ord. 881 § 2, 2014; Ord. 865 § 1, 2012; Ord. 856 § 2 (Exh. A), 2011; Ord. 833 § 2, 2008; Ord. 819 § 3, 2007; Ord. 710 § 35-3.6, 1996; 1991 code § 35-3.6)

18.15.050 Industrial use classifications.

Fuel storage and distribution. Establishment engaged in storage and bulk distribution of petroleum-based fuels, including gasoline and diesel fuel and natural gas. This classification excludes automobile service stations.

Industry, custom. Establishment primarily engaged in on-site production of goods by hand manufacturing involving the use of hand tools and small-scale equipment.

1. Small-scale. Includes mechanical equipment not exceeding two horsepower or a single kiln not exceeding eight kilowatts and the incidental direct sale to consumers of only those goods produced on site. Typical uses include custom bookbinding, ceramic studios, candle-making shops, and custom jewelry manufacture.

2. Artisan/custom product. An establishment that manufactures and/or assembles small products primarily by hand, including jewelry, pottery, and other ceramics, as well as small glass and metal art and craft products, where any retail sales are incidental to the manufacturing activity.

Industry, limited. Manufacturing of finished parts or products, primarily from previously prepared materials; and provision of industrial services; both within an enclosed building. This classification includes bakeries, breweries, dry cleaning plants, printing, and businesses engaged in processing, fabrication, assembly, treatment, and packaging, but excludes basic industrial processing from raw materials, food processing, and vehicle/equipment services.

1. Small-scale. Limited to a maximum gross floor area of 5,000 square feet.

Research and development industry. Establishment primarily engaged in the research, development, and controlled production of high-technology electronic, industrial or scientific products or commodities for sale. This classification also includes uses such as a biotechnology firm, manufacturer of nontoxic computer components and uses involving personal fitness science and technology.

Vehicle storage facilities. Facilities for transportation vehicles (taxi, limousine, bus) including storage yards with related office, dispatch and maintenance facilities. This includes storage of parking tow-aways, impound yard, and storage lot for automobiles, trucks, buses and recreational vehicles.

Warehousing and storage, limited. Provision of storage space for household or commercial goods within an enclosed building without direct public access to individual storage spaces. This classification excludes wholesale distribution and storage, and vehicle storage.

Wholesale distribution and storage. Establishment engaged in bulk sales of goods primarily to other vendors, with distribution and storage facilities without direct public access.
(Ord. 890 § 7, 2015; Ord. 856 § 2 (Exh. A), 2011; Ord. 710 § 35-3.8, 1996; 1991 code § 35-3.8)
18.15.060 **Accessory use classifications.**

**Accessory uses.** Uses incidental to the principal permitted or a conditionally permitted use on a site and customarily found on the same site. This classification includes accessory dwelling units and home occupations. (Ord. 915 § 3, 2017; Ord. 856 § 2 (Exh. A), 2011; Ord. 710 § 35-3.10, 1996; 1991 code § 35-3.10)

18.15.070 **Temporary use classifications.**

Uses that are short-term or temporary in nature are classified separately for purposes of the land use regulations; provided, that the use does not exceed any time limits specified. (Reference: PHMC Chapter 18.100, Temporary Use Permit.) If the event takes place partly or wholly on public property, see PHMC Chapter 6.20, Special Event Permit.

**Agricultural sales.** Seasonal sales of agricultural or horticultural products, including Christmas trees, pumpkins and firewood.

**Animal shows or sales.** Exhibitions of domestic or large animals. This classification includes animal sales.

**Arts and crafts shows, outdoor.** Display and sale of painting, sculpture, hand crafts and similar objects.

**Civic and community events.** Special events open to the public.

**Commercial filming, limited.** Commercial motion picture or video photography at the same location.

**Farmers’ market.** Recurring sales of agricultural, horticultural and other food products that are seasonal in nature.

**Live entertainment event.** Concert, carnival, circus, fair, or other similar event.

**Personal property sales.** Sales of personal property by a resident. This classification includes garage sales.

**Real estate sales.** An on-site office for the marketing, sales or rental of residential, commercial or industrial development. This classification includes “model homes.”

**Recreational events.** Events featuring sports, exercise, physical play or competitions.

**Religious group assembly.** Religious services conducted on a site that is not permanently occupied by a religious assembly use.

**Retail sales, outdoor.** Retail sales of merchandise in an open or covered outdoor area on the site of a legally established retail business.

**Street fair.** Provision of games, eating and drinking facilities, live entertainment, or similar activities not requiring the use of roofed structures.

**Swap meet.** Retail sale or exchange of new, hand-crafted, or secondhand merchandise.

**Trade fairs.** Display and sale of goods or equipment related to a specific trade or industry. (Ord. 890 § 8, 2015; Ord. 865 § 1, 2012; Ord. 856 § 2 (Exh. A), 2011; Ord. 710 § 35-3.12, 1996; 1991 code § 35-3.12)
Part 2. Base District Regulations

Chapter 18.20

R – RESIDENTIAL DISTRICTS

Sections:
18.20.010 Specific purposes – Summary of residential districts.
18.20.020 Land use regulations for all residential districts.
18.20.030 Development regulations for all residential districts.
18.20.040 Additional development regulations corresponding to Schedule 18.20.030.
18.20.050 Accessory structures.
18.20.060 Inclusionary housing.
18.20.070 Home occupations.
18.20.075 Standards for certain use permits in residential districts.
18.20.080 Repealed.
18.20.085 Special housing. Repealed.
18.20.090 Manufactured homes.
18.20.095 Accessory dwelling units. Repealed.
18.20.100 Swimming pools and hot tubs.
18.20.120 Hillside properties.
18.20.130 Animals.
18.20.140 Container or storage unit.
18.20.145 Permanent basketball hoops.
18.20.150 Density bonus.
18.20.160 Review of plans.

18.20.010 Specific purposes – Summary of residential districts.

A. Specific purposes. In addition to the general purposes listed in PHMC § 18.05.020, the specific purposes of residential districts are to:
   1. Preserve, protect and enhance appropriately located areas for residential land use, consistent with the city-wide design guidelines, general plan and with standards of public health and safety.
   2. Minimize the impacts of uses. Protect residents from the harmful effects of excessive noise, overcrowding, excessive traffic, insufficient parking and other adverse environmental effects.
   3. Achieve design compatibility between new multifamily development and surrounding less intensive residential neighborhoods by establishing physical development standards and performance standards.
   4. Ensure adequate provisions for sites, with reasonable access to public services, for appropriate public and semipublic land uses, including care facilities, needed to complement residential development or that require a residential environment. At the same time, protect the relatively quiet, primarily noncommercial, family atmosphere of neighborhoods.
   5. Minimize the out-of-scale appearance of large homes, parking areas, and other development relative to their lot size and to other homes in a neighborhood.
   6. Minimize transient occupancy (other than transitional housing), where occupants may have few or no bonds with the community, thereby diminishing the sense of community in a particular neighborhood.
   7. Provide for certain care facilities to benefit disabled persons while ensuring that such uses do not create an institutional environment that would defeat the purpose of community-based care (either by overconcentration or by impacts of the use).

B. Summary of residential districts. Eleven residential districts are established to carry out these purposes:
   1. R-20 and R-15 single-family residential districts. The R-20 and R-15 districts allow for low density single-family residential land use, at densities from 1.3 to 3 units per net acre subject to appropriate standards.
In the R-20 district the minimum lot size is 20,000 square feet. In the R-15 district, the minimum lot size is 15,000 square feet.

2. **R-10 and R-10A single-family residential districts.** The R-10 and R-10A districts allow for medium density single-family residential land use at densities from 3.1 to 4.5 units per net acre, subject to appropriate standards. In the R-10 district the minimum lot size is 10,000 square feet. In the R-10A district, the average lot size is 10,000 square feet or more and the minimum lot size is 7,000 square feet.

3. **R-7 and R-6 single-family residential districts.** The R-7 and R-6 districts allow for high density single-family residential land use at densities from 4.6 to 7.3 units per net acre subject to appropriate standards. In the R-7 district the minimum lot size is 7,000 square feet. In the R-6 district, the minimum lot size is 6,000 square feet.

4. **MRVL very low density multiple-family residential district.** The MRVL district allows multiple-family residential uses, including duplexes, townhouses and attached or detached single-family homes on small lots; all with landscaped open space at a density between 7 and 11.9 units per acre.

5. **MRL low density multiple-family residential district.** The MRL district allows multiple-family residential uses including duplexes, townhouses, and single-family attached homes with zero lot line, mobile homes or cluster housing; all with landscaped open space at a density between 12 and 19.9 units per acre.

6. **MRM medium density multiple-family residential district.** The MRM district allows multiple-family residential uses including townhouses, mobile homes, condominiums or apartments at a density between 20 and 29.9 units per acre.

7. **MRH high density multiple-family residential district.** The MRH district allows for intensive multiple-family residential uses including townhouses, condominiums and apartments with a density range between 30 and 40 units per acre.

8. **HPUD residential hillside planned unit development.** The HPUD allows for limited residential development including townhouses, condominiums and single-family homes on parcels having an average slope of 15% or greater. (Reference: PHMC Chapter 18.35.)

9. **PUD residential planned unit development.** The PUD allows for a total number of dwelling units that does not fall below the minimum number or exceed the maximum number permitted by the general plan for the total area allocated to residential use. (See also Gov’t Code § 65589.5.) (Ord. 867 § 4, 2012; Ord. 856 § 2 (Exh. A), 2011; Ord. 796 § 2, 2005; Ord. 710 § 35-5.1, 1996; 1991 code § 35-5.1)

### 18.20.020 Land use regulations for all residential districts.

In Schedule 18.20.020, the uses allowed for each residential zoning district are established by letter designations as follows:

- **“P”** designates use classifications permitted in residential districts.
- **“U”** designates use classifications permitted on approval of a use permit.
- **“T”** designates use classifications permitted on approval of a temporary use permit.
- **“L”** followed by a number designates use classifications subject to certain limitations listed by number following the schedule.
- **“P/U”** designates use classifications permitted on the site of a permitted use, but requiring a use permit on the site of a conditional use.

The uses listed are based on the use classifications set forth in PHMC Chapter 18.15. Use classifications not listed are prohibited unless authorized by zoning administrator resolution under PHMC § 18.15.010. The “Additional Use Regulations” column includes specific limitations applicable to the use classification or refers to regulations located elsewhere in this title.
## SCHEDULE 18.20.020
### R AND MR DISTRICTS: LAND USE REGULATIONS

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<thead>
<tr>
<th>R-20</th>
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<th>R-10</th>
<th>R-10A</th>
<th>R-7</th>
<th>MRVL</th>
<th>MRL</th>
<th>MRM</th>
<th>MRH</th>
<th>Additional Use Regulations</th>
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<td><strong>Residential Uses</strong></td>
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<td>Accessory, junior, dwelling unit</td>
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<td>See PHMC § 18.20.075.</td>
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<td>Emergency homeless shelter</td>
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<td>Only on church or school sites. See PHMC § 18.20.085.B and C.</td>
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<td><strong>Public and Semipublic</strong></td>
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<td>Clubs and lodges</td>
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(Please refer to the Municipal Code for full details and regulations.)
### SCHEDULE 18.20.020

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**Offender rehabilitation services**

- **Religious assembly**: U U U U U U U
- **Schools, public or private**: U U U U U U U
- **Utilities, major**: U U U U U U U
- **Utilities, minor**: P P P P P P P
- **Wireless telecommunications facility**: L-3 L-3 L-3 L-3 L-3 L-3 See PHMC Chapter 18.67.

**Commercial Uses**

- **Animal sales and service**: – – – – – – – Only animal boarding and riding academies.
- **Horticulture, limited**: U U U U U U U

**Accessory Uses**

- **P/U**: P/U P/U P/U P/U P/U P/U P/U
- **See PHMC § 18.20.050.**

**Temporary Uses**

- **Agricultural sales**: T T – – – – – See L-7.
- **Animal shows or sales**: – T T – – – – See L-2 and L-5.
- **Arts and crafts show outdoors**: – T T – – – – See L-2 and L-5.
- **Christmas tree sales**: – T T – – – – See L-2 and L-7.
- **Civic and community events**: – T T – – – – See L-2 and L-6.
- **Commercial filming, limited**: – T T – – – – See L-2 and L-6.
- **Live entertainment events**: – T T – – – – See L-2, L-4 and L-6.
- **Outdoor exhibits**: – T T – – – – See L-2 and L-6.
- **Personal property sales**: P P P P P P P See L-5.
- **Pumpkin sales**: – T T – – – – See L-2 and L-7.
- **Recreational events**: – T T – – – – See L-2 and L-6.
- **Religious or group assembly events**: – T T – – – – See L-2 and L-6.
- **Street fairs**: T T T T T T T See L-7.
- **Swap meet**: – T T – – – – See L-2 and L-5.
- **Trade fairs**: – T T – – – – See L-2 and L-5.
SCHEDULE 18.20.020

R AND MR DISTRICTS:  
LAND USE REGULATIONS  
(Continued)

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<tr>
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R-20  R-10  R-7  
R-15  R-10A  R-6  MRVL  MRL  MRM  MRH  Additional Use Regulations

Nonconforming Uses  
See PHMC Chapter 18.65.

R and MR Districts: Limitations on Specific Use Classifications

L-1 Minimum site area of 10,000 square feet.
L-2 Minimum site area of one acre.
L-3 Minimum site area of three acres.
L-4 See PHMC § 18.25.090 for live entertainment standards.
L-5 Not more than six occurrences during a calendar year. Each occurrence shall not exceed two consecutive days.
L-6 Not more than four occurrences during a calendar year. Each occurrence shall not exceed seven consecutive days.
L-7 Not more than six occurrences during a calendar year, for not more than 14 consecutive days per occurrence.


18.20.030 Development regulations for all residential districts.

A. Schedule 18.20.030 prescribes development regulations for residential districts. The “Additional Development Regulations” column refers to PHMC § 18.20.040, additional development regulations, or to regulations located elsewhere in this chapter.

B. Supplemental regulations applicable to all development in R districts are in PHMC § 18.20.050 through § 18.20.140; they set forth requirements for accessory structures, affordable housing, home occupations, large family day care, second units, and swimming pools and hot tubs.

C. Regulations applicable to all zoning districts, included in Part 4, set forth requirements for:
   1. Additional site development regulations (PHMC Chapter 18.50);
   2. Off-street parking and loading (PHMC Chapter 18.55);
   3. Signs (PHMC Chapter 18.60); and
   4. Nonconforming uses and structures (PHMC Chapter 18.65).
### SCHEDULE 18.20.030
DEVELOPMENT REGULATIONS FOR ALL RESIDENTIAL DISTRICTS

<table>
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<tr>
<th></th>
<th>R-20</th>
<th>R-15</th>
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<th>R-10A</th>
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<th>R-6</th>
<th>MRVL</th>
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<td>See PHMC §§ 18.20.050 through 18.20.140 and Part 4.</td>
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See PHMC § 18.50.150 regarding creek setbacks.
SCHEDULE 18.20.030
DEVELOPMENT REGULATIONS FOR ALL RESIDENTIAL DISTRICTS

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<th>R-20</th>
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(Ord. 890 § 10, 2015; Ord. 856 § 2 (Exh. A), 2011; Ord. 844 § 3 (Exh. A), 2010; Ord. 796 § 4, 2005; Ord. 710 § 35-5.4, 1996; 1991 code § 35-5.4)
18.20.040  Additional development regulations corresponding to Schedule 18.20.030.

A. Minimum site area for certain uses. The minimum site area shall be 10,000 square feet for the following use classifications: general day care, general residential care, and public or private schools.

B. Minimum required lot area. Minimum required lot area shall be “net” as defined in PHMC § 18.140.010; except, for minor subdivisions located within the R-6 through R-10 zone districts, comprised of not more than two parcels, the following exception may be approved by the zoning administrator and/or the planning commission when considering approval of the minor subdivision:

1. The area of any private driveway access easement required to meet minimum fire district standards, up to a maximum of 30% of the gross lot area, may be included in determining compliance with minimum lot area requirements; provided, that the decision-making authority on the minor subdivision finds that there is no other feasible method for the minor subdivision to comply with minimum fire district standards and also comply with minimum lot area requirements; and
2. The gross lot area of each parcel in the proposed minor subdivision complies with the lot area required by the general plan.

C. Corner or double-frontage lots. Double-frontage lots shall have a front yard on each frontage. Corner lots shall have a front yard on each frontage: the front side and the corner side yard (usually the longest frontage; see PHMC Chapter 18.140, definition of “yard types”). On a corner lot where the entry to the dwelling is on the corner side, this corner side may be used as the front yard; provided, that: (1) all other yard setbacks are in compliance with PHMC § 18.20.030; and (2) garages (attached or detached) with driveway access from the corner side property line are set back a minimum of 20 feet from the corner side property line. (See off-street parking and loading regulations, PHMC § 18.55.150.)

D. Building height and required yards. Except as provided below, the width of a required interior side or rear yard adjoining a building wall exceeding 25 feet in height, excluding any portion of a roof, shall be increased five feet over the basic requirement.

(building height and required yards diagram)
E. **Zero-side yard development.** A structure constructed in conformance with the standards for zero-side yard development in effect immediately before this chapter was adopted shall not be considered a nonconforming structure subject to PHMC Chapter 18.65; provided, that an exterior addition or enlargement shall require a use permit issued by the zoning administrator, and no addition or enlargement shall increase the existing floor area by more than 10% nor increase the lot coverage to more than 50%.

F. **Open space.** Total usable open space on a site having three or more dwelling units shall be at least 200 square feet per dwelling unit. This requirement shall be met by providing private open space, shared open space, or a combination of the two.
   1. **Private open space.** To satisfy the open space requirement, private open space must be on a patio or balcony, within which a horizontal rectangle has no dimension less than six feet.
   2. **Shared open space.** To satisfy the open space requirement, shared open space must be provided by interior side yards, patios and terraces, each designed so that a horizontal rectangle inscribed within it has no dimension less than 10 feet. The open space must be open to the sky, and may not include driveways or parking areas, or area required for front or corner side yards.

G. **Park land dedication.** Each residential unit is subject to the park land dedication requirements of the Pleasant Hill subdivision ordinance (PHMC Title 17).

H. **Planting areas.** In addition to the minimum percentage of the site to be landscaped, listed in the schedule, the following requirements apply:
   1. **Yards adjoining streets.** All visible portions of a required yard adjoining a street that are not used for driveways or walks shall be landscaped. In R (single-family) districts, a minimum of 50% of the required front yard shall be maintained as landscaped area. Recreational vehicles, utility trailers, unmounted camper tops, boats, cars, trucks, motorcycles, or other vehicles shall not be parked or stored within a required landscaped area. Landscaped area shall consist of plantings, lawn, mulch, decorative bark or gravel, approved decorative landscape features and other decorative pervious surfaces subject to the approval of the zoning administrator.
   2. **Interior yards.** In the MRVL, MRL, MRM and MRH districts, at least 50% of each required interior side yard and rear yard shall be landscaped having a minimum width of 7.5 feet adjoining a side or rear property line. The width of a required landscaped area may be reduced to three feet in one side or rear yard adjoining a driveway or patio, and a nonresidential accessory structure may occupy a portion of the landscaped area in a rear yard.
   3. **Notwithstanding subsection H.2 of this section,** a continuous landscaped area having a minimum width of five feet shall be provided along interior property lines when an MRVL, MRL, MRM or MRH district adjoins an R district.

I. **Fences and walls.** The maximum height of any fence or wall (including a retaining wall) is six feet within required interior side and rear yards, and three feet within required front and corner side yards, unless otherwise specified below. For single-family residences on corner lots, a five-foot setback from the corner side property line is required for a wall or fence over three feet in height. (See also subsection C of this section.) Height is measured pursuant to PHMC § 18.145.050.B.
   1. **Key lots.** Where a corner lot abuts a key lot, a triangular area, 12 feet on each side, must remain unfenced.
The above exhibit is provided for illustrative purposes only.

KEY LOTS

2. Rear property line exceptions. On a lot with a rear lot line abutting a public trail, canal, East Bay Municipal Utility District right-of-way or public street, the maximum rear yard fence height is eight feet.

3. Fences with retaining walls. The height is measured as the combined height of a retaining wall, fence, wall or screen (not to exceed a maximum height of six feet measured from the higher side of the adjacent grade). A retaining wall is not included in the measurement if it is located so that its horizontal distance from the fence is equal to or greater than the height of the retaining wall. Height is measured pursuant to PHMC § 18.145.050.B.

4. Sight distance. All fences are subject to the visibility requirements of PHMC § 18.50.100.

5. Prohibited fences. High voltage electrical fences, razor wire, barbed wire, and other materials which pose a safety hazard are strictly prohibited.

J. Setbacks from Vehicular Easements. Minimum required yard setbacks shall be provided and measured from vehicular easement boundaries in the same manner that such setbacks are provided and measured from a public
right-of-way. (Ord. 928 § 3, 2019; Ord. 890 § 11, 2015; Ord. 856 § 2 (Exh. A), 2011; Ord. 796 § 5, 2005; Ord. 745 § 1, 2000; Ord. 727 §§ 5, 13, 1998; Ord. 710 § 35-5.5, 1996; 1991 code § 35-5.5)

**18.20.050 Accessory structures.**

The following regulations apply to accessory structures in R districts:

A. On parcels zoned R-6, R-7, R-10, R-10A and comparable PUDs:
   1. The total floor area of each accessory structure more than four feet in height shall not exceed 500 square feet. The maximum cumulative total for all accessory structures on the property shall not exceed 600 square feet.

   When the combined floor area of a new detached accessory dwelling unit and any existing detached accessory structures will exceed 600 square feet, then existing detached accessory structures that are comprised of conditioned spaces, such that they are considered habitable living areas, pursuant to the California Building Standards Code, must be removed prior to occupancy of the detached accessory dwelling unit. Existing and new detached accessory structures that are not comprised of conditioned space (e.g., tool sheds, covered open patios, detached garages, and similar structures) may remain and be built; provided, that they comply with all other applicable city codes.

   2. The height of an accessory structure shall not exceed 12 feet for a flat roof and 14 feet for a pitched roof:
      a. The height measurement is taken to the highest point of the structure.
      b. Roof decks and railings, windscreens or similar rooftop structures are prohibited on accessory structures.
      c. Shed roof structures shall be sited with the high point of the structure located away from the nearest property line.

   3. The side and rear yard setbacks from property line shall be:
      a. Structure less than or equal to 18 inches in height: none required.
      b. Structure between 18 inches and eight feet in height: three feet.
      c. Structure greater than eight feet in height: three feet plus an additional setback equal to the height that the accessory structure is above eight feet, but not to exceed the applicable minimum required side yard setback for that district.

   4. Accessory structures shall be reviewed for substantial conformance with city-wide design guidelines.

B. On parcels zoned R-15, R-20 and comparable PUDs:
   1. The total floor area of each accessory structure more than four feet in height shall not exceed 600 square feet. The maximum cumulative total for all accessory structures on the property shall not exceed 800 square feet.

   When the combined floor area of a new detached accessory dwelling unit and any existing detached accessory structures will exceed 800 square feet, then existing detached accessory structures that are comprised of conditioned spaces, such that they are considered habitable living areas pursuant to the California Building Standards Code, must be removed prior to occupancy of the detached accessory dwelling unit. Existing and new detached accessory structures that are not comprised of conditioned space (e.g., tool sheds, covered open patios, detached garages, and similar structures) may remain and be built; provided, that they comply with all other applicable city codes.

   2. The accessory structure shall comply with subsections A.2 through A.4 of this section.

C. On multifamily residential zoned parcels and comparable PUDs:
   1. The total floor area of each accessory structure more than four feet in height shall not exceed 500 square feet. The maximum cumulative total for all accessory structures on the property shall not exceed 600 square feet.

   When the combined floor area of a new detached accessory dwelling unit and any existing detached accessory structures will exceed 600 square feet, then existing detached accessory structures that are comprised of conditioned spaces, such that they are considered habitable living areas, pursuant to the California Building Standards Code, must be removed prior to occupancy of the detached accessory dwelling unit. Existing and new detached accessory structures that are not comprised of conditioned space (e.g., tool sheds, covered open patios, detached garages, and similar structures) may remain and be built; provided, that they comply with all other applicable city codes.
ered open patios, detached garages, and similar structures) may remain and be built; provided, that they comply with all other applicable city codes.
2. The accessory structure shall comply with subsections A.2 through A.4 of this section.

D. In all other zoning districts:

1. The total floor area of each accessory structure more than four feet in height shall not exceed 600 square feet. The maximum cumulative total for all accessory structures on the property shall not exceed 800 square feet.

   When the combined floor area of a new detached accessory dwelling unit and any existing detached accessory structures will exceed 800 square feet, then existing detached accessory structures that are comprised of conditioned spaces, such that they are considered habitable living areas pursuant to the California Building Standards Code, must be removed prior to occupancy of the detached accessory dwelling unit. Existing and new detached accessory structures that are not comprised of conditioned space (e.g., tool sheds, covered open patios, detached garages, and similar structures) may remain and be built; provided, that they comply with all other applicable city codes.

2. The accessory structure shall comply with subsections A.2 through A.4 of this section.

E. Arbors and trellises shall not be counted in determining accessory structure compliance with the floor area limitations specified in subsections A through D of this section, provided they have no solid, covered walls and do not have a solid, covered roof.

F. Any accessory structure in a creek setback area shall comply with PHMC § 18.50.150.D.

G. An accessory structure in a required front or corner side yard shall not exceed three feet in height except that arbors are allowed within the required front or corner side yard, subject to the following standards:

   1. Substantial compliance with city-wide design guidelines;
   2. Not located in the public right-of-way;
   3. Not more than eight feet in height from existing grade;
   4. Not more than 15 square feet of covered area; and
   5. Subject to compliance with PHMC § 18.50.100, Sight obstructions at intersections and driveways. (Ord. 938 § 4, 2020; Ord. 928 § 4, 2019; Ord. 915 § 5, 2017; Ord. 890 § 12, 2015; Ord. 856 § 2 (Exh. A), 2011; Ord. 844 § 4, 2010; Ord. 710 § 35-5.6, 1996; 1991 code § 35-5.6(a))

18.20.060 Inclusionary housing.

The following supplemental requirements are intended to implement the housing element of the general plan by providing housing for households with low and very low incomes in R districts:

A. Requirement. Each housing development of five or more dwelling units shall include one of the following:

   1. At least 10% of the dwelling units as inclusionary units for occupancy by low-income households; or
   2. At least 5% of the dwelling units as inclusionary units for occupancy by very low-income households; or
   3. At least 25% of the dwelling units for qualifying senior residents as defined in California Civil Code sections 51.2 and 51.3; or
   4. At least 20% of the dwelling units as inclusionary accessory dwelling units for occupancy by low-income households.

B. Design standards and construction timing.

   1. Location and design. Inclusionary units shall be dispersed throughout the project. The developer shall construct the inclusionary units in a manner which is representative of the project as a whole, with comparable types of units, bedroom mix, and exterior appearance. From the street, the inclusionary units must not be distinguishable from other units in the project. The average number of bedrooms for all inclusionary units in a project must equal the average number of bedrooms for all other units in the project, up to a limit of 3.0 bedrooms per unit. The number of bathrooms per bedroom must equal the proportion of bathrooms in the market-rate units. Inclusionary units may be smaller in aggregate size and have different interior fin-
ishes and features than market-rate units so long as the interior features are durable, of good quality and consistent with contemporary standards for new housing.

2. Timing of construction. The developer shall construct the inclusionary units concurrently with other units, unless the conditions of approval provide otherwise, or unless the city and developer agree in writing to an alternative schedule for development.

C. Duration of restrictions. The developer shall assure the affordability of the inclusionary units by a deed restriction, with 55 or more years for for-sale housing and rental housing.

D. Resale and rental restriction agreement. Before approval of a final map (for a subdivision) or issuance of a building permit (for a project not involving a subdivision), the developer shall enter into a resale and rental restriction agreement in a form approved by the city attorney in consultation with the city’s housing coordinator. The agreement shall be recorded concurrently with the final map and shall include:

1. The number of inclusionary dwelling units by type, location and number of bedrooms and bathrooms.
2. Standards for maximum qualifying incomes and maximum sales prices or rents.
3. Applicable certification procedures, including the party responsible for certifying rents and sales prices, and the process that will be used to annually certify incomes of tenants and purchasers.
4. Resale controls and deed restrictions that are binding on the property upon sale or transfer.
5. A liquidated damages provision making a developer or successor who violates these affordable housing restrictions subject to a $750.00 fine per month per unit from the date of original noncompliance.

E. Security. When a developer intends to construct the inclusionary units, he or she must provide security to satisfy this requirement before approval of any final map (for a subdivision) or before a building permit is issued (if there is not a subdivision). The security shall be appropriate to the intended method of compliance, including one or more of the following:

1. A deed restriction on specific lots totaling the correct percent of the reserved residential lots on the map, and a bond to cover the cost of constructing homes on those lots which are affordable to low- or very low-income households;
2. A bond to cover the housing in-lieu fee (see subsection G of this section);
3. A written agreement, with financial security, to provide accessory dwelling units or off-site construction; or
4. Other appropriate security approved in writing by the city attorney.

F. Off-site alternatives. As a complete or partial alternative to the provision of on-site inclusionary units pursuant to this section, the developer may propose a plan for providing affordable units that would otherwise be required to be provided on the project site at either:

1. An off-site location within the city by acquiring existing unrestricted single-family or multifamily units located within the city and rehabilitating those dwelling units. At least four rehabilitated dwelling units shall be provided for each inclusionary unit required. These units shall comply with all provisions of subsections C and D of this section; or
2. An off-site location within the city, in conjunction with a third party nonprofit affordable housing provider, by constructing, or funding the construction of, the equivalent number of required affordable units off site subject to city council approval of an off-site affordable housing agreement. The city may allow off-site construction if the proposal meets all of the following conditions:
   a. Financing or a viable financing plan, which may include public funding, shall be in place for the off-site affordable units;
   b. Construction of the off-site affordable units must be completed, or provision of funding by the developer for construction of the affordable units must be provided, as specified in a phasing/financing plan subject to city council approval;
   c. The third party nonprofit affordable housing developer shall enter into an affordable housing covenant with the city to ensure that the affordable housing units shall meet all applicable requirements of the city’s inclusionary housing ordinance; and
   d. The units shall be in compliance with provisions of subsections C and D of this section.
The city may require that completion of off-site affordable units be secured as provided in subsection E of this section.

G. In-lieu fees.
   1. Approval criteria. In extraordinary circumstances, the approving body may authorize the payment of a fee in lieu of providing the inclusionary units required under subsection A of this section as follows: (a) for projects of nine units or less; (b) for any fractional unit in projects of 10 or more units; or (c) if the developer demonstrates, in connection with the first approval for the development (tentative subdivision map, or development plan if no subdivision is involved), that specific characteristics of the development site make the site unsuitable for households at the required income levels. Whenever the approving body authorizes the payment of an in-lieu fee, the in-lieu fee determination shall be automatically referred to the city council or redevelopment agency, as appropriate, for review and approval.
   2. Calculation of fee. The in-lieu fee shall be established annually by resolution of the city council in an amount sufficient to represent a reasonable portion of the gap between the affordable sales price (at the low income level of affordability) and the market-rate sales price for single-family housing. In order to determine the in-lieu fee, the following amounts shall be calculated: (a) a developer’s cost to construct a dwelling less the affordable sales price (the “developer’s difference”) and (b) the market-rate purchase price less the affordable sales price (the “market-rate difference”). The in-lieu fee shall be based upon the average of the developer difference and the market-rate difference for each of the following home sizes: a 1,200 square foot, two-bedroom home; an 1,800 square foot, three-bedroom home; and a 2,200 square foot, four-bedroom home. The in-lieu fee can be expressed as follows:

   \[
   \text{In-lieu fee} = \frac{\text{Developer Difference} + \text{Market-Rate Difference}}{2}
   \]

   The following guidelines apply to the calculation of the in-lieu fee:
   a. The developer cost to construct the dwelling is the dwelling square footage times a per foot average amount that it costs to construct a dwelling in the city. The per foot cost to construct the dwelling shall be determined annually as set forth in Exhibit D of the Inclusionary Housing Ordinance In-Lieu Fee Study dated September 15, 2004.
   b. The affordable sales price is based on income limits published by the State of California Housing and Community Development Department, adjusted for number of bedrooms in the dwelling (see Health and Safety Code section 50052.5).
   c. The market-rate purchase price is based on a survey of current sale prices of similar sized units in the Pleasant Hill area in the real estate section of the Contra Costa Times newspaper at the time the fees are established.
   d. For any annual period for which the city council does not review the fee, up to a maximum of three years in a row, the fee amount may be adjusted by the city manager based upon the percentage change in the Building Valuation Data published by the International Code Council from the previous year.
   3. Time of payment. The in-lieu fee shall be paid prior to the issuance of a building permit or as otherwise provided in the conditions of approval.
   4. Use of fees. The city will deposit all housing in-lieu fees in an affordable housing fee fund. The city will use the fees, and all interest earned on the account, only for the following uses: mortgage subsidies and down payment assistance; site acquisition; banking of land for use in the development of affordable housing; rental subsidies; construction financing; issuance of bonds; providing predevelopment funds; providing rehabilitation funds to preserve existing affordable housing stock; providing loan security; and any other assistance that will serve to increase or maintain the supply of affordable housing in the city.
   5. Refunds. The city may refund an in-lieu fee if: a building permit or zoning use permit expires and no extension is granted; no construction or use occurs; and the applicant applies for a refund within one year after the expiration of the building or zoning use permit. The refund must be authorized by city council resolution.
   6. Fees not subject to Mitigation Fee Act. The city council finds that this in-lieu fee is not a fee subject to the Mitigation Fee Act (Government Code section 66000 and following) because these fees are an alternative...
tive to requiring that inclusionary units be included within the development rather than a fee required of all developers. Payment of the fee is at the request of the developer, with the city’s consent.

H. Redevelopment projects. The city council or redevelopment agency may approve a reduction or waiver of the requirements of this section for projects located within a redevelopment project area which: (1) are the subject of a disposition and development agreement, owner participation agreement, acquisition agreement, or other contractual arrangement with the redevelopment agency, and (2) are receiving assistance from the redevelopment agency, such as relocation of occupants, acquisition and disposition of land for site assemblage, use of eminent domain, write-down of land costs, fee waivers, or other forms of direct agency assistance. Any developer requesting such a reduction or waiver must submit a pro forma and such other financial analysis sufficient to support a determination that the reduction or waiver is necessary to ensure the economic feasibility of the redevelopment project. (Ord. 928 § 6, 2019; Ord. 915 § 6, 2017; Ord. 906 §§ 2 – 4, 2016; Ord. 800 § 1, 2005; Ord. 791 § 1, 2004; Ord. 710 § 35-5.6, 1996; 1991 code § 35-5.6(b))

18.20.070 Home occupations.

The following supplemental regulations shall apply to home occupations. Restrictions upon home occupations are an accommodation between the values fostered by the preservation of areas for residential living, and the liberty to conduct private, nonintrusive economic activity in one’s home. The standards set forth in this section are intended to guide the review of home occupation applications and to encourage the accommodation of those values when deciding to grant or deny home occupation permits.

A. Permit required. In order to engage in a home occupation a person must first obtain a home occupation permit from the zoning administrator. The existence of any of the following shall create a presumption that there is a home occupation for which a permit is required:
   1. Personal services conducted for pay on the premises;
   2. The maintenance on the premises of an inventory of materials used in producing a commercial product;
   3. The regular advertising of the residential address;
   4. A residential address is designated as the business location on the business license application (see business licenses, PHMC § 5.05.040); or
   5. Rooms are rented to more than one boarder or lodger.

B. Duties of the zoning administrator. Upon receipt of a complete application for a home occupation permit, the zoning administrator may issue a home occupation permit. The permit may be issued without a hearing only if the applicant will not store significant product inventory or materials related to the occupation at the site; the occupation will generate little or no pedestrian or vehicular traffic; and the occupation will involve the provision of a service at a location other than the applicant’s home (e.g., gardening, housekeeping, etc.), or will be limited to the drafting and mailing of written documents (e.g., bookkeeping, typing services, etc.). In all other cases, the zoning administrator shall hold a public hearing under subsection F of this section and determine, based upon substantial evidence, whether the proposed occupation would be in compliance with the standards specified in subsection C of this section and/or whether any exceptions to those standards should be approved under subsection F of this section. The zoning administrator shall issue a home occupation permit if he or she finds that: (1) the home occupation will conform to the standards specified in subsection C of this section, or (2) an exception to the standards as provided for in subsection F of this section can be approved.

C. Standards. A home occupation shall comply with the following standards and conditions, unless granted an exception as noted in subsection F of this section:
   1. The home occupation is conducted entirely within the dwelling unit unless otherwise allowed under subsection F of this section;
   2. There are no retail sales or personal service uses provided to customers at the premises;
   3. There is no more than one vehicle used primarily in connection with the home occupation;
   4. There is no on-site sign associated with the home occupation or its products or services, nor signage on or within any vehicle owned or leased by the operator of the home occupation listing the street address of the home occupation or indicating the existence of the home occupation on site;
5. There is no storage on the premises within public view of materials, products, equipment, fuel or other substances not commonly associated in kind or amount with residential use;
6. The street address of the home occupation is not listed in the telephone book, newspaper, Internet site, or other published advertising media or flyers;
7. The home occupation does not generate traffic in excess of that which is normally associated with residential use and requires no additional parking space;
8. The home occupation does not require reconstruction or alteration of the exterior of the dwelling unit;
9. The home occupation does not cause smoke, dust, light, odor, noise or other emissions which would otherwise interfere with the residential use of the zone;
10. The home occupation does not generate quantities or types of refuse or trash which would be abnormal for residential pick-up and collection services;
11. The home occupation does not involve more than one nonresident employee or volunteer on site at any time;
12. The applicant timely obtains a city business license; and
13. The home occupation does not involve any illegal conduct including, but not limited to, operation of a business without a business license, or result in any other encroachment upon the values served by residential use restrictions including, but not limited to, the deterioration of the physical appearance of the property, or have any other substantial detrimental impact upon adjacent residents.

D. Prohibited activities. Home occupations may not include:
1. Activities that involve use of loud power equipment, or otherwise create excessive noise, which interferes with the surrounding residential use;
2. Activities that generate exhaust or other air pollutants or emissions;
3. Activities which involve the raising or slaughtering of animals;
4. On-premises vehicle repair; or
5. Activities that involve engaging in the business of firearm sales. Any entity or person engaged in the business of firearm sales pursuant to a home occupation permit in effect as of the effective date of the ordinance codified in this section shall be exempt from this subsection and the locational restrictions for firearm sales in PHMC Chapter 18.25 (except as to ammunition sales) if the home occupation use is limited solely to those activities that were both permitted by terms of the permit issued before the effective date of the ordinance codified in this section and legally engaged in by the entity or person at the home-based location before the effective date of the ordinance codified in this section. Any such entity or person may continue firearm sales at its existing home-based location pursuant to any valid permits and licenses so long as the operator remains fully licensed by all agencies (including, without limitation, obtaining and maintaining the permit required by PHMC Chapter 9.35), and has not sold, transferred or assigned operation of the business after the effective date of the ordinance codified in this section to any other entity.
6. Any commercial cannabis uses or activities, including, but not limited to, the operation of a cannabis retailer, cannabis delivery service and/or the storage of cannabis in excess of those amounts permitted for personal use pursuant to Health and Safety Code section 11362.1 et seq.

E. Exceptions.
1. Cottage food operation. Under Government Code section 51035, and notwithstanding the home occupation standards in subsection C of this section, the zoning administrator shall approve a home occupation permit for a proposed cottage food operation which meets the following standards:
   a. Meets the definitions of “cottage food operation” and “cottage food products” in Health and Safety Code section 113758;
   b. Has a valid registration, permit or license from the Contra Costa County health department, issued pursuant to Health and Safety Code section 114365, that specifies the same person, location, type of food sales and distribution activity specified in the application for the home occupation permit;
   c. Complies with the requirements of the Health and Saf. Code applicable to cottage food operations (including, without limitation, Chapter 11.5 (commencing with section 114365) of Part 7 of Division 104 of the Health and Safety Code).
F. Exceptions to standards for all other home occupations. If an application, other than a cottage food operation, deviates from the standards listed in subsection C of this section or requires an opportunity for public input (in the opinion of the zoning administrator), the zoning administrator shall provide notice of the application under PHMC Chapter 18.80 and shall conduct a public hearing before taking action on the application. The zoning administrator, at his or her discretion, may refer a home occupation permit application directly to the planning commission. The zoning administrator or planning commission may impose reasonable conditions on the home occupation permit to ensure compliance with the standards of this section and/or to ensure the home occupation will not have an adverse effect on the neighborhood.

An exception to the standards may be approved if the decision-maker finds that conditions of approval and/or applicant-proposed operational restrictions placed on the home occupation will ensure that the home occupation will not have an adverse effect on the neighborhood.

G. Lapse of approval. A home occupation permit lapses one year after its date of approval, or at an alternative time specified as a condition of approval, unless the home occupation is established.

Once established, a home occupation permit automatically lapses if there is a discontinuance of the exercise of the home occupation for six consecutive months or more.

H. Transferability. The validity of a home occupation permit shall not be affected by a change in home ownership or residency, provided the new owner or resident applies to the zoning administrator for a transfer within six months from the time the previous owner/resident ends his or her business. No notice or public hearing is required for a transfer.

I. Changes to permit. A request for a change in the home occupation permit or a change to a condition of approval requires a new application. Any amendment or change in a condition of approval to an existing home occupation permit shall be reviewed and approved by the final decision-maker that originally approved the home occupation permit.

J. Revocation. A home occupation exercised in violation of this section or a condition of approval may be revoked, as provided in PHMC § 18.135.040.

K. Resubmittal of application. Following denial of a home occupation permit, no new application for the same, or substantially the same, home occupation shall be accepted within one year of the date of denial, unless the denial was made without prejudice. (Ord. 931 § 5, 2019; Ord. 895 § 2, 2016; Ord. 890 § 13, 2015; Ord. 881 § 3, 2014; Ord. 856 § 2 (Exh. A), 2011; Ord. 710 § 35-5.6, 1996; 1991 code § 35-5.6(c))

18.20.075 Standards for certain use permits in residential districts.

When a use permit is required in a single-family or multifamily residential zoning district (see Schedule 18.20.020) for a care facility, group residential, or single-occupation unit, the general standards specified below shall apply:

A. Pre-application review. A person applying for a use permit in a residential district, when the permit involves converting an existing building, shall submit, together with the use permit application, a letter or other written comments indicating that the facility is capable of meeting applicable code requirements, from the city building division, the fire marshal, and any other agencies as determined by city staff.

B. Licensing and compliance. Facilities shall operate in accordance with state and federal law and established industry standards.
   1. Licensed facilities. A facility required to have a state license shall maintain that license and operate in compliance with it.
2. Unlicensed facilities. To ensure that unlicensed residential care facilities are operating in a manner that is consistent with state and federal law and established industry standards, the following standards apply:
   a. No violation of state licensing requirements. If the facility is not required to be licensed by the state, the owners, managers, operators and residents shall not provide any services on site which would require licensure under California law.
   b. Certification. If certification by a state or federal agency specific to the type of facility is required, the facility shall receive and maintain that certification.
   c. Owner and operator information. The applicant shall provide a list of the addresses of all similar facilities in the state operated by the owner, operator or any affiliated organization within the past five years, and shall certify under penalty of perjury that none of the facilities have been found to be operating in violation of state or local law.

C. Location, parking and loading. In a single-family zoning district (or PUD district planned for single-family residential use):
   1. The facility shall be located where there is reasonable access to services, including public transportation;
   2. There may be off-site or shared parking only on property which is immediately adjacent to the proposed use, and subject to PHMC § 18.55.040; and
   3. Loading areas, if required, shall be screened from the view of other residences.

D. Operations. The owner, operator or manager shall operate the facility in a manner that does not disrupt the neighborhood or interfere with the residential characteristics of the neighborhood regarding noise, loitering, traffic and deliveries, parking, or littering. The operator shall provide to the city (on an ongoing basis) a name and 24-hour contact telephone number applicable for the person responsible for the facility.

Each facility shall comply with the following operations requirements:
   1. Residents per room. There shall be no more than two residents per bedroom in a single-family residence that has been converted to another residential use as specified in this section. The hearing body has the discretion to set a lower occupancy limit based on evidence as to what is appropriate to the site, including characteristics of the structure, whether there will be an impact on traffic and parking, and whether the public health, safety, peace, comfort or welfare of persons residing in the facility or adjacent to it will be impacted.
   2. Staff on duty. If the proposed use has seven residents or more, the operator shall have qualified staff on duty at the facility at all times.
   3. Substance testing. If the facility is designed for alcohol or drug rehabilitation, the operator shall arrange for ongoing, random alcohol and illegal substance testing of the residents by a qualified, independent third party.
   4. Good neighbor policy. The operator shall develop, post prominently and enforce a good neighbor policy. The policy shall include:
      a. Designation of an on-site staff member who will be available to respond to any community concerns regarding the facility or residents. If the city receives a complaint involving the facility or residents, the designated staff member shall attempt to resolve the issue within a reasonable time frame.
      b. Prohibition of lewd or abusive speech or behavior, or profanity, by staff or clients if audible to neighboring residents.
      c. Compliance with city noise regulations, and prohibition of amplified sound outdoors.
      d. Maintaining a log of each violation of the good neighbor policy and making this log available for review by city staff at any time. The log shall include the date and time of the violation, description, name of violator and resolution.
   5. Management plan. The operator shall submit a management plan with the use permit application subject to review and approval by the city. The management plan must address management and operation of the facility, safety and security of residents, and building maintenance and staffing, including whether an on-site manager will be present.
E. No overconcentration. If a care facility (or any part of it) is classified as one of the following, it shall be no closer to a similar facility than the distance shown:

<table>
<thead>
<tr>
<th>Type of care facility</th>
<th>Minimum distance from another such facility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Care facility, large licensed (See Care facility, large, licensed; Health facility, at PHMC § 18.15.020):</td>
<td></td>
</tr>
<tr>
<td>• Intermediate care facility for the developmentally disabled – nursing. (Health and Saf. Code §§ 1267.8, 1267.9)</td>
<td>300 feet</td>
</tr>
<tr>
<td>• Congregate living health facility. (Health and Saf. Code §§ 1267.8, 1267.9)</td>
<td>1,000 feet</td>
</tr>
<tr>
<td>Residential care facility, but not applicable to a foster family home, residential care facility for the elderly, or transitional care facility. (Health and Saf. Code § 1568.0831(a)(5))</td>
<td>300 feet</td>
</tr>
<tr>
<td>Emergency shelter. (Health and Saf. Code § 50801(e))</td>
<td>300 feet</td>
</tr>
</tbody>
</table>

(Ord. 890 § 14, 2015; Ord. 867 § 8, 2012)

18.20.080 Large family day care homes.

*Repealed by Ord. 938.* (Ord. 867 § 9, 2012; Ord. 856 § 2 (Exh. A), 2011; Ord. 727 § 14, 1998; Ord. 710 § 35-5.6, 1996; 1991 code § 35-5.6(d))

18.20.085 Special housing.

A. Single-room occupancy. Single-room occupancy (“SRO”) units are subject to the standards listed below. The purpose of this subsection is to provide opportunities for the development of permanent, affordable housing for small households and for people with special needs in proximity to transit and services, and to establish standards for these small units.

1. Location. An SRO facility may be proposed and approved in the multifamily, retail business and professional and administrative office zoning districts.

2. Project review and approval. A proposed SRO requires design review approval in compliance with PHMC Chapter 18.115 and a use permit pursuant to PHMC Chapter 18.95.


   i. Density. The maximum potential number of single-room occupancy units allowable within a building shall be determined based on compliance with applicable zoning ordinance development standards (e.g., height, floor area ratio, setbacks, lot coverage, parking, open space, etc.).
   ii. Common area. Four square feet of common area per living unit shall be provided, with at least 200 square feet in area of interior common space, excluding janitorial storage, laundry facilities and common hallways.
   iii. Laundry facilities. Laundry facilities must be provided in a separate room at the ratio of one washer and one dryer for every 20 units or fractional number thereof, with at least one washer and dryer per floor.
   iv. Cleaning supply room. A cleaning supply room or utility closet with a wash tub with hot and cold running water shall be provided on each floor of the SRO facility.

b. Single-room occupancy units.
   i. Unit size. An SRO unit shall have a minimum size of 150 square feet and a maximum size of 400 square feet. The average SRO unit size within an SRO facility shall not exceed 275 square feet.
   ii. Occupancy. An SRO unit shall accommodate a maximum of two persons.
iii. **Bathroom.** An SRO unit is not required to, but may, contain partial or full bathroom facilities. A partial bathroom facility shall have at least a toilet and sink; a full facility shall have a toilet, sink and bathtub, shower or bathtub/shower combination. If a full bathroom facility is not provided, common bathroom facilities shall be provided in accordance with the California Building Code for congregate residences with at least one full bathroom per floor.

iv. **Kitchen.** An SRO unit is not required to, but may, contain partial or full kitchen facilities. A full kitchen includes a sink, a refrigerator and a stove, range top or oven. A partial kitchen is missing at least one of these appliances. If a full kitchen is not provided, common kitchen facilities shall be provided with at least one full kitchen per floor.

v. **Closet.** Each SRO unit shall have a separate closet.

vi. **Interior access.** Individual SRO units shall not have separate external entryways.

vii. **Code compliance.** SRO units shall comply with all requirements of the California Building Code and all other applicable codes.

4. **Accessibility.** All SRO units shall comply with all applicable accessibility and adaptability requirements. All common areas shall be fully accessible.

5. **Management.**
   a. **Facility management.** An SRO facility with seven or more residents shall provide on-site management and an on-site management office.
   b. **Management plan.** A management plan shall be submitted with the development application for an SRO facility and shall be subject to review and approval by the city. The management plan must address management and operation of the facility, rental procedures, safety and security of residents and building maintenance and staffing, including whether an on-site manager will be present.

6. **Parking.** Off-street parking and secure bicycle parking shall be provided as required by PHMC Chapter 18.55, Parking.

7. **Tenancy.** Tenancy of SRO units shall be for at least 30 or more days.

8. **Existing structures.** An existing structure may be converted to an SRO facility, consistent with the provisions of this subsection.
B. Emergency homeless shelter management standards. Each emergency homeless shelter shall comply with the following management standards:

1. Management plan. The operator of an emergency homeless shelter shall be qualified to operate the facility and shall prepare and submit a management plan in consultation with the zoning administrator prior to commencement of facility operations that includes the following: adequate security measures to protect shelter residents and surrounding uses; a description of services provided to assist residents with obtaining permanent shelter and income; a description of the screening process for prospective residents to ensure compatibility with services provided or through the shelter; hours of operation for the facility; provisions to ensure that the area surrounding the facility is maintained free of litter or debris; a program for providing staff training to meet the needs of shelter residents; a program for providing community outreach regarding the construction and operation of the facility; and a description of any support services provided on site (support services shall be for the on-site residents only and shall be limited to services provided within the building only).

2. Length of stay. No individual or family shall reside in an emergency homeless shelter for more than 180 consecutive days. A minimum of 60 days shall be required between stays. The operator of the emergency homeless shelter shall maintain adequate documentation to demonstrate compliance with this provision.

3. Hours of operation. An operational emergency homeless shelter shall remain open 24 hours a day, seven days a week.

4. Proximity to public transit and services. An emergency homeless shelter shall be located near public transportation, supportive services and commercial services to meet the daily needs of shelter residents. If necessary, an emergency homeless shelter shall ensure a means of transportation for shelter residents to travel to and from case management appointments if scheduled off site.

5. Noise/nuisances. All activities associated with an emergency homeless shelter shall be conducted entirely within the building. Noise shall be limited so as not to create an adverse impact on surrounding uses. No loudspeakers or amplified sound shall be placed within, or project outside of, the emergency homeless shelter.

6. Off-street parking. An emergency homeless shelter shall comply with all applicable provisions of PHMC Chapter 18.55 (Off-Street Parking and Loading Regulations). On-site parking for emergency homeless shelters allowed by right within the LI zone district shall be a minimum of one space per 750 square feet of gross floor area plus one space for every two employees. In addition, if a facility vehicle is maintained on site, one additional on-site parking space for this vehicle shall be provided. Parking for emergency homeless shelters in other zone districts shall be as specified by the use permit based on review of the operational characteristics of the proposed use.

7. On-site management. An on-site staff person shall be designated as a neighborhood liaison to respond to, and address, any questions or concerns from surrounding residents regarding facility operations. “Good behavior” and “good neighbor” policies shall be described in the management plan and shall be implemented and enforced at all times by on-site management. Such policies shall include, but not be limited to, prohibition of use or possession of controlled substances by residents; rules concerning the use or possession of alcohol; curfew; prohibition of loitering; and any other provisions necessary to ensure compatibility with surrounding uses. Clients shall be screened for compatibility with shelter resources and for compliance with applicable state and federal laws. Individuals who do not meet the screening criteria shall not be accepted into the facility.

On-site management, including employees, partners, directors, officers or managers, shall be screened prior to issuance of certificate of occupancy to confirm that they have no history of a previously failed emergency shelter (or similar facility) due to the fault of the operator, and have not been convicted of any of the following offenses within the prior five years:

a. A crime requiring registration under Penal Code section 290;
b. A violation of Penal Code sections 311.2 and 311.4 through 311.7;
c. Violation of Penal Code sections 313.1 through 313.5;
d. Violation of Penal Code section 647(a), (b), or (d);
e. Violation of Penal Code section 315, 316, or 318;
f. A felony crime involving the use of force or violence on another; or
g. The maintenance of a nuisance in connection with the same or similar business operation.

The police department shall also conduct a background investigation on all applicants.
8. On-site security. Security measures shall be sufficient to protect clients and neighbors. On-site security shall be provided during the hours when the emergency homeless shelter is in operation and at all times when clients are present on site.

In the event that at least five external, verified complaints concerning unlawful activities at the facility have been received over a 30-day period by the police department, the facility shall be required to provide additional on-site security staff to the satisfaction of the chief of police and the zoning administrator.

9. External lighting. The emergency homeless shelter shall provide external lighting in accordance with the requirements contained in PHMC § 18.55.140.B to maintain a safe and secure environment. Exterior lighting shall be shielded and directed towards the ground and away from surrounding properties.

10. City, county and state requirements. An emergency homeless shelter shall obtain and maintain in good standing required licenses, permits, and approvals from city, county and state agencies or departments and demonstrate compliance with applicable building and fire codes. An emergency homeless shelter shall comply with all county and state health and safety requirements for food, medical and other supportive services provided on site.

11. Number of beds. An individual emergency homeless shelter shall have no more than 50 beds.

12. Entrance lobby/intake area. The intake area of an emergency homeless shelter shall be a minimum of 100 square feet, located entirely within the building. The entrance to the intake area shall not be located directly facing a public street. Hours of client intake shall be posted. Clients shall not be allowed to form a queue outside the facility.

13. Location. There shall be no less than 300 feet between emergency homeless shelters in any zone district.

14. Smoking ordinance. Emergency homeless shelters shall comply with the provisions of PHMC Chapter 9.45 (smoking ordinance).

15. Design review. New construction and/or exterior alterations to an existing site or building are subject to administrative design review by the zoning administrator to ensure substantial conformance with the city's design guidelines.

16. Additional requirements. Each emergency homeless shelter shall provide:
   a. Lockers or closets for personal property adequate for the number of clients.
   b. Clothes washing station(s) or machine(s) adequate for the number of clients.

C. Emergency homeless shelter fees. Prior to issuance of a building permit for any emergency homeless shelter, any fees or exactions authorized by law, that are applicable to residential development, and that are determined by the city to be essential to provide necessary public services and facilities for the emergency homeless shelter, shall be paid by the operator of the emergency shelter to the city and/or to other applicable public agencies. In the event that the operation of the facility results in a need for additional police and public safety services or resources to ensure the public health, safety and welfare of the community, the operator may be required to reimburse the city for any documented costs incurred for providing such additional services and/or resources. (Ord. 890 § 14, 2015; Ord. 874 § 5, 2013; Ord. 867 § 10, 2012)

18.20.090 Manufactured homes.

The following supplemental regulations are to provide opportunities for the placement of manufactured homes in R districts and to ensure that such manufactured homes are designed and located so as to be harmonious within the context of the surrounding houses and neighborhood.

A. General requirements. A manufactured home may be used for residential purposes if it has been approved by the architectural review commission, and has been granted a certificate of compatibility by the zoning administrator, and is located in an R district. A manufactured home may also be used for temporary uses, subject to the requirements of a temporary use permit issued under PHMC Chapter 18.100.

B. Requirements for certificate of compatibility. The zoning administrator shall issue a certificate of compatibility if the manufactured home meets the design and locational criteria of this subsection. The certificate is valid for two years and may be renewed for subsequent periods of two years if the location and design criteria of this section are met. More specifically, the location and design of a manufactured home shall comply with
the following criteria in order to protect neighborhood integrity, provide for harmonious relationship between a manufactured home and surrounding uses, and minimize problems that could occur as a result of locating a manufactured home on a residential lot.

1. Location criteria. Manufactured homes are not allowed:
   a. On substandard lots that do not meet the dimensional standards of PHMC § 18.20.030; or
   b. On a lot with an average slope of more than 10%, or on any portion of a lot where the slope exceeds 15%.

   Except as modified herein, all other provisions contained in this section shall remain in full force and effect.

2. Design criteria. A manufactured home shall be compatible in design and appearance with residential structures in the vicinity and shall meet the following standards:
   a. It must be built on a permanent foundation approved by the chief building official;
   b. It must have been constructed after June 15, 1976, and must be certified under the National Manufactured Home Construction and Safety Standards Act of 1974;
   c. The unit’s skirting must extend to the finished grade;
   d. Exterior siding must be compatible with adjacent residential structures, and shiny or metallic finishes are prohibited;
   e. The roof must be of concrete or asphalt tile, shakes or shingles complying with the most recent edition of the adopted building codes under PHMC Title 14;
   f. The roof must have eaves or overhangs of not less than one foot;
   g. The floor must be no higher than 20 inches above the exterior finished grade; and
   h. Required covered parking shall be compatible with the manufactured home design and with other buildings in the area.

C. Cancellation of state registration. Whenever a manufactured home is installed on a permanent foundation, any registration of the manufactured home with the State of California shall be canceled, pursuant to state laws and regulations. Before any occupancy certificate may be issued for use of such a manufactured home, the owner shall provide to the chief building official satisfactory evidence showing that the state registration of the manufactured home has been, or will be, with certainty, canceled; or, if the manufactured home is new and has never been registered with the state, the owner shall provide the chief building official with a statement to that effect from the dealer selling the home. (Ord. 928 § 5, 2019; amended during 2005 recodification; Ord. 710 § 35-5.6, 1996; 1991 code § 35-5.6(e))

18.20.095 Accessory dwelling units.

A. Purpose. The purpose of this section is to allow and regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in compliance with California Government Code sections 65852.2 and 65852.22.

B. Effect of conforming. An ADU or JADU that conforms to the standards in this section will not be:
   1. Deemed to be inconsistent with the city’s general plan and zoning designation for the lot on which the ADU or JADU is located.
   2. Deemed to exceed the allowable density for the lot on which the ADU or JADU is located.
   3. Considered in the application of any local ordinance, policy, or program to limit residential growth.
   4. Required to correct a nonconforming zoning condition, as defined in subsection C.7 of this section. This does not prevent the city from enforcing compliance with applicable building standards in accordance with California Health and Safety Code section 17980.12.

C. Definitions. As used in this section, terms are defined as follows:
   1. *Accessory dwelling unit* or *ADU* means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. An accessory dwelling unit also includes the following:
      a. An efficiency unit, as defined by California Health and Safety Code section 17958.1; and
      b. A manufactured home, as defined by California Health and Safety Code section 18007.
2. **Accessory structure** means a structure that is accessory and incidental to a dwelling located on the same lot.

3. **Complete independent living facilities** means permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated.

4. **Efficiency kitchen** means a kitchen that includes each of the following:
   a. A cooking facility with appliances.
   b. A food preparation counter or counters that total at least 15 square feet in area.
   c. Food storage cabinets that total at least 30 square feet of shelf space.

5. **Junior accessory dwelling unit or JADU** means a residential unit that:
   a. Is no more than 500 square feet in size;
   b. Is contained entirely within an existing or proposed single-family structure;
   c. Includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family structure; and
   d. Includes an efficiency kitchen, as defined in subsection C.4 of this section.

6. **Living area** means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

7. **Nonconforming zoning condition** means a physical improvement on a property that does not conform with current zoning standards.

8. **Passageway** means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU or JADU.

9. **Proposed dwelling** means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

10. **Public transit** means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

11. **Tandem parking** means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

D. **Approvals.** The following approvals apply to ADUs and JADUs under this section:

1. **Building permit only.** If an ADU or JADU complies with each of the general requirements in subsection E of this section, it is allowed with only a building permit in the following scenarios:
   a. Converted on single-family lot. Only one ADU or JADU on a lot with a proposed or existing single-family dwelling on it, where the ADU or JADU:
      i. Is either: within the space of a proposed single-family dwelling; within the existing space of an existing single-family dwelling; or within the existing or replacement space of an accessory structure, plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress.
      ii. Has exterior access that is independent of that for the single-family dwelling.
      iii. Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.
   b. Limited detached on single-family lot. One detached, new-construction ADU on a lot with a proposed or existing single-family dwelling (in addition to any JADU that might otherwise be established on the lot under subsection D.1.a of this section), if the detached ADU satisfies the following limitations:
      i. The side- and rear-yard setbacks are at least four feet.
      ii. The total floor area is 800 square feet or smaller.
      iii. The peak height above grade is 16 feet or less.
   c. Converted on multifamily lot. Multiple ADUs within portions of existing multifamily dwelling structures that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, if each converted ADU complies with state building standards for dwellings. At least one converted ADU is allowed within an existing multifamily dwelling, and up to 25% of the existing multifamily dwelling units may each have a converted ADU under this subsection.
   d. Limited detached on multifamily lot. No more than two detached ADUs on a lot that has an existing multifamily dwelling if each detached ADU satisfies the following limitations:
      i. The side- and rear-yard setbacks are at least four feet.
ii. The total floor area is 800 square feet or smaller.
iii. The peak height above grade is 16 feet or less.

2. ADU permit.
a. Except as allowed under subsection D.1 of this section, no ADU may be created without a building permit and an ADU permit in compliance with the standards set forth in subsections E and F of this section.
b. The city may charge a fee to reimburse it for costs incurred in processing ADU permits, including the costs of adopting or amending the city’s ADU ordinance. The ADU permit processing fee is determined by the director of public works and community development and approved by the city council by resolution.

a. An ADU permit is considered and approved ministerially, without discretionary review or a hearing.
b. The city must act on an application to create an ADU or JADU within 60 days from the date that the city receives a completed application, unless either:
   i. The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay; or
   ii. In the case of a JADU and the application to create a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the city may delay acting on the permit application for the JADU until the city acts on the permit application to create the new single-family dwelling, but the application to create the JADU will still be considered ministerially without discretionary review or a hearing.

E. General ADU and JADU requirements. The following requirements apply to all ADUs and JADUs that are approved under subsection D.1 or D.2 of this section:
1. Zoning.
a. An ADU or JADU subject only to a building permit under subsection D.1 of this section may be created on a lot in a residential or mixed-use zone.
b. An ADU or JADU subject to an ADU permit under subsection D.2 of this section may be created on a lot that is zoned to allow single-family dwelling residential use or multifamily dwelling residential use.

2. Fire sprinklers. Fire sprinklers are required in an ADU if sprinklers are required in the primary residence.

3. Rental term. No ADU or JADU may be rented for a term that is shorter than 30 days.

4. No separate conveyance. An ADU or JADU may be rented, but no ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling (in the case of a single-family lot) or from the lot and all of the dwellings (in the case of a multifamily lot).

5. Septic system. If the ADU or JADU will connect to an on-site water-treatment system, the owner must include with the application a percolation test completed within the last five years or, if the percolation test has been recertified, within the last 10 years.

6. Owner occupancy.
a. All existing and new ADUs created are not subject to owner-occupancy requirements.
b. All ADUs that are created on or after January 1, 2025, are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property as the person’s legal domicile and permanent residence.
c. All JADUs are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property, in either the primary dwelling or JADU, as the person’s legal domicile and permanent residence. However, the owner-occupancy requirement of this subsection does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.

7. Deed restriction. Prior to issuance of a building permit for an ADU or JADU, a deed restriction must be recorded against the title of the property in the county recorder’s office and a copy filed with the director. The deed restriction must run with the land and bind all future owners. The form of the deed restriction will be provided by the city and must provide that:
a. The ADU or JADU may not be sold separately from the primary dwelling.
b. The ADU or JADU is restricted to the approved size and to other attributes allowed by this section.
c. The deed restriction runs with the land and may be enforced against future property owners.
d. The deed restriction may be removed if the owner eliminates the ADU or JADU, as evidenced by, for example, removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request of the director, providing evidence that the ADU or JADU has in fact been eliminated. The director may then determine whether the evidence supports the claim that the ADU or JADU has been eliminated. Appeal may be taken from the director’s determination consistent with other provisions of this code. If the ADU or JADU is not entirely physically removed, but is only eliminated by virtue of having a necessary component of an ADU or JADU removed, the remaining structure and improvements must otherwise comply with applicable provisions of this code.
e. The deed restriction is enforceable by the director or his or her designee for the benefit of the city. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the city is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the ADU or JADU in violation of the recorded restrictions or abatement of the illegal unit.

F. Specific ADU requirements. The following requirements apply only to ADUs that require an ADU permit under subsection D.2 of this section:

1. Maximum size.
   a. The maximum size of a detached or attached ADU subject to this subsection is 1,200 square feet and up to two bedrooms.
   b. An attached ADU that is created on a lot with an existing primary dwelling is further limited to 50% of the floor area of the existing primary dwelling.
   c. Application of other development standards in this subsection, such as FAR or lot coverage, might further limit the size of the ADU, but no application of FAR, lot coverage, landscaping or open-space requirements may require the ADU to be less than 800 square feet.

2. Setbacks. ADUs subject to this subsection shall comply with the following setbacks, subject to subsection F.1.c of this section. Setbacks are measured from property lines or vehicular easements, whichever is applicable.
   a. Attached and detached ADUs.
      i. Front yard setbacks.
         1. Single-family residential zoning district R-20 – 25 feet;
         2. Single-family residential zoning districts PUD/PPD, R-15, R-10, R-10A, R-7, R-6 – 20 feet;
         3. Multiple-family residential zoning district MRH – 20 feet;
         4. Multiple-family residential zoning district PUD/PPD, MRM, MRL, MRVL – 15 feet.
      ii. Corner (street) yard setbacks. All single- and multiple-family zoning districts – 15 feet.
      iii. Side and rear yard setbacks. All single- and multiple-family zoning districts – four feet.

3. Floor area ratio (FAR). No ADU subject to this subsection F may cause the total FAR of the lot to exceed 40% in single-family zoning districts with no limitation in multifamily zoning districts, subject to subsection F.1.c of this section.

4. Lot coverage. No ADU subject to this subsection F may cause the total lot coverage to exceed the limitations as noted below, except as noted in subsection F.1.c of this section:
   a. Single-family residential zoning districts R-20, R-15 – 25% maximum lot coverage;
   b. Single-family residential zoning districts R-10 – 30% maximum lot coverage;
   c. Single-family residential zoning districts PUD/PPD, R-10A, R-7, R-6 – 35% maximum lot coverage;
   d. Multiple-family residential zoning districts PUD/PPD, MRVL, MRL, MRM, MRH – 40% maximum lot coverage.

5. Minimum open space. No ADU subject to this subsection F may cause the project to be less than the following open space provisions for multifamily zoning districts noted below, subject to subsection F.1.c of this section:
   a. Total usable open space on a site having three or more dwelling units shall be at least 200 square feet per dwelling unit. This requirement shall be met by providing private open space, shared open space, or a combination of the two.
      i. Private open space. To satisfy the open space requirement, private open space must be on a patio or balcony, within which a horizontal rectangle has no dimension less than six feet.
ii. **Shared open space.** To satisfy the open space requirement, shared open space must be provided by interior side yards, patios and terraces, each designed so that a horizontal rectangle inscribed within it has no dimension less than 10 feet. The open space must be open to the sky, and may not include driveways or parking areas or area required for front or corner side yards.

6. **Landscaping.** No ADUs in multifamily residential zoning districts subject to this subsection F may cause the total landscaping of the lot to be less than as noted below, subject to subsection F.1.c of this section:
   a. Multiple-family residential zoning districts MRVL and MRL – 35% landscaping;
   b. Multiple-family residential zoning district MRM – 30% landscaping;
   c. Multiple-family residential zoning districts PUD/PPD, MRH – 25% landscaping.

7. **Height.**
   a. An attached or detached ADU may not exceed 16 feet in height above grade, measured to the peak of the structure.
   b. A detached ADU may not exceed one story.

8. **Passageway.** No passageway, as defined by subsection C.8 of this section, is required for an ADU.

9. **Parking.**
   a. **Generally.** One off-street parking space is required for each ADU. The parking space may be provided in setback areas or as tandem parking, as defined by subsection C.11 of this section. The size of the off-street parking necessary for the ADU shall be eight and one-half feet wide by 19 feet deep (if enclosed the space shall be 10 feet wide by 22 feet deep, with a nine-foot-wide door opening) with a 10-foot-wide paved vehicular access from/to the public right-of-way and shall be surfaced with concrete or two inches of asphalt concrete over six inches of aggregate base.
   b. **Exceptions.** No parking under subsection F.9.a of this section is required in the following situations:
      i. The ADU is located within one-half mile walking distance of public transit, as defined in subsection C.10 of this section.
      ii. The ADU is located within an architecturally and historically significant historic district.
      iii. The ADU is part of the proposed or existing primary residence or an existing accessory structure under subsection D.1.a of this section.
      iv. When on-street parking permits are required but not offered to the occupant of the ADU.
      v. When there is an established car share vehicle stop located within one block of the ADU.
   c. **No replacement.** When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced.

10. **Architectural requirements.**
    a. The materials and colors of the exterior walls, roof, and windows and doors match the appearance and architectural design of those of the primary dwelling.
    b. The exterior lighting must be limited to down-lights or as otherwise required by the building or fire code.
    c. The ADU must have an independent exterior entrance, apart from that of the primary dwelling. The ADU entrance shall not be on the same elevation/side of the primary dwelling entrance, unless this entrance is screened from public views.

11. **Screening.**
    a. Evergreen landscape or fence screening must be planted or installed and maintained between the ADU and adjacent parcels as follows:
       i. For a single-story ground-level ADU, at least one 15-gallon size evergreen tree shall be provided for every 10 linear feet of exterior wall or a solid fence of at least six feet in height may be installed.

12. **Historical protections.** The following requirements apply to ADUs on or within 600 feet of real property that is listed in the California Register of Historic Resources: the architectural treatment of an ADU to be constructed on a lot that has an identified historical resource listed on the federal, state, or local register of historic places must comply with all applicable ministerial requirements imposed by the Secretary of the Interior.
G. Fees.
   1. Impact fees.
      a. No impact fee is required for an ADU that is less than 750 square feet in size.
      b. Any impact fee that is required for an ADU that is 750 square feet or larger in size must be charged proportionately in relation to the square footage of the primary dwelling unit (e.g., the floor area of the primary dwelling, divided by the floor area of the ADU, times the typical fee amount charged for a new dwelling). Impact fee here does not include any connection fee or capacity charge for water or sewer service.
   2. Waiving of fees. The city shall waive fees for ADUs in the following manner:
      a. Building and planning permit fees shall be waived if the ADU is deed-restricted for 55 years at the low-income affordable level.
      b. Building, planning and traffic mitigation fees shall be waived if the ADU is deed-restricted for 55 years at the very low-income affordable level.

H. Nonconforming ADUs and discretionary approval. Any proposed ADU or JADU that does not conform to the objective standards set forth in subsections A through G of this section may be allowed by the city with a conditional use permit, in accordance with the other provisions of this title. (Ord. 938 § 5, 2020)
18.20.140 Container or storage unit.

A container or storage unit is allowed for up to 10 calendar days, or for a longer period if there is a grading or building permit for construction on the site and a zoning permit has been issued for the container or storage unit. (Ord. 757 § 1, 2001; Ord. 710 § 35-5.6, 1996; 1991 code § 35-5.6(j))
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18.20.145 Permanent basketball hoops.

A basketball hoop with a permanent foundation is allowed within any yard, within residential zoning districts, provided it is set back a minimum of five feet from any property line, is not located within any intersection sight obstruction, and it is no higher than 15 feet above existing grade. A zoning permit is required prior to installation of any basketball hoop. (Ord. 903 § 2, 2016)

18.20.150 Density bonus.

A. Authority. The ordinance codified in this chapter is adopted under the authority of California Government Code sections 65915 and 65915.5.

B. Density bonus.

1. When an applicant seeks a density bonus for a housing development within, or for the donation of land for housing within, the jurisdiction of the city, the city shall provide the applicant with incentives or concessions for the production of housing units and child care facilities as prescribed in this section.

2. a. The city shall grant one density bonus, the amount of which shall be as specified in subsection B.6 of this section, and incentives or concessions, as described in subsection B.4 of this section, when an applicant for a housing development seeks and agrees to construct a housing development, excluding any units permitted by the density bonus awarded pursuant to this section, that will contain at least any one of the following:

   i. Ten percent of the total units of a housing development for lower-income households, as defined in California Health and Safety Code section 50079.5.

   ii. Five percent of the total units of a housing development for very low-income households, as defined in California Health and Safety Code section 50105.

   iii. A senior citizen housing development, as defined in California Civil Code sections 51.3 and 51.12, or a mobile home park that limits residency based on age requirements for housing for older persons pursuant to California Civil Code section 798.76 or 799.5.

   iv. Ten percent of the total dwelling units in a common interest development as defined in California Civil Code section 4100 for persons and families of moderate income, as defined in California Health and Safety Code section 50093; provided, that all units in the development are offered to the public for purchase.

   b. For purposes of calculating the amount of the density bonus pursuant to subsection B.6 of this section, an applicant who requests a density bonus pursuant to this subsection shall elect whether the bonus shall be awarded on the basis of subsection B.2.a.i, ii, iii, or iv of this section.

   c. For the purposes of this section, “total units” or “total dwelling units” does not include units added by a density bonus awarded pursuant to this section or any local law granting a greater density bonus.

3. a. An applicant shall agree to, and the city shall ensure, the continued affordability of all very low and low-income rental units that qualified the applicant for the award of the density bonus for 55 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. Rents for the lower-income density bonus units shall be set at an affordable rent as defined in California Health and Safety Code section 50053.

   b. An applicant shall agree to, and the city shall ensure that, the initial occupant of all for-sale units that qualified the applicant for the award of the density bonus are persons and families of very low, low, or moderate income, as required, and that the units are offered at an affordable housing cost, as that cost is defined in California Health and Safety Code section 50052.5. The city shall enforce an equity sharing agreement, unless it is in conflict with the requirements of another public funding source or law. The following apply to the equity sharing agreement:

      i. Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller’s proportionate share of appreciation. The city shall recapture any initial subsidy, as defined in subsection B.3.b.ii of this section, and its proportionate share of appreciation, as defined in subsection B.3.b.iii of this section, which amount shall be used within five years for any of the purposes described in California Health and Safety Code section 33334.2(e) that promote home ownership.
ii. For purposes of this subsection, the city’s initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the moderate-income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value.

iii. For purposes of this subsection, the city’s proportionate share of appreciation shall be equal to the ratio of the city’s initial subsidy to the fair market value of the home at the time of initial sale.

c. i. An applicant shall be ineligible for a density bonus or any other incentives or concessions under this section if the housing development is proposed on any property that includes a parcel or parcels on which rental dwelling units are or, if the dwelling units have been vacated or demolished in the five-year period preceding the application, have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject to any other form of rent or price control through the city’s valid exercise of its police power; or occupied by lower- or very low-income households, unless the proposed housing development replaces those units, and either of the following applies:

A. The proposed housing development, inclusive of the units replaced pursuant to this subsection, contains affordable units at the percentages set forth in subsection B.2 of this section.

B. Each unit in the development, exclusive of a manager’s unit or units, is affordable to, and occupied by, either a lower- or very low-income household.

ii. For the purposes of this subsection, “replace” shall mean either of the following:

A. If any dwelling units described in subsection B.3.c.i of this section are occupied on the date of application, the proposed housing development shall provide at least the same number of units of equivalent size or type, or both, to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower-income category as those households in occupancy. For unoccupied dwelling units described in subsection B.3.c.i of this section in a development with occupied units, the proposed housing development shall provide units of equivalent size or type, or both, to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower-income category in the same proportion of affordability as the occupied units. All replacement calculations resulting in fractional units shall be rounded up to the next whole number. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years. If the proposed development is for-sale units, the units replaced shall be subject to subsection B.3.b of this section.

B. If all dwelling units described in subsection B.3.c.i of this section have been vacated or demolished within the five-year period preceding the application, the proposed housing development shall provide at least the same number of units of equivalent size or type, or both, as existed at the high point of those units in the five-year period preceding the application to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower-income category at that time, if known. If the incomes of the persons and families in occupancy at the high point is not known, then one-half of the required units shall be made available at affordable rent or affordable housing cost to, and occupied by, very low-income persons and families and one-half of the required units shall be made available for rent at affordable housing costs to, and occupied by, low-income persons and families. All replacement calculations resulting in fractional units shall be rounded up to the next whole number. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years. If the proposed development is for-sale units, the units replaced shall be subject to subsection B.3.b of this section.

iii. Subsection B.3.c of this section does not apply to an applicant seeking a density bonus for a proposed housing development if his or her application was submitted to, or processed by, the city before January 1, 2015.

4. a. An applicant for a density bonus pursuant to subsection B.2 of this section may submit to the city a proposal for the specific incentives or concessions that the applicant requests pursuant to this section, and may request a meeting with the city. The city shall grant the concession or incentive requested by the applicant unless the city makes a written finding, based upon substantial evidence, of any of the following:
i. The concession or incentive is not required in order to provide for affordable housing costs, as defined in California Health and Safety Code section 50052.5, or for rents for the targeted units to be set as specified in subsection B.3 of this section.

ii. The concession or incentive would have a specific adverse impact, as defined in California Government Code section 65589.5(d)(2), upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.

iii. The concession or incentive would be contrary to state or federal law.

b. The applicant shall receive the following number of incentives or concessions:

i. One incentive or concession for projects that include at least 10% of the total units for lower-income households, at least 5% for very low-income households, or at least 10% for persons and families of moderate income in a common interest development.

ii. Two incentives or concessions for projects that include at least 20% of the total units for lower-income households, at least 10% for very low-income households, or at least 20% for persons and families of moderate income in a common interest development.

iii. Three incentives or concessions for projects that include at least 30% of the total units for lower-income households, at least 15% for very low-income households, or at least 30% for persons and families of moderate income in a common interest development.

c. The applicant may initiate judicial proceedings if the city refuses to grant a requested density bonus, incentive, or concession. If a court finds that the refusal to grant a requested density bonus, incentive, or concession is in violation of this section, the court shall award the plaintiff reasonable attorney’s fees and costs of suit. Nothing in this subsection shall be interpreted to require the city to grant an incentive or concession that has a specific, adverse impact, as defined in California Government Code section 65589.5(d)(2), upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Nothing in this subsection shall be interpreted to require the city to grant an incentive or concession that would have an adverse impact on any real property that is listed in the California Register of Historical Resources. The city shall establish procedures for carrying out this section that shall include legislative body approval of the means of compliance with this section.

5. a. In no case may the city apply any development standard that will have the effect of physically precluding the construction of a development meeting the criteria of subsection B.2 of this section at the densities or with the concessions or incentives permitted by this section. An applicant may submit to the city a proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a development meeting the criteria of subsection B.2 of this section at the densities or with the concessions or incentives permitted under this section, and may request a meeting with the city. If a court finds that the refusal to grant a waiver or reduction of development standards is in violation of this section, the court shall award the plaintiff reasonable attorney’s fees and costs of suit. Nothing in this subsection shall be interpreted to require the city to waive or reduce development standards if the waiver or reduction would have a specific, adverse impact, as defined in Government Code section 65589.5(d)(2), upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Nothing in this subsection shall be interpreted to require the city to waive or reduce development standards that would have an adverse impact on any real property that is listed in the California Register of Historical Resources, or to grant any waiver or reduction that would be contrary to state or federal law.

b. A proposal for the waiver or reduction of development standards pursuant to this subsection shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to subsection B.4 of this section.

6. Density bonus defined. For the purposes of this section, “density bonus” means a density increase over the otherwise maximum allowable residential density as of the date of application by the applicant to the city. The applicant may elect to accept a lesser percentage of density bonus. The amount of density bonus to which the applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the percentage established in subsection B.2 of this section.
a. For housing developments meeting the criteria of subsection B.2.a.i of this section, the density bonus shall be calculated as follows:

<table>
<thead>
<tr>
<th>Percentage Low-Income Units</th>
<th>10</th>
<th>11</th>
<th>12</th>
<th>13</th>
<th>14</th>
<th>15</th>
<th>16</th>
<th>17</th>
<th>18</th>
<th>19</th>
<th>20</th>
</tr>
</thead>
<tbody>
<tr>
<td>Percentage Density Bonus</td>
<td>20</td>
<td>21.5</td>
<td>23</td>
<td>24.5</td>
<td>26</td>
<td>27.5</td>
<td>29</td>
<td>30.5</td>
<td>32</td>
<td>33.5</td>
<td>35</td>
</tr>
</tbody>
</table>

b. For housing developments meeting the criteria of subsection B.2.a.ii of this section, the density bonus shall be calculated as follows:

<table>
<thead>
<tr>
<th>Percentage Very Low-Income Units</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
<th>11</th>
</tr>
</thead>
<tbody>
<tr>
<td>Percentage Density Bonus</td>
<td>20</td>
<td>22.5</td>
<td>25</td>
<td>27.5</td>
<td>30</td>
<td>32.5</td>
<td>35</td>
</tr>
</tbody>
</table>

c. For housing developments meeting the criteria of subsection B.2.a.iii of this section, the density bonus shall be 20% of the number of senior housing units.

d. For housing developments meeting the criteria of subsection B.2.a.iv of this section, the density bonus shall be calculated as follows:

<table>
<thead>
<tr>
<th>Percentage Moderate-Income Units (10 – 20)</th>
<th>10</th>
<th>11</th>
<th>12</th>
<th>13</th>
<th>14</th>
<th>15</th>
<th>16</th>
<th>17</th>
<th>18</th>
<th>19</th>
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<tbody>
<tr>
<td>Percentage Density Bonus</td>
<td>5</td>
<td>6</td>
<td>7</td>
<td>8</td>
<td>9</td>
<td>10</td>
<td>11</td>
<td>12</td>
<td>13</td>
<td>14</td>
<td>15</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Percentage Moderate-Income Units (21 – 31)</th>
<th>21</th>
<th>22</th>
<th>23</th>
<th>24</th>
<th>25</th>
<th>26</th>
<th>27</th>
<th>28</th>
<th>29</th>
<th>30</th>
<th>31</th>
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<tbody>
<tr>
<td>Percentage Density Bonus</td>
<td>16</td>
<td>17</td>
<td>18</td>
<td>19</td>
<td>20</td>
<td>21</td>
<td>22</td>
<td>23</td>
<td>24</td>
<td>25</td>
<td>26</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Percentage Moderate-Income Units (32 – 40)</th>
<th>32</th>
<th>33</th>
<th>34</th>
<th>35</th>
<th>36</th>
<th>37</th>
<th>38</th>
<th>39</th>
<th>40</th>
</tr>
</thead>
<tbody>
<tr>
<td>Percentage Density Bonus</td>
<td>27</td>
<td>28</td>
<td>29</td>
<td>30</td>
<td>31</td>
<td>32</td>
<td>33</td>
<td>34</td>
<td>35</td>
</tr>
</tbody>
</table>

e. All density calculations resulting in fractional units shall be rounded up to the next whole number. The granting of a density bonus shall not be interpreted, in and of itself, to require a general plan amendment, zoning change, or other discretionary approval.

7. Land donations.

a. When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to the city in accordance with this subsection, the applicant shall be entitled to a 15% increase above the otherwise maximum allowable residential density for the entire development, as follows:

<table>
<thead>
<tr>
<th>Percentage Very Low-Income Units (10 – 20)</th>
<th>10</th>
<th>11</th>
<th>12</th>
<th>13</th>
<th>14</th>
<th>15</th>
<th>16</th>
<th>17</th>
<th>18</th>
<th>19</th>
<th>20</th>
</tr>
</thead>
<tbody>
<tr>
<td>Percentage Density Bonus</td>
<td>15</td>
<td>16</td>
<td>17</td>
<td>18</td>
<td>19</td>
<td>20</td>
<td>21</td>
<td>22</td>
<td>23</td>
<td>24</td>
<td>25</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Percentage Very Low-Income Units (21 – 30)</th>
<th>21</th>
<th>22</th>
<th>23</th>
<th>24</th>
<th>25</th>
<th>26</th>
<th>27</th>
<th>28</th>
<th>29</th>
<th>30</th>
</tr>
</thead>
<tbody>
<tr>
<td>Percentage Density Bonus</td>
<td>26</td>
<td>27</td>
<td>28</td>
<td>29</td>
<td>30</td>
<td>31</td>
<td>32</td>
<td>33</td>
<td>34</td>
<td>35</td>
</tr>
</tbody>
</table>

b. This increase shall be in addition to any increase in density mandated by subsection B.2 of this section, up to a maximum combined mandated density increase of 35% if an applicant seeks an increase pursuant to both this subsection and subsection B.2 of this section. All density calculations resulting in fractional units shall be rounded up to the next whole number. Nothing in this subsection shall be construed to enlarge or diminish the authority of the city to require a developer to donate land as a condition of development. An applicant shall be eligible for the increased density bonus described in this subsection if all of the following conditions are met:
i. The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application.

ii. The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low-income households in an amount not less than 10% of the number of residential units of the proposed development.

iii. The transferred land is at least one acre in size or of sufficient size to permit development of at least 40 units, has the appropriate general plan designation, is appropriately zoned with appropriate development standards for development at the density described in California Government Code section 65583.2(c)(3), and is or will be served by adequate public facilities and infrastructure.

iv. The transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low-income housing units on the transferred land, not later than the date of approval of the final subdivision map, parcel map, or residential development application, except that the city may subject the proposed development to subsequent design review to the extent authorized by California Government Code section 65583.2(i) if the design is not reviewed by the city prior to the time of transfer.

v. The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with subsections B.3.a and b of this section, which shall be recorded on the property at the time of the transfer.

vi. The land is transferred to the city or to a housing developer approved by the city. The city may require the applicant to identify and transfer the land to the developer.

vii. The transferred land shall be within the boundary of the proposed development or, if the city agrees, within one-quarter mile of the boundary of the proposed development.

viii. A proposed source of funding for the very low-income units shall be identified not later than the date of approval of the final subdivision map, parcel map, or residential development application.

8. Housing developments that include child care facilities.

   a. When an applicant proposes to construct a housing development that conforms to the requirements of subsection B of this section and includes a child care facility that will be located on the premises of, as part of, or adjacent to, the project, the city shall grant either of the following:

      i. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility.

      ii. An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility.

   b. The city shall require, as a condition of approving the housing development, that the following occur:

      i. The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable pursuant to subsection B.3 of this section.

      ii. Of the children who attend the child care facility, the children of very low-income households, lower-income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low-income households, lower-income households, or families of moderate income pursuant to subsection B.2 of this section.

   c. Notwithstanding any requirement of this subsection, the city shall not be required to provide a density bonus or concession for a child care facility if it finds, based upon substantial evidence, that the community has adequate child care facilities.

   d. “Child care facility,” as used in this section, means a child day care facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and school age child care centers.

9. Housing development defined. “Housing development,” as used in this section, means a development project for five or more residential units. For the purposes of this section, “housing development” also includes a subdivision or common interest development, as defined in California Civil Code section 4100, approved by the city and consists of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling, as defined in California Government Code section 65863.4(d), where the result of the rehabilitation would be a net increase in available residential units. For the purpose of calculating a density bonus, the residential units shall be on contiguous sites that are the sub-
ject of one development application, but do not have to be based upon individual subdivision maps or parcels. The density bonus shall be permitted in geographic areas of the housing development other than the areas where the units for the lower-income households are located.

10. a. The granting of a concession or incentive shall not be interpreted, in and of itself, to require a general plan amendment, zoning change, or other discretionary approval.
   b. Except as provided in subsections B.4 and 5 of this section, the granting of a density bonus shall not be interpreted to require the waiver of a local ordinance or provisions of a local ordinance unrelated to development standards.

11. Concessions and incentives defined. For the purposes of this section, “concession or incentive” means any of the following:
   a. A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable, financially sufficient, and actual cost reductions.
   b. Approval of mixed-use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.
   c. Other regulatory incentives or concessions proposed by the developer or the city that result in identifiable, financially sufficient, and actual cost reductions.

12. Effect on direct financial incentives. Subsection B.11 of this section does not limit or require the provision of direct financial incentives for the housing development, including the provision of publicly owned land, by the city, or the waiver of fees or dedication requirements.

13. California Coastal Act. This section does not supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with section 30000) of the Public Resources Code).

14. City discretion in granting density bonus. If permitted by local ordinance, nothing in this section shall be construed to prohibit the city from granting a density bonus greater than what is described in this section for a development that meets the requirements of this section or from granting a proportionately lower density bonus than what is required by this section for developments that do not meet the requirements of this section.

15. Definitions. For purposes of this section, the following definitions shall apply:
   a. “Development standard” includes a site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an on-site open-space requirement, or a parking ratio that applies to a residential development pursuant to any ordinance, general plan element, specific plan, or other local condition, law, policy, resolution, or regulation.
   b. “Maximum allowable residential density” means the density allowed under the zoning ordinance and land use element of the general plan, or if a range of density is permitted, means the maximum allowable density for the specific zoning range and land use element of the general plan applicable to the project. Where the density allowed under the zoning ordinance is inconsistent with the density allowed under the land use element of the general plan, the general plan density shall prevail.

   a. Except as provided in subsections B.16.b and c of this section, upon the request of the developer, the city shall not require a vehicular parking ratio, inclusive of handicapped and guest parking, of a development meeting the criteria of subsections B.2 and B.3 of this section, that exceeds the following ratios:
      i. Zero to one bedroom: one on-site parking space.
      ii. Two to three bedrooms: two on-site parking spaces.
      iii. Four and more bedrooms: two and one-half parking spaces.
   b. Notwithstanding subsection B.16.a of this section, if a development includes the maximum percentage of low- or very low-income units provided for in subsections B.6.a and b of this section and is located within one-half mile of a major transit stop, as defined in California Public Resources Code section 21155(b), and there is unobstructed access to the major transit stop from the development, then,
upon the request of the developer, the city shall not impose a vehicular parking ratio, inclusive of handicapped and guest parking, that exceeds one-half space per bedroom. For purposes of this subsection, a development shall have unobstructed access to a major transit stop if a resident is able to access the major transit stop without encountering natural or constructed impediments.

c. Notwithstanding subsection B.16.a of this section, if a development consists solely of rental units, exclusive of a manager’s unit or units, with an affordable housing cost to lower-income families, as provided in California Health and Safety Code section 50052.5, then, upon the request of the developer, the city shall not impose a vehicular parking ratio, inclusive of handicapped and guest parking, that exceeds the following ratios:

i. If the development is located within one-half mile of a major transit stop, as defined in California Public Resources Code section 21155(b), and there is unobstructed access to the major transit stop from the development, the ratio shall not exceed one-half spaces per unit.

ii. If the development is a for-rent housing development for individuals who are 62 years of age or older that complies with California Civil Code sections 51.2 and 51.3, the ratio shall not exceed one-half space per unit. The development shall have either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.

iii. If the development is a special needs housing development, as defined in California Health and Safety Code section 51312, the ratio shall not exceed three-tenths space per unit. The development shall have either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.

d. If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subsection, a development may provide on-site parking through tandem parking or uncovered parking, but not through on-street parking.

e. This subsection B.16 shall apply to a development that meets the requirements of subsections B.2 and 3 of this section, but only at the request of the applicant. An applicant may request parking incentives or concessions beyond those provided in this subsection pursuant to subsection B.4 of this section.

f. This subsection does not preclude the city from reducing or eliminating a parking requirement for development projects of any type in any location.

C. Density bonuses for condominium conversions.

1. When an applicant for approval to convert apartments to a condominium project agrees to provide at least 33% of the total units of the proposed condominium project to persons and families of low or moderate income as defined in California Health and Safety Code section 50093, or 15% of the total units of the proposed condominium project to lower-income households as defined in California Health and Safety Code section 50079.5, and agrees to pay for the reasonably necessary administrative costs incurred by the city pursuant to this section, the city shall either (a) grant a density bonus or (b) provide other incentives of equivalent financial value. The city may place such reasonable conditions on the granting of a density bonus or other incentives of equivalent financial value as it finds appropriate, including, but not limited to, conditions which assure continued affordability of units to subsequent purchasers who are persons and families of low and moderate income or lower-income households.

2. For purposes of this subsection C, “density bonus” means an increase in units of 25% over the number of apartments, to be provided within the existing structure or structures proposed for conversion.
3. For purposes of this subsection C, “other incentives of equivalent financial value” shall not be construed to require the city to provide cash transfer payments or other monetary compensation but may include the reduction or waiver of requirements which the city might otherwise apply as conditions of conversion approval.

4. An applicant for approval to convert apartments to a condominium project may submit to the city a preliminary proposal pursuant to this section prior to the submittal of any formal requests for subdivision map approvals. The city shall, within 90 days of receipt of a written proposal, notify the applicant in writing of the manner in which it will comply with this section. The city shall establish procedures for carrying out this section, which shall include city council approval of the means of compliance with this section.

5. Nothing in this section shall be construed to require the city to approve a proposal to convert apartments to condominiums.

6. An applicant shall be ineligible for a density bonus or other incentives under this section if the apartments proposed for conversion constitute a housing development for which a density bonus or other incentives were provided under subsection B of this section.

7. An applicant shall be ineligible for a density bonus or any other incentives or concessions under this section if the condominium project is proposed on any property that includes a parcel or parcels on which rental dwelling units are or, if the dwelling units have been vacated or demolished in the five-year period preceding the application, have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject to any other form of rent or price control through the city’s valid exercise of its police power; or occupied by lower or very low-income households, unless the proposed condominium project replaces those units, as defined in subsection B.3.c.ii of this section, and either of the following applies:
   a. The proposed condominium project, inclusive of the units replaced pursuant to subsection B.3.c.ii of this section, contains affordable units at the percentages set forth in subsection C.1 of this section.
   b. Each unit in the development, exclusive of a manager’s unit or units, is affordable to, and occupied by, either a lower or very low-income household.

8. Subsection C.7 of this section does not apply to an applicant seeking a density bonus for a proposed housing development if their application was submitted to, or processed by, the city before January 1, 2015. (Ord. 899 § 1, 2016)

18.20.160 Review of plans.

All new residential construction, or modifications to multiple-family structures, require an architectural review permit (see Part 5). (Ord. 710 § 35-5.8, 1996; 1991 code § 35-5.8)
Chapter 18.25

COMMERCIAL, RETAIL BUSINESS, NEIGHBORHOOD BUSINESS, OFFICE AND LIGHT INDUSTRIAL DISTRICTS

Sections:
18.25.010 Specific purposes.
18.25.020 Land use regulations for all commercial, retail business, neighborhood business, office and light industrial districts.
18.25.030 Property development regulations in the commercial, office and light industrial districts.
18.25.040 Additional development regulations corresponding to Schedule 18.25.030.
18.25.050 Container or storage unit.
18.25.060 Accessory structures and uses.
18.25.070 Eating and drinking establishments with take-out service or with outdoor seating.
18.25.080 Hazardous materials storage.
18.25.090 Live entertainment.
18.25.100 Outdoor sales facilities.
18.25.105 Outdoor donation collection facilities.
18.25.110 Recycling facilities.
18.25.120 Service stations and automobile washing.
18.25.130 Hours of operation.
18.25.140 Fences and walls.
18.25.150 Vehicle storage uses.
18.25.160 Firearm sales uses.
18.25.170 Cannabis retailers.

18.25.010 Specific purposes.

In addition to the general purposes listed in PHMC § 18.05.020, the specific purposes of commercial, retail business, neighborhood business, office and light industrial districts regulations are to:

A. Provide appropriately located areas consistent with the general plan for a full range of office, retail commercial, industrial and service commercial uses needed by Pleasant Hill’s residents, businesses and workers.

B. Strengthen the city’s economic base, and provide employment opportunities close to home for residents of the city and surrounding communities.

C. Create suitable environments for various types of commercial, office and industrial uses, and protect them from the adverse effects of inharmonious uses.

D. Minimize the impact of commercial, office and industrial development on adjacent residential districts.

E. Ensure that the appearance and effects of commercial, office and industrial buildings and uses are consistent with city-wide design guidelines and are harmonious with the character of the area in which they are located.

F. Ensure the provision of adequate off-street parking and loading facilities.

G. The additional purposes of each district are as follows:

1. **NB neighborhood business district.** The purpose of the NB district is to provide area for immediate day-to-day convenience shopping and services, and design at a scale that is compatible and in scale with the surrounding neighborhood. Examples include a local retail business, florist, apparel shop, liquor store, grocery store, fruit store, meat market, restaurant, soda fountain, drug or variety store; professional or business
office; and service establishments, including barbershop, beauty shop, launderette, shoe, and other small repair facility.

2. RB retail business district. The purpose of the RB district is to provide area for commercial and retail businesses intended to serve the city and the region as a whole, including shopping centers containing a wide variety of commercial establishments, such as retail stores and businesses selling home furnishings, apparel, durable goods and specialty items, restaurants, commercial recreation, service stations and business, personal and financial services.

3. PAO professional and administrative office district. The purpose of the PAO district is to provide area for professional and administrative office type uses on a scale compatible with the adjacent districts.

4. C general commercial district. The purpose of the C district is to provide area for service commercial uses, including automobile sales and services, animal sales and services, building materials, retail sales, storage and similar uses. An office not accessory to a permitted use is excluded.

5. LI light industrial district. The purpose of the LI district is to provide and protect areas for research and development facilities, construction yards, warehousing, and light industrial activities in a landscaped setting, including manufacture, assembly, distribution and storage of goods, but no raw materials processing or bulk handling. (Ord. 890 § 15, 2015; Ord. 856 § 2 (Exh. A), 2011; Ord. 710 § 35-6.1, 1996; 1991 code § 35-6.1)

18.25.020 Land use regulations for all commercial, retail business, neighborhood business, office and light industrial districts.

Schedule 18.25.020 establishes the uses allowed for each commercial, office and light industrial zoning district as indicated by the letter designations as follows:

“P” designates use classifications permitted in commercial, retail business, neighborhood business, office and industrial districts.

“U” designates use classifications permitted on approval of a use permit.

“T” designates use classifications allowed on approval of a temporary use permit.

“L” followed by a number designates use classifications subject to certain limitations listed by number following the schedule.

The uses listed are based on the use classifications set forth in PHMC Chapter 18.15. Use classifications not listed are prohibited unless authorized by zoning administrator resolution under PHMC § 18.15.010. The “Additional Use Regulations” column includes specific limitations applicable to the use classification or refers to regulations located elsewhere in this chapter.

<table>
<thead>
<tr>
<th>SCHEDULE 18.25.020 LAND USE REGULATIONS</th>
<th>P</th>
<th>U</th>
<th>T</th>
<th>L</th>
</tr>
</thead>
<tbody>
<tr>
<td>NB, RB, PAO, C, AND LI DISTRICTS:</td>
<td>Permitted</td>
<td>Use Permit Required</td>
<td>Temporary Use Permit Required</td>
<td>Limited (see specific limitations listed following schedule)</td>
</tr>
<tr>
<td>– Not Permitted</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Residential Uses

| Bed and breakfast | – | P | P | – | – |
| Care facility, small, licensed | – | P | P | – | – |

1. Code reviser’s note: Ord. 895 amended this section without taking into account the amendments of Ord. 890. Those amendments have been retained per the intent of the city.
<table>
<thead>
<tr>
<th></th>
<th>NB</th>
<th>RB</th>
<th>PAO</th>
<th>C</th>
<th>LI</th>
<th>Additional Use Regulations</th>
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<tr>
<td>Emergency homeless shelter</td>
<td>L-17</td>
<td></td>
<td></td>
<td>L-15</td>
<td></td>
<td>See PHMC § 18.20.085.B and C.</td>
</tr>
<tr>
<td>Home occupation</td>
<td>P</td>
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### Public and Semipublic

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### Commercial Uses

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<td>Animal grooming</td>
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<td>Artists’ studios</td>
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(Revised 7/20)
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<td>With live entertainment/dancing inside of a building</td>
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(Revised 7/20)
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</table>
### Live entertainment

- **Type A**: P P – – See PHMC § 18.25.090 and PHMC Chapter 18.70.
- **Type B**: U U – – See PHMC § 18.25.090 and PHMC Chapter 18.70.
- **Type C**: U – – – See PHMC § 18.25.090 and PHMC Chapter 18.70.
- **All types, outside of a building**: U – – – See PHMC § 18.25.090 and PHMC Chapter 18.70.

### Maintenance services establishment
- – – – P P

### Medical marijuana dispensaries
- – – – –

### Motels
- – P – –

### Nurseries
- – P P – –

### Offices, general and medical
- – P L-3 P – L-3
- **With bail bonds**: – – U – –

### Pawn shops
- – U – –

### Personal improvement services
- U U U – –

### Personal services
- P P U – –

### Pharmacy
- P P L-2 P L-4
- **Wholesale (no retail services)**: P P U P L-4

### Research and development services
- – – U – P

### Retail sales, less than 20,000 square feet
- P P L-2 P L-4
- **Firearms sales**: L-16 L-16 L-16 L-16
  - With enclosed or unenclosed outdoor drop-off, display or storage of goods: U U – U –
- **Retail sales, more than 20,000 square feet**: L-5 P L-2 P L-4
  - **Firearms sales**: L-16 L-16 L-16 L-16
  - This regulation also applies to firearms sales in any planned unit district (PUD).

### Theaters
- – P – –

### Travel services
- P P – P –

### Industrial

- **Fuel storage and distribution**: – – – – U
- **Industry, custom**: – – – U P

---

**NB, RB, PAO, C, AND LI DISTRICTS:**

**LAND USE REGULATIONS (Continued)**

**SCHEDULE 18.25.020**

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<tr>
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**SCHEDULE 18.25.020**

**LAND USE REGULATIONS (Continued)**

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<td>Industry, limited</td>
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<td>Industry, limited, small-scale</td>
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<td>P</td>
<td>Wholesaling, distribution and storage</td>
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</table>

**Temporary Uses**

- Agricultural sales: T T T T T See L-10.
- Animal shows or sales: T T T T T See L-8.
- Arts and crafts shows, outdoors: – T T T T See L-10.
- Civic and community events: T T T T T See L-10.
- Commercial filming, limited: T T T T T See L-8.
- Farmers’ market: – T – – – See L-11.
- Recreational events: T T T T T See L-10.
- Religious or group assembly: – T – – – See L-8.
- Retail sales, outdoor: T T – T – See L-10 and L-14.
- Street fairs: – T – – – See L-10.
- Trade fairs: – U – – –  

**Nonconforming Uses**

See PHMC Chapter 18.65.

**NB, RB, PAO, C and LI Districts: Limitations on Specific Use Classifications**

- **L-1** Only tennis/racquetball courts are allowed subject to approval of a use permit.
- **L-2** Permitted as an accessory use if limited to the ground floor, as specified in PHMC § 18.25.060.
- **L-3** Permitted on the second floor and above as the primary use, or on the ground floor when conducted as accessory to a permitted primary use, and occupying no more than 25% of the floor area of the primary use. Additional office floor area may be allowed upon approval of a use permit, or as part of a planned unit district (PUD).
- **L-4** Permitted as accessory to the primary use, occupying no more than 25% of the floor area of the primary use. Retail sales by separate tenants are not allowed.
NB, RB, PAO, C and LI Districts: Limitations on Specific Use Classifications

L-5 Limited to use with fewer than 20,000 square feet. Uses in excess of 20,000 square feet shall be required to obtain a use permit and the user shall have to demonstrate that the use provides for the day-to-day convenience shopping and services of the neighborhood. Supermarkets are compatible with the neighborhood business district.

L-6 Permitted, subject to a setback of 200 feet from any residential use.

L-7 Use permit approval is required if the use is within 100 feet of a residential property line, the establishment conducts business between 10:00 p.m. and 7:00 a.m., and the establishment serves alcoholic beverages.

L-8 Not more than four events during any calendar year for not more than seven consecutive or nonconsecutive days per event.

L-9 Not more than four events during any calendar year for not more than two consecutive days per event.

L-10 Not more than six events during any calendar year for not more than 14 consecutive or nonconsecutive days per event.

L-11 Permitted as a regularly scheduled weekly event not to exceed 45 times a calendar year.

L-12 Only allowed through approval of a use permit, in the light industrial overlay zoning district. On-site child care/day care is not permitted.

L-13 See PHMC § 18.25.090 for live entertainment standards.

L-14 See PHMC § 18.25.100 for outdoor sales standards. (Note that for temporary uses, the temporary use permit procedures apply and not the minor use permit mentioned in that section.)

L-15 Emergency homeless shelters are permitted “by right” in the limited industrial district (LI) subject to the development standards and regulations noted in PHMC § 18.20.085. However, once the city’s local need for providing emergency homeless shelters is satisfied (based on the most current homeless census data), a conditional use permit is required for any additional beds or emergency homeless shelters. In addition, no emergency homeless shelter is permitted on the Iron Horse Corridor (the area of the former Southern Pacific right-of-way owned by Contra Costa County as identified in Record of Survey RS 2330, filed for record on June 3, 1998, in Book 113 of Land Survey Maps at Page 46, Contra Costa County records) or on any parcel abutting the Iron Horse Corridor.

L-16 Permitted, subject to the requirements in PHMC § 18.25.160 for firearm sales uses.

L-17 Only allowed through approval of a use permit when the underlying general plan land use designation is mixed use, otherwise not permitted.

L-18 Allowed on the second floor and above, through approval of a use permit.


18.25.030 Property development regulations in the commercial, office and light industrial districts.

A. Schedule 18.25.030 sets forth the development regulations for the NB, RB, PAO, C and LI districts. The first three columns set forth basic requirements for permitted and conditional uses in each district. Letters in parentheses in the “Additional Development Regulations” column refer to regulations following the schedule or to regulations located elsewhere in this chapter.
B. Supplemental regulations applicable to all development in the NB, RB, PAO, C and LI districts are in PHMC §§ 18.25.050 through 18.25.140; they set forth requirements for accessory structures; accessory uses in commercial, office and light industrial districts; eating and drinking establishments with take-out service; hazardous materials storage; live entertainment; outdoor facilities; recycling facilities; and service stations and automobile washing. Regulations applicable to all zoning districts, included in Part 4, include requirements for:

1. Additional site development regulations (PHMC Chapter 18.50);
2. Off-street parking and loading (PHMC Chapter 18.55);
3. Signs (PHMC Chapter 18.60);
4. Nonconforming uses and structures (PHMC Chapter 18.65); and
5. Adult uses (PHMC Chapter 18.70).

### SCHEDULE 18.25.030 – DEVELOPMENT REGULATIONS IN COMMERCIAL, OFFICE AND LIMITED INDUSTRIAL DISTRICTS

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<tr>
<td><strong>Minimum Lot Width (feet)</strong></td>
<td>75</td>
<td>75</td>
<td>100</td>
<td>50</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td><strong>Minimum Yards:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front (feet)</td>
<td>25</td>
<td>25</td>
<td>20</td>
<td>10</td>
<td>20</td>
<td>(G)</td>
</tr>
<tr>
<td>Side (feet)</td>
<td>–</td>
<td>–</td>
<td>5</td>
<td>–</td>
<td>–</td>
<td>(A), (G)</td>
</tr>
<tr>
<td>Corner Side (feet)</td>
<td>25</td>
<td>25</td>
<td>20</td>
<td>10</td>
<td>20</td>
<td>(G)</td>
</tr>
<tr>
<td>Rear (feet)</td>
<td>–</td>
<td>–</td>
<td>20</td>
<td>–</td>
<td>–</td>
<td>(A), (G)</td>
</tr>
<tr>
<td>Aggregate Side (feet)</td>
<td>–</td>
<td>–</td>
<td>15</td>
<td>–</td>
<td>–</td>
<td>(G)</td>
</tr>
<tr>
<td><strong>Creek Setbacks</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Scenic Route (feet)</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td></td>
</tr>
<tr>
<td><strong>Maximum Building Height (feet)</strong></td>
<td>35</td>
<td>35</td>
<td>35</td>
<td>35</td>
<td>35</td>
<td></td>
</tr>
<tr>
<td><strong>Maximum Number of Stories</strong></td>
<td>2 1/2</td>
<td>2 1/2</td>
<td>2 1/2</td>
<td>2 1/2</td>
<td>2 1/2</td>
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</tr>
<tr>
<td><strong>Maximum Gross FAR</strong></td>
<td>0.35</td>
<td>0.40</td>
<td>0.35</td>
<td>0.35</td>
<td>0.40</td>
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<tr>
<td><strong>Minimum Site Landscaping</strong></td>
<td>25%</td>
<td>25%</td>
<td>30%</td>
<td>20%</td>
<td>20%</td>
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<tr>
<td>Amenities for Bicyclists</td>
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<td></td>
<td></td>
<td></td>
<td>(C)</td>
</tr>
<tr>
<td>Building Design</td>
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<td></td>
<td>(E)</td>
</tr>
<tr>
<td>Employee Eating Area</td>
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<td></td>
<td>(D)</td>
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<tr>
<td>Storm Drain Outlets</td>
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<td></td>
<td>(F)</td>
</tr>
<tr>
<td>Supplemental Regulations</td>
<td>See PHMC §§ 18.25.050 through 18.25.140 and Part 4.</td>
<td></td>
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<tr>
<td>Nonconforming Structures</td>
<td>See PHMC Chapter 18.65.</td>
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</table>

(Ord. 890 § 17, 2015; Ord. 856 § 2 (Exh. A), 2011; Ord. 844 § 5 (Exh. B), 2010; Ord. 710 § 35-6.4, 1996; 1991 code § 35-6.4)

**18.25.040 Additional development regulations corresponding to Schedule 18.25.030.**

A. NB, RB, PAO, C and LI districts adjoining residential districts.
   1. **Additional setbacks.** In the NB, RB, PAO, C and LI districts, the side or rear yard shall be 25 feet if it adjoins an R district.
2. **Planting area.** A continuous planting area having at least a minimum width of five feet and at least five trees per 100 linear feet shall be provided along interior property lines adjoining an R district.

3. **Daylight plane requirement.** Structures shall not intercept a 30-degree daylight plane inclined inward from a height of six feet above existing grade at the R district boundary line.

![Diagram of Daylight Plane Requirement](image)

**REQUIRED DAYLIGHT PLANE AT ADJOINING RESIDENTIAL DISTRICTS**
(The diagram is illustrative)

4. **Fences and walls.** A required yard abutting a residential district shall be enclosed by a solid wood, concrete or masonry wall at least six feet but not more than eight feet in height, except that a wall within 15 feet of a street property line shall not exceed three feet in height. (See also PHMC § 18.25.140.)

![Diagram of Fences and Walls](image)

**REQUIRED WALLS: RESIDENTIAL USE ABUTTING NONRESIDENTIAL USE**
(The diagram is illustrative)

B. **Minimum site landscaping.**

1. Decorative hardscape, mulch or pervious pavement may not be used to meet minimum landscape requirements as a matter of right. However, up to 50% of the required landscaping may be provided through the use of decorative hardscape, mulch and/or pervious pavement areas and are to be treated as landscape areas (credited for up to 50% of required project landscaped area subject to architectural review or planning commission approval) as part of a proposed project (see PHMC § 18.52.030.F). The planning and architectural review commissions shall establish guidelines related to the use of decorative hardscape, mulch and pervious pavement.

2. **PAO district.** At least 50% of each required interior side and rear yard shall be planting area.

C. **Office buildings over 50,000 square feet.** Showers, clothes changing rooms, and lockers shall be provided for all office buildings and office complexes over 50,000 square feet.
D. **Office buildings over 5,000 square feet.** Eating facilities for employees shall be provided for all office buildings containing more than 5,000 square feet.

E. **Design compatibility.** The exterior elevation design of all buildings shall be coordinated with regard to color, materials, architectural form and detailing to achieve design harmony, continuity and horizontal and vertical relief and interest. The design of all buildings shall be compatible with the character of the neighboring area.

F. **Storm drains.** All storm drain inlets in the NB, RB, PAO, C and LI districts shall comply with the city’s national pollutant discharge elimination system (NPDES) regulations. (See PHMC Chapter 15.05.)

G. **Vehicular easements.** A minimum required yard setback shall be provided and measured from any public or private vehicular easement boundary on the property.

H. **Windows.** Not more than 30% of any storefront (exterior) door and/or window pane shall be blocked or made opaque through the use of window treatments, paint, vinyl applications, furniture or any other method that would obstruct visibility into the building unless approved by the architectural review commission. Obstructions more than three feet away from windows are exempt. Product display spaces are allowed subject to review and approval by the zoning administrator or architectural review commission. Any existing use that is not in compliance with this requirement at the time of adoption of the ordinance codified in this section shall bring the use into compliance within 12 months of the date of ordinance adoption. (Ord. 934 § 4, 2019; Ord. 906 § 5, 2016; Ord. 890 § 18, 2015; Ord. 856 § 2 (Exh. A), 2011; Ord. 745 § 2, 2000; Ord. 710 § 35-6.5, 1996; 1991 code § 35-6.5)

### 18.25.050 Container or storage unit.

The following supplemental regulations apply to containers and storage units in the NB, RB, PAO, C and LI districts:

A. A container or storage unit is not allowed unless there is a grading or building permit for construction on the site and a zoning permit has been issued for the container or storage unit. The container or storage unit will be allowed only during the construction period.

B. The container or storage unit:
   1. Shall be located at least five feet from the property line of any residential use;
   2. May not exceed 16 feet in height;
   3. Must not obstruct sight distance visibility of pedestrians or motorists, and must not impede emergency access.
   4. Shall not displace necessary parking spaces.

C. **Exception.** A transport trailer located inside a loading dock is not subject to this section. (Ord. 757 §§ 2, 3, 2001; Ord. 710 § 35-6.6, 1996; 1991 code § 35-6.6(a))

### 18.25.060 Accessory structures and uses.

A. Accessory structures shall comply with the development regulations in PHMC § 18.25.030.

B. In the NB, RB, PAO, C, and LI districts, the following accessory uses are permitted on site; no accessory uses are permitted off site.
   1. Uses intended to serve only occupants of the building within which such uses are located. These uses may include, but are not limited to, restaurants, cafeterias, galleries, specialty or gift shops, employee fitness facilities, first aid stations, community facilities, and business services necessary for the functioning of office uses or other commercial uses, provided they are located on the ground level and the total com-

(Revised 7/20)
bined square footage of the accessory use does not exceed 25% of the ground level square footage of twollevel or greater buildings with at least two levels above grade.

2. Parking facilities in conjunction with a principal use.

3. Uses noted in subsection B.1 of this section that primarily serve the general public and/or that exceed 25% of the ground level square footage may be allowed subject to approval of a conditional use permit from the planning commission and compliance with parking provisions contained in PHMC Chapter 18.55. (Ord. 890 § 19, 2015; Ord. 856 § 2 (Exh. A), 2011; Ord. 710 § 35-6.6, 1996; 1991 code § 35-6.6(b))

18.25.070 Eating and drinking establishments with take-out service or with outdoor seating.

The following supplemental development regulations shall apply to eating and drinking establishments with (i) take-out service, other than limited take-out service, as defined in PHMC § 18.15.040 or (ii) outdoor seating:
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A. **Take-out service litter control.** The area within at least a 300-foot radius shall be maintained free of debris originating from the establishment. If a use permit is required, the use permit may contain a condition requiring the operator to retain a contract litter cleanup service or use identifiable containers and napkins for all carry-out food if the zoning administrator determines that a litter problem exists.

B. **Outdoor seating.** Up to 12 outdoor seats are allowed if: (1) no required parking spaces are eliminated or restricted in order to provide the outdoor seating; (2) all legal requirements for alcoholic beverage sales or services are being met; and (3) the use does not violate state, federal or local laws for handicapped accessibility. (Ord. 856 § 2 (Exh. A), 2011; Ord. 710 § 35-6.6, 1996; 1991 code § 35-6.6(c))

18.25.080 **Hazardous materials storage.**

The following supplemental regulations are intended to ensure that the use, handling, storage and transport of hazardous substances comply with all applicable requirements of the California Health and Safety Code and that the city is notified of emergency response plans, unauthorized releases of hazardous substances, and any substantial changes in facilities or operations that could affect the public health, safety or welfare. It is not the intent of these regulations to impose additional restrictions on the management of hazardous wastes.

A. **Permit required.** A use permit is required for any new commercial, industrial, or institutional use or accessory use, or major addition or alteration to an existing use that involves the manufacture, storage, handling, or processing of hazardous substances in sufficient quantities to require a permit for hazardous chemicals under the Uniform Fire Code. Consumer propane tank collection facilities are allowed subject to review and approval of a zoning permit by the zoning administrator.

B. **Hazardous materials release response plans.** Each business located in the city and required by the California Health and Safety Code to prepare a hazardous materials release response plan shall submit copies of all such approved plans, including any corrected plans or revised plans, to the zoning administrator once reviewed and approved by the public agency administering these provisions of the California Health and Safety Code. These submittal requirements shall be a condition of approval of a zoning permit for (1) new development where space may be occupied by such a business, and (2) any alteration or addition to an existing building or structure occupied by a business subject to these provisions of the California Health and Safety Code.

1. Notify the fire district of any unauthorized release of hazardous substances within 24 hours after the release has been detected and the steps taken to control the release; and
2. Notify the fire district and the director of public works and community development of any proposed abandoning, closing or ceasing operation of an underground storage tank and the actions to be taken to dispose of any hazardous substances. (Ord. 890 § 20, 2015; Ord. 856 § 2 (Exh. A), 2011; Ord. 710 § 35-6.6, 1996; 1991 code § 35-6.6(d))

18.25.090 **Live entertainment.**

The following regulations apply to any use offering scheduled live entertainment:

A. **Exits, not limited to emergency use only, shall generally be directed away from a residential district adjoining the site;**

B. **The live entertainment use shall be conducted in a manner that does not result in significant negative effects related to litter, noise, loitering, parking, or traffic circulation;**

C. **Approval of a live entertainment use applies only to the type of entertainment, and a different type of entertainment requires a separate approval from the city;**

D. **Type A live entertainment requires review and approval of a zoning permit; Type B and C live entertainment requires review and approval of a use permit; permanent outdoor live entertainment of any type requires**
review and approval of a use permit; and temporary live entertainment events require review and approval of a temporary use permit;

E. For Type B and C live entertainment uses, the applicant, including employees, partners, directors, officers or managers, may not have been convicted of any of the following offenses within the prior five years. The police department shall conduct a background investigation, which may be waived at the discretion of the department.
   1. A crime requiring registration under Penal Code section 290;
   2. A violation of Penal Code sections 311.2 and 311.4 through 311.7;
   3. Violation of Penal Code sections 313.1 through 313.5;
   4. Violation of Penal Code section 647, paragraph a, b, or d;
   5. Violation of Penal Code section 315, 316, or 318;
   6. A crime involving the use of force or violence on another; or
   7. The maintenance of a nuisance in connection with the same or similar business operation.

F. Any live adult entertainment must comply with PHMC Chapter 18.70.

G. The zoning administrator, at his/her discretion, may review and modify the permit for live entertainment if more than three separate and verified complaints are received during any 30-day period, or refer the matter to the planning commission. (Ord. 865 § 5, 2012; Ord. 856 § 2 (Exh. A), 2011; Ord. 710 § 35-6.6, 1996; 1991 code § 35-6.6(e))

18.25.100 Outdoor sales facilities.

The following supplemental regulations apply to outdoor sales facilities in the NB, RB, PAO, C and LI districts.

A. Where permitted. A minor use permit is required for outdoor display of sales of merchandise, materials, or equipment in an RB, C or LI district, including display of merchandise, materials, and equipment for customer pick-up. A sidewalk cafe and outdoor food service accessory to an eating and drinking establishment are permitted in the NB, RB, and PAO districts, subject to limitations imposed in PHMC § 18.25.020, provided no outdoor preparation of food or beverages is allowed.

B. Permit conditions — Grounds for denial. A minor use permit for outdoor sales, display, or food service may include a condition to require yards, screening, or planting areas necessary to prevent adverse impacts on surrounding properties and the visual character of scenic areas as identified in the general plan. If such impacts cannot be prevented, the zoning administrator shall deny the use permit application.

C. Screening. Screening shall be provided as prescribed by the minor use permit. Each vending machine located in an R district or within 300 feet of an R district, except for a machine located on the site of a service station, shall be buffered from view from the public right-of-way. (Ord. 710 § 35-6.6, 1996; 1991 code § 35-6.6(f))

18.25.105 Outdoor donation collection facilities.

The following supplemental regulations apply to outdoor donation collection facilities in the NB, RB, PAO, C and LI districts:

A. Where permitted. A minor use permit is required for outdoor donation collection of clothes, books, equipment, merchandise, etc.

B. Permit conditions — Grounds for denial. A minor use permit for outdoor donation collection facilities may include a condition to require yards, screening, or planting areas necessary to prevent adverse impacts on sur-
rounding properties and the visual character of scenic areas as identified in the general plan. If such impacts cannot be prevented, the zoning administrator shall deny the use permit application.

C. **Screening.** Screening shall be provided as prescribed by the minor use permit. Any outdoor donation collection facility located within 300 feet of an R district shall be buffered from view from the public right-of-way. (Ord. 890 § 21, 2015)

### 18.25.110 Recycling facilities.

The following supplemental regulations govern recycling facilities including collection and processing facilities.

A. **Permits required.** No person shall permit the placement, construction, or operation of any recycling facility without first obtaining a minor use permit and, if required, architectural review commission (ARC) approval as follows:

<table>
<thead>
<tr>
<th>Type of Facility</th>
<th>Districts Permitted</th>
<th>Permit Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-Feed Reverse Vending Machine(s)</td>
<td>RB, NB, C and LI</td>
<td>None</td>
</tr>
<tr>
<td>Bulk Reverse Vending Machine and Small Collection Facilities (500 sq. ft. or less)</td>
<td>RB, NB and LI</td>
<td>Use Permit, ARC Approval</td>
</tr>
<tr>
<td>Large Collection Facility (Over 500 sq. ft.)</td>
<td>RB, NB, and LI</td>
<td>Use Permit, ARC Approval</td>
</tr>
<tr>
<td>Light Processing Facility (Less than 45,000 sq. ft.)</td>
<td>C and LI</td>
<td>Use Permit, ARC Approval</td>
</tr>
<tr>
<td>Heavy Processing Facility (Over 45,000 sq. ft.)</td>
<td>LI</td>
<td>Use Permit, ARC Approval</td>
</tr>
</tbody>
</table>

B. **Permits for multiple sites.** The zoning administrator may grant a minor use permit to allow more than one reverse vending machine or small collection facility located on different sites, provided the operator of each of the proposed facilities is the same and the proposed facilities are determined by the zoning administrator to be similar in nature, size and intensity of activity.

C. **Design criteria and standards.**

1. A collection facility shall be set back at least 20 feet from a street property line and 10 feet from an interior property line. In addition, a collection facility with more than 500 square feet of floor area shall be located at least 150 feet from an R district.

2. Each machine in a collection facility shall be clearly marked with a sign that identifies the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative.

3. A reverse vending machine installation shall use exterior materials and colors that are compatible with adjacent residential uses and other businesses on the site.

4. A container for the 24-hour donation of materials shall be at least five feet from the boundary of an R district.

5. No collection facility shall be used at any time for collection of refuse or hazardous waste, except used motor oil accepted for recycling in accord with California Health and Safety Code section 25250.11.

6. In a processing facility, mechanical operations such as flattening, sorting, compacting, bailing, shredding and grinding shall take place within a fully enclosed building or within an area enclosed by a solid wood or masonry fence at least eight feet in height and at least 150 feet from an R district.

7. A processing facility shall be buffered by a landscape strip at least 10 feet wide along each property line.

8. No processing facility shall operate between 8:00 p.m. and 8:00 a.m. if the facility is located within 500 feet of an R district.
D. Site clean-up required. The operator and host business of any recycling, collection or processing facility shall, on a daily basis, remove any and all recyclable materials or refuse which has accumulated or is deposited outside the containers, bins or enclosures intended as receptacles for such materials. Failure to remove such materials or refuse after notice by the city shall constitute grounds for permit revocation, in accord with PHMC § 18.135.040. (Ord. 710 § 35-6.6, 1996; 1991 code § 35-6.6(g))

18.25.120 Service stations and automobile washing.

The following supplemental development regulations shall apply to the service stations and automobile washing use classifications.

A. Planting areas. Perimeter planting areas are the same as those required for parking lots by PHMC § 18.55.140, except where a building adjoins an interior property line. Required interior planting areas may adjoin perimeter planting areas. A minimum of 15% of the site area shall be landscaped.

B. Storage of materials and equipment. A display rack for automobile products no more than four feet wide may be maintained at each pump island of a service station. If a display rack is not located on a pump island, it shall be placed within three feet of the principal building, and there may be no more than one per street frontage.

C. Storage of vehicle parts and dismantled vehicles. All discarded parts, dismantled vehicles, wrecked vehicles or vehicles under repair shall be stored or located in an enclosed storage area. (Ord. 710 § 35-6.6, 1996; 1991 code § 35-6.6(h))

18.25.130 Hours of operation.

A use in the PAO, C, or LI district having open parking or wall openings within 100 feet of an R district shall not operate between 10:00 p.m. and 7:00 a.m. without a use permit. (Ord. 710 § 35-6.6, 1996; 1991 code § 35-6.6(i))

18.25.140 Fences and walls.

The maximum height of a fence or wall (including a retaining wall) is six feet within required interior side and rear yards, and three feet within required front and corner side yards, unless otherwise specified. A required yard abutting a residential zoning district must be enclosed by a solid wood, concrete or masonry wall at least six feet in height, but not more than eight feet in height. (See also PHMC § 18.25.040.A.4.)

A. Rear property line exceptions. On a lot with a rear lot line abutting a public trail, canal, East Bay Municipal Utility District right-of-way or public street, the maximum rear yard fence height is eight feet.

B. Fences with retaining walls. When a fence is placed on top of a retaining wall, the height is the combined height of the retaining wall, fence, wall or screen (not to exceed a maximum height of six feet measured from the higher side of the adjacent grade). A retaining wall is not included in the measurement if it is located so that its horizontal distance from the fence is equal to or greater than the height of the retaining wall.

C. Sight distance. All fences are subject to the visibility requirements of PHMC § 18.50.100.

D. Prohibited fences. High voltage electrical fences, razor wire, barbed wire, and other materials which pose a safety hazard are strictly prohibited. (Ord. 856 § 2 (Exh. A), 2011; Ord. 745 § 3, 2000; Ord. 710 § 35-6.6, 1996; 1991 code § 35-6.6(j))
18.25.150 Vehicle storage facilities.

The following regulations apply to any areas designated for vehicle storage use:

A. The vehicle storage lot area shall be entirely screened with an eight-foot-tall, solid, aesthetically pleasing barrier.

B. The storage facilities shall incorporate sound attenuation solutions to comply with PHMC § 18.50.060.

C. When within 100 feet of a residential district, the use shall not operate between the hours of 10:00 p.m. and 7:00 a.m. without a use permit.

D. The use shall comply with the city’s national pollutant discharge elimination system (NPDES) regulations. (See PHMC Chapter 15.05.) (Ord. 856 § 2 (Exh. A), 2011)

18.25.160 Firearm sales uses.

The following regulations apply to firearm sales businesses. The findings set forth in PHMC § 9.35.010.A are hereby incorporated by reference. The purpose of this section is to advance the public health, safety, and welfare by imposing reasonable locational restrictions on any entity that establishes a firearm sales business in the city. For purposes of this section, “firearm sales” shall have the same meaning as set forth in PHMC § 18.15.040.

A. Locational restrictions.

1. Subject to the other limitations of this chapter and the Pleasant Hill Municipal Code, firearm sales may be located in any general commercial district, retail business district, professional and administrative office district, light industrial district, and planned unit district.

2. In those districts where a business engaged in firearm sales may otherwise be located, it shall be unlawful to establish any such firearm sales business unless the applicant provides proof that the property where the proposed firearm sales will be conducted is not:
   a. Within 150 feet from any residence, when measured from the property line of any residence to the door of the firearm sales business that is nearest to that same property line of the residence;
   b. Within 1,000 feet of the exterior limits of any building premises occupied by a day care that is designated as a large family day care, PHMC § 18.15.020, or general day care, PHMC § 18.15.030, when measured from the closest points on the exterior property lines or area boundaries of the parcels or properties involved, except that when an applicant occupies one unit of a multi-unit structure located on a single parcel, distances shall be measured from the exterior boundaries of the unit so occupied;
   c. Within 1,000 feet of the property line of any elementary school, junior high school, high school, college or university, whether public or private, when measured from the closest points on the exterior property lines or area boundaries of the parcels or properties involved, except that when an applicant occupies one unit of a multi-unit structure located on a single parcel, distances shall be measured from the exterior boundaries of the unit so occupied;
   d. Within 500 feet of the property line of a public park, when measured from the closest points on the exterior property lines or area boundaries of the parcels or properties involved, except that when an applicant occupies one unit of a multi-unit structure located on a single parcel, distances shall be measured from the exterior boundaries of the unit so occupied.

3. Notwithstanding any other provision of this section, a firearm sales business may be located on any part of a parcel in a general commercial district, retail business district or planned unit district if an applicant provides proof that any portion of said parcel is not within the locational restrictions in subsections A.2.a through d of this section.

4. Consistent with the use regulations in this chapter for any retail sales in a professional and administrative office district (L-2 in PHMC § 18.25.020), a firearm sales business may only be located in a professional and administrative office district as an accessory use if limited to the ground floor, as specified in PHMC § 18.25.060.
5. Consistent with the use regulations in this chapter for any retail sales in a light industrial district (L-4 in PHMC § 18.25.020), a firearm sales business may only be located in a light industrial district as accessory to the primary use, occupying no more than 25% of the floor area of the primary use. Retail sales by separate tenants are not allowed.

B. Timing and nonconforming use.
1. The locational restrictions in subsections A.2.a through d of this section shall apply as of the date the applicant submits an application for a zoning permit under PHMC Chapter 18.85 to establish a firearm sales business.
2. Subject to subsection C of this section, the establishment of any firearm sales business shall include the opening of such a business as a new business, the relocation of the business, the conversion of an existing business to any firearm sales use, or the transfer or sale of a firearm sales business to a new owner. Expansion or relocation of a firearm sales business at an existing location, including within the same shopping center or site, is not deemed a change in business location or relocation of such a business.
3. Any firearm sales business operating as a conforming use under this chapter with all applicable licenses and permits, including the businesses that are grandfathered pursuant to subsection C.1 of this section, shall not be rendered a legal nonconforming use as specified in PHMC § 18.65.020 by the location of a residence, day care, school, or public park.

C. Grandfathering for existing firearm sales businesses.
1. The locational restrictions in subsections A.2.a through d of this section shall be inapplicable to any entity engaged in the business of firearm sales in the city and who or which has all valid permits and licenses required by the city, and by state and federal law as of the effective date of the ordinance codified in this section. Any such entity may continue firearm sales at its existing location pursuant to any valid permits and licenses so long as the operator remains fully licensed by all agencies (including, without limitation, obtaining and maintaining the permit required by PHMC Chapter 9.35), and has not sold, transferred or assigned operation of the business after the effective date of this chapter to any other entity. If any such licenses or permits are revoked, the provisions of this subsection C are inapplicable and the locational restrictions in subsections A.2.a through d of this section shall apply.
2. The locational restrictions in subsections A.2.a through d of this section shall be inapplicable to the sale or transfer to a new owner of any existing firearm sales business that meets the requirements of subsection C.1 of this section if the operation of the firearm sales business by the new owner is at the same location or within the same shopping center or site as the prior owner’s permitted business.

D. Zoning permit required. No firearm sales business may be established in the city by right. All persons wishing to establish a firearm sales business within the city must apply for and receive a zoning permit under PHMC Chapter 18.85. It is the burden of the applicant to supply evidence to justify the grant of a zoning permit.

E. Applicability of other regulations. The provisions in this chapter are not intended to provide exclusive regulation of firearm sales businesses. Any entity engaged in the business of firearms sales must comply with any and all applicable regulations imposed in other parts of the zoning ordinance, other city ordinances (including, without limitation, PHMC Chapter 9.35), and state and federal law. (Ord. 895 § 4, 2016)

18.25.170 Cannabis retailers.

A. Medical cannabis retailers.
1. Medical cannabis retailers may be located in any light industrial (LI), general commercial (C), or professional and administrative office (PAO) zoning district, subject to the granting of a use permit pursuant to PHMC Chapter 18.95, the other limitations of this chapter, and the following restrictions:
   a. A medical cannabis retailer’s premises shall be closed to the public (i.e., no public storefront). The medical cannabis retailer shall conduct sales exclusively by delivery.
   b. Medical cannabis retailers are prohibited from establishing or locating within 600 feet of a public or private school providing instruction in kindergarten or any grades one through 12, day care center, or youth center, as defined by state law. For the purposes of this section, all distances shall be measured
from the outer extents of the cannabis retailer’s business premises (whether leased or owned) excluding parking facilities and common areas to the nearest property lines of each affected parcel.
c. The city shall issue no more than two conditional use permits for medical cannabis retailers.
d. A medical cannabis retailer’s business premises (excluding parking facilities and common areas) shall not exceed a gross floor area of 10,000 square feet.
e. Medical cannabis retailers shall obtain and maintain a state license for retail medicinal cannabis sales in accordance with the Medicinal and Adult-Use Cannabis Regulation and Safety Act, California Business and Professions Code, Division 10, section 26000 et seq.
f. Medical cannabis retailers shall not create a public nuisance through offensive odors.
g. On-site consumption of medicinal cannabis or medicinal cannabis products is prohibited.
h. Medical cannabis retail use shall be conducted indoors only, with no outdoor use/activity related to the cannabis retailer use.
i. Renderings of the business facade shall be provided and reviewed as part of the conditional use permit. Building facade plans shall include renderings of the exterior building elevations and any proposed signage for all sides of the building. All building facades and signage shall be in keeping with the high architectural quality and design standards of the city of Pleasant Hill. The business facade and building signs shall be compatible with and complementary to surrounding businesses and shall add visual quality to the area.

B. Adult-use cannabis retailers. Without limiting the generality of the prohibition on commercial cannabis uses in PHMC § 18.50.140.B, adult-use cannabis retailers are prohibited in all base zoning districts and overlay districts in the city.

C. Applicability of other regulations. The provisions in this chapter are not intended to provide exclusive regulation of cannabis retailers. Any entity or individual engaged in the business of cannabis retail sales must comply with any and all applicable regulations imposed in other parts of the zoning ordinance, other city ordinances (including, without limitation, PHMC Titles 5 and 6), and state law.

D. It is anticipated that the number of applications could exceed the number of allowable permits for cannabis retailers. The city shall not accept applications until the city council has adopted a resolution setting forth the application period, application procedures and guidelines to evaluate applications for cannabis retailer permits. The city council expects, but is not required, to adopt application guidelines on or before January 1, 2020. (Ord. 931 § 4, 2019)
Chapter 18.30

PLANNED UNIT DEVELOPMENT (PUD) AND PRECISE PLAN DISTRICTS (PPD)

Sections:
18.30.010 Specific purposes.
18.30.020 Land use regulations.
18.30.030 Land use and development regulations for existing PUD or PPD district.
18.30.040 Development regulations.
18.30.050 Concept plan.
18.30.060 Planning commission, architectural review commission and city council action.
18.30.070 Zoning map designation.
18.30.080 Development plan and architectural review permit review.

18.30.010 Specific purposes.

In addition to the general purposes listed in PHMC § 18.05.020, the specific purposes of the planned unit development and precise plan districts are to:

A. Establish a procedure for the development of large parcels of land in order to reduce or eliminate the rigidity, delays, and conflicts that otherwise would result from application of zoning standards and procedures designed primarily for small parcels.

B. Ensure orderly and thorough planning and review procedures that will result in quality urban design.

C. Encourage variety and avoid monotony in large developments by allowing greater freedom in selecting the means to provide access, light, open space, and amenities.

D. Encourage allocation and improvement of common open space in residential areas, and provide for maintenance of the open space at the expense of those directly benefiting from it.

E. Encourage the assembly of properties that might otherwise be developed in unrelated increments to the detriment of surrounding neighborhoods. (Ord. 710 § 35-9.1, 1996; 1991 code § 35-9.1)

18.30.020 Land use regulations.

No use other than an existing use is permitted in a PUD district except in accord with a valid PUD or specific plan. Any permitted or conditional use authorized by this title may be included in an approved PUD plan or an adopted specific plan consistent with the general plan land use designation(s) for the property. (Ord. 710 § 35-9.2, 1996; 1991 code § 35-9.2)

18.30.030 Land use and development regulations for existing PUD or PPD district.

Land use and development regulations for a PUD or PPD existing as of October 21, 1995 (the date of adoption of Ordinance No. 710) shall be determined in accordance with the following schedule unless the existing PUD or PPD has an adopted land use and development schedule. In the event of a conflict between applicable zoning district regulations, the more restrictive provisions shall apply unless otherwise determined by the zoning administrator based on physical site characteristics.
18.30.040 Development regulations.

A. Minimum area. The minimum area of a PUD district shall be four contiguous acres. The city council may approve a PUD district that contains less than four acres, but at least two acres, upon a finding that special site characteristics exist, and at least one acre when the project site is located in a nonresidential general plan land use classification, upon a finding that special site characteristics exist.

B. Residential unit density. The total number of dwelling units in a PUD plan shall not exceed the minimum number permitted by the general plan for the total area allocated to residential use unless findings under Government Code section 65589.5 are met and in no instance shall the maximum number of dwelling units exceed the maximum permitted by the general plan unless a density bonus is approved under PHMC § 18.20.150.

C. Performance standards. The performance standards prescribed by PHMC § 18.50.060 apply.

D. Other development regulations. Other development regulations shall be as prescribed by the PUD or specific plan.

E. Accessory dwelling units. Any accessory dwelling unit or units approved within a PUD shall comply with all applicable regulations contained in PHMC § 18.20.095. (Ord. 938 § 7, 2020; Ord. 915 § 9, 2017; Ord. 856 § 2 (Exh. A), 2011; Ord. 772 § 3, 2003; Ord. 710 § 35-9.4, 1996; 1991 code § 35-9.4)

\[\text{SCHEDULE 18.30.030} \]
\[\text{PUD AND PPD DISTRICTS LAND USE AND DEVELOPMENT REGULATIONS} \]

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18.30.050  Concept plan.

Each rezoning to PUD shall have a written concept plan adopted as part of the ordinance. The concept plan shall include a text and diagram or diagrams that specify:

A. The distribution, location and extent of the uses of land, including open space, within the area covered by the plan.

B. The proposed distribution and location of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other facilities proposed to be located in the area covered by the plan and needed to support the land uses described in the plan.

C. Standards and criteria by which development will proceed, and standards for conservation, development and utilization of natural resources including geological features, where applicable.

D. A land use regulation schedule defining the permitted, conditional, temporary and accessory uses.

E. A development regulation schedule establishing the physical standards for development including, but not limited to, setbacks, building heights, building coverage and floor area ratios.

F. Design criteria for all landscaped areas, buildings and structures.

G. A statement of the relationship of the proposed rezoning to the general plan. (Ord. 928 § 8, 2019; Ord. 906 § 6, 2016; Ord. 710 § 35-9.6, 1996; 1991 code § 35-9.6)

18.30.060  Planning commission, architectural review commission and city council action.

Before the planning commission consideration of the PUD request for rezoning, the architectural review commission shall review and make recommendations to the planning commission. The planning commission shall consider an application for rezoning to a PUD district as prescribed in PHMC Chapter 18.125, and shall, at the same time, consider the proposed PUD concept plan or specific plan accompanying the application. A commission recommendation to rezone to a PUD district shall be accompanied by a resolution approving a PUD concept plan or recommending a specific plan.

A. Architectural review commission action. The architectural review commission may recommend approval or conditional approval of a concept plan upon finding that:
   1. The design of the structures conforms to the topographic features of the particular site;
   2. The design of the structures enhances the natural attributes of the particular site;
   3. The scale and bulk of the structures are appropriate to the particular site; and
   4. The landscape plan is appropriate to the particular site.

B. Planning commission action. The planning commission may recommend approval or conditional approval of a PUD plan and rezoning or recommend approval or conditional approval of a specific plan upon finding that:
   1. The PUD plan or specific plan is consistent with the general plan and other applicable policies and is compatible with surrounding development;
   2. The PUD plan or specific plan will enhance the potential for superior urban design in comparison with the development under the base district regulations that would apply if the plan were not approved;
   3. Deviations from the base district regulations are justified by compensating benefits of the PUD plan or specific plan;
   4. The PUD plan or specific plan includes adequate provisions for utilities services, and emergency vehicle access; and public service demands will not exceed the capacity of existing and planned systems; and
   5. The PUD plan or specific plan has been considered by the architectural review commission.
C. City council action. After a public hearing, the council shall approve, modify, or reject the planning commission’s recommendation; provided, that a modification not previously considered by the planning commission shall be referred to the planning commission for a report before adoption of an ordinance amending the zoning regulations or map. Failure of the planning commission to report within 40 days after referral or such longer period as may be designated by the council shall be deemed an approval of the proposed modification. Prior to adoption of an ordinance establishing a PUD or a resolution adopting a specific plan, the council shall make findings that the proposed regulation or map amendment and the PUD plan or specific plan is consistent with the policies of the general plan and the notice and hearing provisions of this title.

D. Concurrent submittal. A development plan, architectural review permit, use permit, and/or any associated permits may be submitted for review concurrently with a PUD plan. In a concurrent submittal, the city council shall be the final decision-maker on all applications after considering recommendations from the planning commission and/or architectural review commission. (Ord. 902 § 4, 2016; Ord. 710 § 35-9.8, 1996; 1991 code § 35-9.8)

18.30.070 Zoning map designation.

A PUD or PPD district shall be noted on the zoning map by the designations “PUD” or “PPD,” followed by the ordinance number of the rezoning. A specific plan shall also be noted on the zoning map. (Ord. 710 § 35-9.10, 1996; 1991 code § 35-9.10)

18.30.080 Development plan and architectural review permit review.

Plans for a project in a PUD or PPD district shall be accepted for development plan review as prescribed by PHMC Chapter 18.90 and architectural review as prescribed by PHMC Chapter 18.115 only if they are consistent with an approved PUD or PPD plan or specific plan. No project may be approved and no building permit issued unless the project, alteration or use is consistent with an approved PUD or PPD concept plan or an approved specific plan.

Minor changes to an existing PUD or PPD plan, as determined by the zoning administrator, are not subject to PHMC Chapter 18.115, Architectural Review Permits.

The zoning administrator shall determine what is major or minor and has the discretion to make minor changes to an existing PUD or PPD. Any interested person may appeal the zoning administrator’s determination under PHMC Chapter 18.130. (Ord. 902 § 5, 2016; Ord. 710 § 35-9.12, 1996; 1991 code § 35-9.12)
Chapter 18.35
HILLSIDE PLANNED UNIT DEVELOPMENT DISTRICT (HPUD)

Sections:
18.35.010 Specific purposes.
18.35.020 Applicability.
18.35.030 Land use regulations for HPUD district.
18.35.040 Development regulation for HPUD district.
18.35.050 Design standards.
18.35.060 Concept plan.
18.35.070 Planning commission, architectural review commission and city council action.
18.35.080 Zoning map designation.
18.35.090 Development plan and architectural review permit review.

18.35.010 Specific purposes.

In addition to the general purposes listed in PHMC § 18.05.020, the specific purposes of the Hillside Planned Unit Development district are to:

A. Preserve the physical and visual identity of the hills and ridgelines of Pleasant Hill and the natural geologic conditions consistent with the city-wide design guidelines while allowing controlled development.

B. Utilize performance standards and specific regulations to ensure that utilization of land for urban purposes is kept in balance with the need to conserve natural resources and protect life and property from natural hazards.

C. Ensure orderly and thorough planning and review procedures that will result in quality urban design. (Ord. 856 § 2 (Exh. A), 2011; Ord. 710 § 35-10.1, 1996; 1991 code § 35-10.1)

18.35.020 Applicability.

The HPUD district shall be imposed upon any parcel site that has a general plan residential land use designation with an average slope of 15% or greater. Residential parcels, with an average slope of 15% or greater, which are subdivided to their maximum density and in a zoning district other than HPUD shall be subject only to PHMC § 18.35.040.B, D and E and PHMC § 18.35.050. (Ord. 710 § 35-10.2, 1996; 1991 code § 35-10.2)

18.35.030 Land use regulations for HPUD district.

Schedule 18.35.030 sets forth the land use regulations for the HPUD district as established by letter designations as follows:

“P” designates use classifications permitted in residential districts.

“U” designates use classifications permitted on approval of a use permit.

“T” designates use classifications permitted on approval of a temporary use permit.

“L” followed by a number designates use classifications subject to certain limitations listed by number following the schedule.

“P/U” designates use classifications permitted on the site of a permitted use, but requiring a use permit on the site of a conditional use.
The uses listed are based on the use classifications set forth in PHMC Chapter 18.15. Use classifications not listed are prohibited unless authorized by zoning administrator resolution under PHMC § 18.15.010. The “Additional Use Regulations” column includes specific limitations applicable to the use classifications or refers to regulations located elsewhere in this chapter.

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### Residential Uses
- Accessory dwelling unit P
- Congregate care, limited U
- Day care, limited P
- Home occupation U
- Residential care, limited P
- Single-family residential P
  - with boarder or lodger P
  - No more than 3 boarders or lodgers in rooms with no kitchen facilities.

### Public and Semipublic
- Day care, large family U
- Day care, general U
- Park and recreational facilities U
- Public safety facilities U
- Religious assembly U
- Residential care, general U
- Schools, public or private U
- Utilities, major U
- Utilities, minor P

### Commercial Uses
- Animal sales and service L-1
  - Only animal boarding and riding academies.
- Horticulture, limited P

### Accessory Uses
- Accessory Uses P/U L-2

### Temporary Uses
- Agricultural sales T
- Commercial filming, limited T
- Personal property sales P
  - See PHMC § 18.15.070 and Chapter 18.100.
- Street fairs T

### Nonconforming Uses
- See PHMC Chapter 18.65.
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18.35.040 Development regulation for HPUD district.

A. Residential unit density. The number of residential units allowed on a site in the HPUD district shall be computed based on the average percent of slope of the natural terrain of the site and the allowable density per net acre associated with that average percentage, as shown in Schedule 18.35.040. Any existing legal parcel within the HPUD district, with a slope equal to or greater than 15% and containing less than 15,000 square feet of gross lot area, may be developed with one single-family dwelling unit (and, if approved, an accessory dwelling unit) subject to compliance with all other applicable development standards and design guidelines. Fractional average percent of slope shall be rounded upward to the next whole number, but the maximum number of units allowed on a site in the HPUD district shall not be rounded upward to the nearest whole number. Schedule 18.35.040 also shows in column (2) the average lot area that must be achieved for each slope percentage based upon the maximum allowable density.

B. Performance standards.
1. Grading. On parcels with 15% to 29.9% slopes, the grading is limited to no more than 30% of the gross site area. On slopes in excess of 29.9%, the grading is limited to no more than 15% of the gross site area.
2. Impervious surface coverage. Impervious surfaces are those which do not absorb water; including all buildings, parking areas, driveways, roads, sidewalks, and any areas of concrete or asphalt. On parcels with 15% to 29.9% slopes, the impervious surface coverage is limited to 15% of the gross site area. On slopes in excess of 30%, the impervious surface coverage is limited to 8% of the gross site.
3. Noncompliance. If the grading or impervious surface coverage standards are not met, allowable density shall be reduced until both standards are met.

C. Reduced density for environmental impact mitigation. The planning commission shall reduce the allowable number of residential dwelling units allowed on a site upon finding that such reduced density is required to preserve the physical and visual identity of the hills and ridgelines, protect natural vegetation including trees, retain scenic corridors, or provide for adequate drainage or appropriate internal circulation, and upon making the required findings under Government Code section 65589.5.

D. Maximum number of stories and maximum building height. No dwelling or structure shall exceed a height of 35 feet.

E. Other development regulations. The requirements and standards for yards or setbacks applicable to a hillside planned unit development are those standards set forth for the R district(s) similar in nature and function to the proposed planned unit development unless modified by the design standards in PHMC § 18.35.050. The requirements and standards for public improvements are those which apply in other R district(s) in the city, unless modified by the planning commission because of special topographical and design considerations.

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HPUD District: Additional Use Regulations

L-1 The keeping of large animals on a site of at least one acre is permitted with no more than two large animals per acre. Any barn, stable or other structure used to house large animals shall be located at least 100 feet from the boundary line of a street or public road and at least 50 feet from a side, front or rear property line.

L-2 Domestic and small animals are permitted, except no more than three mature dogs and no more than five mature cats or rabbits and five hens may be kept, harbored, possessed or maintained on any parcel. Farm animals including roosters, geese, turkeys, pigs, goats and sheep are not permitted.

(Ord. 915 § 10, 2017; Ord. 856 § 2 (Exh. A), 2011; Ord. 710 § 35-10.4, 1996; 1991 code § 35-10.4)
18.35.050 Design standards.

A. Grading. Streets, buildings, and other manmade structures shall be designed to complement the natural terrain and landscape.
B. **Ridge views.** The location of structures shall not disrupt the natural silhouette of prominent ridges as viewed from a public street.

C. **Landscaping.** Landscaping of areas around structures shall provide a smooth transition and blend into the natural landscape. Native and other drought-tolerant plants shall be used except immediately adjacent to residential structures. Graded areas shall be replanted to protect them from soil erosion and to eliminate visual scarring.

D. **Building design.** To reduce visual impacts and the amount of grading, both upslope and downslope units are encouraged.

E. **Street design.** The pattern of roadways in the hillsides shall be based upon good engineering practice and upon the general policy of maintaining the natural environmental setting of the hillside. In response to this policy, public rights-of-way shall be aligned in a manner to avoid existing trees and riparian environments. In cases where it is necessary to place rights-of-way on or near the ridge tops, grading for roadways shall be minimized to reduce visual scarring. The specific road alignments shall be based upon the following constraints:
   1. Volume of traffic;
   2. Topography;
   3. Public safety;
   4. Lot size and on-street parking needs; and
   5. Drainage requirements.

F. **Visitor parking.** Parking bays for visitor parking are encouraged.

G. **Emergency access.** Emergency access shall be provided to open space areas, especially to the rear of dwellings or dwelling groups.

H. **Nonvehicular circulation.** Separate pedestrian circulation and trail plans, according to the general plan, shall be provided.

I. **Clustering.** Encourage clustering of homes and require protection of natural features such as large trees, knolls, rock, outcroppings, riparian areas and scenic corridors. (Ord. 710 § 35-10.8, 1996; 1991 code § 35-10.8)

**18.35.060 Concept plan.**

The city council shall approve a concept plan at the same time that it adopts an ordinance establishing an HPUD district. The concept plan shall include a text and diagram or diagrams which specify:

A. The distribution, location and extent of the uses of land, including open space, within the area covered by the plan.

B. The proposed distribution and location of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other facilities.

C. Standards and criteria by which development will proceed, and standards for conservation, development and utilization of natural resources, where applicable.

D. A development regulation schedule establishing the physical standards for development including, but not limited to, setbacks, building heights, building coverage and floor area ratios.

E. Design criteria and placement for all buildings and structures.
18.35.070 Planning commission, architectural review commission and city council action.

Before planning commission consideration of a proposed HPUD district, the architectural review commission shall review the proposal and make recommendations to the planning commission. The planning commission shall consider an application for rezoning to an HPUD district as prescribed in PHMC Chapter 18.125, and shall at the same time consider the proposed HPUD concept plan accompanying the application. A planning commission recommendation to rezone to the HPUD district shall be accompanied by a resolution approving an HPUD concept plan.

A. Architectural review commission action. The architectural review commission may recommend approval or conditional approval of a proposed HPUD concept plan upon finding that:
   1. The design of the structures conforms to the topographic features of the particular site;
   2. The design of the structures enhances the natural attributes of the particular site;
   3. The scale and bulk of the structures are appropriate to the particular site; and
   4. The HPUD is in substantial compliance with city-wide design guidelines.

B. Planning commission action. The planning commission may approve or conditionally approve an HPUD concept plan upon finding that:
   1. The HPUD concept plan is consistent with the adopted general plan and other applicable policies and is compatible with surrounding development;
   2. Deviations from the base district regulations are justified by compensating benefits of the HPUD plan;
   3. The HPUD concept plan includes adequate provisions for utilities services and emergency vehicle access; and public service demands will not exceed the capacity of existing and planned systems; and
   4. The HPUD concept plan has been reviewed by the architectural review commission.

C. City council action. After a public hearing, the council shall approve, modify, or reject the planning commission’s recommendation; provided, that a modification not previously considered by the planning commission shall be referred to the planning commission for a report prior to adoption of an ordinance amending the zoning regulations or map. Failure of the planning commission to report within 40 days after referral or such longer period as may be designated by the council shall be deemed approval of the proposed modification. Prior to adoption of an ordinance, the council shall make findings that the proposed regulation or map amendment is consistent with the policies of the general plan and the notice and hearing provisions of this title.

D. Concurrent submittal. A development plan, architectural review permit, use permit, and/or any associated permits may be submitted for review concurrently with an HPUD concept plan. In a concurrent submittal, the city council shall be the final decision-maker on all applications after considering recommendations from the planning commission and/or architectural review commission. (Ord. 902 § 6, 2016; Ord. 856 § 2 (Exh. A), 2011; Ord. 710 § 35-10.14, 1996; 1991 code § 35-10.14)

18.35.080 Zoning map designation.

An HPUD district shall be noted by the designation “HPUD,” followed by the ordinance number of the rezoning approving the HPUD plan. (Ord. 710 § 35-10.18, 1996; 1991 code § 35-10.18)

18.35.090 Development plan and architectural review permit review.

Plans for a project in an HPUD district shall be accepted for final development site plan review as prescribed by PHMC Chapter 18.90 and architectural review as prescribed by PHMC Chapter 18.115, only if they are consistent with a valid HPUD plan.
Minor changes to an existing HPUD, as determined by the zoning administrator, shall not be subject to PHMC Chapter 18.115, Architectural Review Permits.

The zoning administrator shall determine what is major or minor and has the discretion to make minor changes to an existing HPUD. Any interested person may appeal the zoning administrator’s determination under PHMC Chapter 18.130. (Ord. 902 § 7, 2016; Ord. 710 § 35-10.20, 1996; 1991 code § 35-10.20)
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Part 3. Overlay Districts

Chapter 18.40

GENERAL PROVISIONS

Sections:
18.40.010 Purpose and applicability.
18.40.020 Initiation – Review and approval.

18.40.010 Purpose and applicability.

Overlay districts are zoning districts established to carry out specific purposes. They are governed by a set of regulations that address specific subjects, such as historic districts and cultural resources. Overlay districts may be initially established by adding a specific section to this Part 3, Overlay Districts, without being actually delineated on the zoning map. At a later time, when an opportunity arises to carry out the intended purposes for one or more sites that meet the criteria for designation, the city council may adopt an ordinance amending the zoning map to delineate the boundaries of the overlay district. The provisions of the overlay district then will be combined with the provisions of the base zoning district for that site or sites to which the overlay district applies and the more restrictive provisions will govern. (Ord. 710 § 35-11.1, 1996; 1991 code § 35-11.1)

18.40.020 Initiation – Review and approval.

The planning commission or the city council may initiate an amendment to the zoning ordinance to establish an overlay district under the procedures established in PHMC Chapter 18.125, Zoning Ordinance Amendments. The planning commission may recommend and the city council may adopt an ordinance enacting overlay district provisions under the requirements and criteria of PHMC Chapter 18.125 after duly noticed public hearings. (Ord. 710 § 35-11.2, 1996; 1991 code § 35-11.2)
Chapter 18.45

HISTORIC DISTRICTS AND CULTURAL RESOURCES DISTRICTS

Sections:
18.45.010 Specific purposes.
18.45.020 Responsibilities and applicability.
18.45.030 Zoning map designators.
18.45.040 Initiation.
18.45.050 Land use and property development regulations.
18.45.060 Procedure.
18.45.070 Criteria for establishment of historic districts and cultural resources designations.
18.45.080 Amendments to “H” historic district or “CR” cultural resources designation.
18.45.090 Use permits for waiver from land use regulations.
18.45.100 Maintenance of structures and premises.
18.45.110 Certificate of appropriateness.
18.45.120 Demolition permits.

18.45.010 Specific purposes.

The specific purposes of the historic districts and cultural resources overlay districts are to prevent neglect of historic or architecturally significant buildings, encourage public appreciation of the city’s past, foster civic and neighborhood pride, enhance property values and increase economic and financial benefits to the city, and encourage public participation in identifying and preserving historical and architectural resources. The historic districts and cultural resources overlay districts are intended to:

A. Promote the conservation, preservation, protection, and enhancement of cultural resources, landmarks and historic districts, sites, buildings, structures and objects significant in history, architecture, archaeology, and culture which impart a distinct aspect to the city and serve as visible reminders of the city’s culture and heritage;

B. Deter demolition, destruction, alteration, misuse, or neglect of historically, culturally, archaeologically or architecturally significant districts, sites, buildings and objects that form an important link to the city’s past;

C. Encourage development tailored to the character and significance of each historic district or landmark through an historic district conservation plan that includes goals, objectives, and design standards;

D. Provide a review process for the appropriate preservation and development of important cultural, architectural and historical resources; and

E. Promote maintenance of a harmonious outward appearance of both historic and modern structures through complementary scale, form, color, proportion, texture and material. (Ord. 710 § 35-12.1, 1996; 1991 code § 35-12.1)

18.45.020 Responsibilities and applicability.

A. Responsibilities. The city’s architectural review commission shall:

1. Establish criteria and conduct a comprehensive survey in conformance with state survey standards and guidelines of cultural heritage resources within the boundaries of the city, notify property owners of cultural heritage resources identified by the survey, publicize the results of the survey with the consent of each cultural heritage resource owner and periodically update the survey results.

2. Recommend to the planning commission and city council the designation of cultural resources and historic districts determined to be appropriate for historic preservation.
3. Maintain a local register of cultural resources within the city including all information required for such designation. The register shall remain in the possession of the city and be accessible to the public.

4. Review and comment upon public and private land use proposals, programs, and related environmental documents, as they pertain to designated or nominated cultural resources of the community or to the property upon which a cultural resource is located, including all public and private land use proposals located within 100 feet of such cultural resource.

5. Approve, approve with conditions or disapprove permit applications to construct additions, change, alter, modify, remodel, remove or otherwise significantly affect any designated or nominated cultural resource.

6. Recommend that the city purchase property, grant or acquire easements and employ other mechanisms for purposes of cultural heritage resources preservation.

7. Investigate the use of various federal, state, local and private funding sources and mechanisms for cultural resource management.

B. Establishment. An “H” historic district designation or “CR” cultural resources designation may be combined with any base zoning district. An “H” historic district designation or a “CR” cultural resources designation may be adopted only as an amendment to the zoning map pursuant to the procedures and criteria of PHMC Chapter 18.125, and the criteria of this section.

C. Certificate of appropriateness required. A certificate of appropriateness is required before development, exterior alteration, restoration, or relocation of any structure or site in an “H” historic district or a designated cultural resource (“CR”). The certificate must be obtained before issuance of a zoning permit or a building permit, unless the development, alteration, restoration, or relocation is exempt under PHMC § 18.45.110.

D. Demolition review. Approval of the architectural review commission is required before demolition of any structure or site in an “H” historic district or of a designated cultural resource (“CR”); see PHMC § 18.45.120.

18.45.030 Zoning map designators.

Each “H” historic district or “CR” cultural resources designation shall be shown on the zoning map by adding an “-H” or a “-CR” designator, respectively, to the base zoning district designation followed by the number of the “H” historic district or “CR” cultural resources designation, based on its order of adoption with reference to the enacting ordinance.

18.45.040 Initiation.

An application for an amendment to the zoning map for an “H” historic district designation or “CR” cultural resources designation may be initiated by the city council, the planning commission, the architectural review commission, or the affected property owner.

If an application for a designation is initiated under this section, the zoning administrator shall provide copies of this section and of the city’s cultural resources management guidelines to all property owners that would be subject to the designation and inform them in writing of the restrictions that will be placed on their property as a result of such designation.

18.45.050 Land use and property development regulations.

The land use regulations and development regulations applicable to a building, structure or area subject to an “H” historic district or “CR” cultural resources designation shall be as prescribed for the base zoning district with which it is combined, unless modified by the ordinance establishing the “H” historic district or “CR” cultural resources designation. If conflicts arise, the criteria and requirements of any applicable historic district conservation plan shall govern.
A. Ordinary maintenance and repair – Repair for public safety. Nothing in this section is intended to prohibit ordinary maintenance or repair of any exterior or interior architectural features in or on any property subject to an “H” or “CR” overlay district designation that does not involve a change in design, material or external appearance. Nor is this section intended to prohibit the construction, reconstruction, alteration, restoration, demolition or removal of any such architectural feature when the zoning administrator certifies to the architectural review commission that such action is required for the public safety, due to an unsafe or dangerous condition which cannot be otherwise rectified.

B. Preservation easements. In order to implement the provisions of this section, preservation easements on the facades of buildings designated as a cultural resource may be acquired by the city or nonprofit group through purchase, donation or condemnation pursuant to Civil Code section 815.

C. State Historical Building Code. The California State Historical Building Code provides alternative building regulations for the rehabilitation, preservation, restoration or relocation of structures designated as cultural resources. Such work on designated cultural resources shall be subject to the provisions of the California State Historical Building Code rather than the Uniform Building Code.

D. The Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings. “The Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings” (Revised 1983) shall be used by the architectural review commission as guidelines in carrying out their responsibilities under this chapter.

E. Financial incentives for property owner participation. The city is supportive of financial incentives to carry out historical preservation, and endorses the Mills Act (Government Code § 50280 et seq.) as a viable means of providing property owners such incentive. (Ord. 710 § 35-12.8, 1996; 1991 code § 35-12.8)

18.45.060 Procedure.

A. General. An application for an amendment to the zoning map for an “H” historic district designation or “CR” cultural resources designation shall be processed pursuant to the procedures and criteria of PHMC Chapter 18.125 and the criteria of this section.

B. Additional application contents.
   1. Historic district application. In addition to the application contents required for an amendment to the zoning map pursuant to PHMC Chapter 18.125, an application for an amendment to the zoning map for an “H” historic district designation shall include a proposed historic district conservation plan for the “H” historic district containing:
      a. A map and description of the proposed “H” historic district, including boundaries; photographs of buildings in the proposed district; an inventory of the age, setting, character and architectural, cultural or historical significance of structures in the proposed district; and proposed objectives to be achieved in the “H” historic district;
      b. A statement of the architectural, cultural, or historical significance of the proposed “H” historic district and a description of structures and features to be preserved;
      c. A list of specific categories of exterior alterations that require approval of a certificate of appropriateness to preserve the architectural or historical integrity of the proposed “H” historic district; and
      d. A set of specific performance guidelines and standards for reviewing applications for demolition of buildings, new construction and exterior alterations, signs, landscape and streetscape features that will preserve the integrity of the “H” historic district.

Where an “H” historic district designation is initiated by the city, the architectural review commission shall assist in the preparation of the historic district conservation plan.

When the applicant is not the city, a form bearing the signatures of all of the property owners within the proposed “H” historic district requesting the designation must be submitted at the time the application is filed.
2. Cultural resources district application. In addition to the application contents required for an amendment to the zoning map under PHMC § 18.125.030, an application for an amendment to the zoning map for a “CR” cultural resources designation shall include the following:
   a. A map showing the location of the building or structure and building plans or photographs of the building exterior;
   b. A statement of the cultural significance of the building or structure, and a description of the particular features that should be preserved; and
   c. Except when initiated by the city, the consent of the owner or authorized agent of the building or structure proposed for designation.

3. Review and recommendation of zoning administrator. Upon determination that the application for amendment to the zoning map for an “H” historic district designation or “CR” cultural resources designation is complete, the zoning administrator shall prepare a staff report.

4. Architectural review commission review. After completion of the staff report, but before scheduling the planning commission public hearing, the zoning administrator shall refer the application for amendment to the zoning map for an “H” historic district designation or “CR” cultural resources designation to the architectural review commission for review and recommendation to the planning commission and the city council.

5. Recommendation by planning commission/action by city council. An application for an amendment to the zoning map for an “H” historic district designation or “CR” cultural resources shall be the subject of public hearings before the planning commission and the city council. (Ord. 890 § 24, 2015; Ord. 710 § 35-12.10, 1996; 1991 code § 35-12.10)

18.45.070 Criteria for establishment of historic districts and cultural resources designations.

A. General criteria. In addition to the criteria for amendments to the zoning map established in PHMC Chapter 18.125, the city council shall consider the following criteria in determining whether to adopt an ordinance designating an “H” historic district or “CR” cultural resources:
   1. The area, structures or site possesses value as a visible reminder of the cultural heritage of the city.
   2. The area, structure or site is identified with a person, group, or event that contributed significantly to the cultural or historical development of the city.
   3. Structures within the area exemplify a particular architectural style or way of life important to the city.
   4. Structures within the area are the best remaining examples of an architectural style in a neighborhood.
   5. The area or its structures are identified as the work of a person or group whose work has influenced the heritage of the city.
   6. The area or its structures embody elements of outstanding attention to architectural or landscape design, detail, materials, or craftsmanship.
   7. The area is related to a designated historic or landmark building or district in such a way that its preservation is essential to the integrity of the building or district.
   8. Specific evidence exists that unique archaeological resources are present.

B. Adoption of an historic district conservation plan. In addition, the ordinance establishing an “H” historic district shall include an historic district conservation plan, in the form submitted or as revised by the city council. (Ord. 710 § 35-12.12, 1996; 1991 code § 35-12.12)

18.45.080 Amendments to “H” historic district or “CR” cultural resources designation.

An amendment to an “H” historic district and historic district conservation plan or “CR” cultural resources designation shall only be approved as an amendment to the zoning ordinance and zoning map under the procedures and criteria of PHMC Chapter 18.125. (Ord. 710 § 35-12.14, 1996; 1991 code § 35-12.14)

18.45.090 Use permits for waiver from land use regulations.

The planning commission, after receiving a recommendation from the architectural review commission, may grant a use permit for a waiver of the land use regulations of the base zoning district with which an “H” historic
An application for a use permit shall be reviewed under the procedures and standards of PHMC Chapter 18.75, except that the zoning administrator shall refer applications for a use permit under this section to the architectural review commission for review and recommendation before the application is submitted to the planning commission.

In making a decision, the planning commission shall make a written finding of the facts relied upon and the basis for determining consistency with the purposes of this section, the general purposes of this zoning ordinance, the applicable historic district conservation plan, and the general plan. (Ord. 890 § 25, 2015; Ord. 710 § 35-12.16, 1996; 1991 code § 35-12.16)

18.45.100 Maintenance of structures and premises.

A. General. All property owners in “H” historic districts and property owners subject to a “CR” cultural resources designation shall have the obligation to maintain structures and premises in good repair, and no owner shall permit the property to fall into a serious state of disrepair which results in deterioration of any architectural feature that would, in the judgment of the architectural review commission, produce a detrimental effect upon the character of the “H” historic district or the life and character of an individual cultural resource.

B. Standards of review. The standards of review for good repair and disrepair as follows:

1. Good repair includes and is defined as the level of maintenance that ensures the continued availability of the structure and premises for a lawfully permitted use, and prevents unreasonable deterioration, dilapidation, and decay of the exterior portions of the structure and premises. Structures and premises shall be considered in good repair if there is no evidence of disrepair or material variance in the condition compared to surrounding structures that are in compliance with this section.

2. Disrepair includes but is not limited to unreasonable deterioration of exterior walls, plaster, mortar or vertical or horizontal supports; deterioration of roofs and exterior chimneys; ineffective waterproofing, including broken windows or doors; or the deterioration of any other exterior feature that would create a hazardous or unsafe condition. (Ord. 710 § 35-12.18, 1996; 1991 code § 35-12.18)

18.45.110 Certificate of appropriateness.

A certificate of appropriateness is required before development, exterior alteration, restoration, rehabilitation, or relocation of any structure or site in an historic district, or of a designated cultural resource, that would affect its appearance and cohesiveness. The purpose of this requirement is to ensure the integrity of structures and the general character in historic districts or the integrity and general character of designated cultural resources.

A. Authority. The architectural review commission has the authority to review and approve, approve with conditions, or disapprove a certificate of appropriateness under this section.

B. Exemptions. No certificate of appropriateness is required for ordinary maintenance and any development, alteration, restoration, rehabilitation, or relocation that is not specifically described as critical to maintaining the historical or architectural integrity of the historic district or designated cultural resource.

C. Initiation. An application for a certificate of appropriateness may be submitted only by the affected property owner.

D. Procedure.

1. Submission of application. A complete application for a certificate of appropriateness shall be submitted to the zoning administrator, on a form prescribed by the zoning administrator, along with the required fee.
2. Review and recommendation by zoning administrator. Upon a determination that the application is complete, the zoning administrator shall review the application and prepare a staff report recommending approval, approval with conditions, or disapproval of the application. A copy of the staff report shall be mailed to the applicant at least 10 days before the public hearing on the application.

3. Public hearing before the architectural review commission. After notice in accord with PHMC Chapter 18.125, the architectural review commission shall conduct a public hearing on the application. At the public hearing, the architectural review commission shall consider the application, the relevant support materials, the staff report, and public testimony given at the public hearing. After the close of the public hearing, the architectural review commission shall, within a reasonable period of time, approve, approve with conditions, or disapprove the application based on the criteria in subsection E of this section.

4. Notice of decision. The zoning administrator shall provide a copy of the decision to the applicant by mail within a reasonable period of time after the decision is made.

E. Criteria. To approve an application for a certificate of appropriateness, the architectural review commission shall consider:

1. Whether the proposed construction, reconstruction, or relocation is appropriate and consistent with this section and the conservation plan for the historic district.

2. Whether the applicant has demonstrated that every reasonable effort will be made to minimize alteration of any structure and preserve its integrity.

3. Whether the distinguishing original qualities or character of a structure or site and its environment will not be destroyed, and the removal or alteration of any historic material or distinctive architectural feature will be avoided, to the greatest extent reasonably practical.

4. Whether all structures or sites are recognized as products of their own time and whether alterations that have no historical basis and which seek to create an earlier appearance will be minimized.

5. Whether changes which may have taken place in the course of time are evidence of the history and development of a structure or site and its environment and whether such changes, which may have acquired significance in their own right, will be recognized and respected.

6. Whether distinctive stylistic features or examples of skilled craftsmanship which characterize a structure or site will be kept, to the extent reasonably possible.

7. Whether:
   a. Proposals for replacement, rather than repair, of deteriorated architectural features are necessary;
   b. New material will reasonably reflect the material being replaced in composition, design, color, texture, and other visual qualities to the extent reasonably possible; and
   c. Repair or replacement of missing architectural features shall be based on accurate duplication of features, substantiated by historical, physical, or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other structures.

8. Whether every reasonable effort will be made to protect and preserve archaeological resources affected by, or adjacent to, any project.

9. Whether any proposed contemporary design for alterations and additions will destroy significant historical, architectural, or cultural material, and such design will be compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.

10. Whether additions or alterations to structures or sites will be done in a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure, object, or site would be unimpaired.

F. Conditions. The zoning administrator may recommend, and the architectural review commission may impose, such conditions in a certificate of appropriateness that are necessary to accomplish the purposes of this chapter and prevent or minimize adverse impacts upon the public and neighborhoods. These conditions shall run with the land and not be affected by a change in ownership.

G. Appeal for economic hardship. On the basis of economic hardship, an applicant may appeal the decision of the architectural review commission on an application for a certificate of appropriateness to the planning commission by filing a notice of appeal with the zoning administrator within 14 days of the date of the decision.
on the certificate of appropriateness, stating the grounds for the appeal. The zoning administrator shall forward
the notice of appeal and the record of the decision on which the appeal is based to the planning commission.

1. Scheduling hearing. After the receipt of the notice of appeal, the planning commission shall hold a hear-
ing on the appeal within a reasonable period of time, or at such time as is mutually agreed upon between
the applicant and the zoning administrator.

2. Decision by planning commission. At the hearing, the planning commission shall consider the record of
the decision on which the appeal is based and hear statements from the applicant and the zoning adminis-
trator, and any other persons. The planning commission may affirm or reverse the decision of the cultural
resource management commission after considering evidence that:
   a. The structure or site is incapable of providing a reasonable economic return on investment, regardless
      of whether that return represents the most profitable return possible; and
   b. The structure or site cannot be adapted to another use that would provide a reasonable economic
      return on investment while maintaining the historic or architectural integrity of the structure or site.

3. Effect of issuance of a certificate of appropriateness. The issuance of a certificate of appropriateness
authorizes the development, exterior alteration, restoration, or relocation of the site or structure within the
historic district or of the designated cultural resource under the terms of the certificate and authorizes the
applicant to apply for a zoning permit. A certificate of appropriateness shall run with the land.

4. Amendment to certificate of appropriateness. A certificate of appropriateness may be amended,
extended, or modified only in accord with the procedures and criteria established for its original approval.

Ord. 890 § 26, 2015; Ord. 710 § 35-12.20, 1996; 1991 code § 35-12.20

18.45.120 Demolition permits.

A demolition permit is required before demolition of any structure or site in an historic district, or of a design-
nated cultural resource.

A. Authority. The architectural review commission has the authority to review and approve, approve with
conditions, or disapprove a demolition permit under this section.

B. Applicability. Before the demolition of a structure or site in an historic district or of a designated cultural
resource, a demolition permit shall be approved by the architectural review commission.

C. Initiation. An application for a demolition permit may be submitted only by a qualified applicant.

D. Procedure.
   1. Submission of application. A complete application for a demolition permit shall be submitted to the zon-
ing administrator, on a form prescribed by the zoning administrator, along with the required fee.
   2. Review and recommendation by zoning administrator. When the zoning administrator determines the
application is complete, the zoning administrator shall review the application and prepare a staff report rec-
ommending approval, approval with conditions, or disapproval of the application based on the criteria in
subsection E of this section. A copy of the staff report shall be mailed to the applicant before the public
hearing on the application.
   3. Public hearing before the architectural review commission. After due notice in accordance with PHMC
§ 18.80.010, the architectural review commission shall conduct a public hearing on the application. At the
public hearing, the architectural review commission shall consider the application, the relevant support
materials, the staff report, and public testimony. Within a reasonable period of time after the close of the
public hearing, the architectural review commission shall defer action on the demolition permit for 180
days, or approve, approve with conditions, or disapprove the application based on the criteria in subsection
E of this section. A copy of the staff report shall be mailed to the applicant before the public
hearing on the application.
   4. Notice of decision. The zoning administrator shall provide a copy of the decision of the architectural
review commission to the applicant by mail within a reasonable period of time after the decision is made.

E. Criteria. To defer action, or approve, or approve with conditions an application for a demolition permit, the
architectural review commission shall consider the proposed demolition in the context of the standards gov-
erning demolition that are included in the appropriate historic district conservation plan, the architectural or historic significance and the value of the structure or site, and take any of the following actions:

1. **Deferral of action on application.** If it is determined that the structure or site has historical, architectural or cultural interest or value as determined in the appropriate historic district conservation plan, the architectural review commission may defer a final decision on an application for demolition for 180 days from the date that the application for a demolition permit is accepted as complete. Upon determining that action is to be deferred, the architectural review commission shall direct the zoning administrator to consult with recognized historic preservation organizations and other civic groups, public agencies, and interested citizens and report back to the commission within such 180-day period as to the feasibility of:
   a. Public or civic acquisition of the structure or site;
   b. Relocating one or more of the structures or features of the site so as to preserve its historic or architectural value; or
   c. Any other reasonable means of preserving the structure’s or site’s historic or architectural value.

2. If at the end of the 180-day period it is demonstrated that the structure or site cannot be preserved through acquisition, relocation or any other reasonable means, the demolition permit shall be issued.

3. **Immediate action.** A demolition permit shall be issued if the architectural review commission determines that the structure or site has no substantial historical, architectural, or cultural interest or value identified in the appropriate historic district conservation plan.

**F. Conditions.** The zoning administrator may recommend, and the architectural review commission may impose, such conditions in a demolition permit that are necessary to accomplish the purposes and intent of this section, and prevent or minimize adverse impacts upon the public and neighborhoods. These conditions shall run with the land and shall not be affected by a change in ownership.

**G. Appeal.** Any interested person may appeal the decision of the architectural review commission on an application for a demolition permit to the planning commission in accord with the provisions of PHMC Chapter 18.130.

**H. Amendment to demolition permit.** A demolition permit may be amended, extended, or modified only in accord with the procedures and criteria established for its original approval. (Ord. 890 § 27, 2015; Ord. 710 § 35-12.22, 1996; 1991 code § 35-12.22)
Part 4. Regulations Applying in All Districts

Chapter 18.50

ADDITIONAL SITE DEVELOPMENT REGULATIONS

Sections:
18.50.010  Repealed.
18.50.020  Building projections into yards and courts.
18.50.030  Development on substandard lots.
18.50.040  Development on lots divided by district boundaries.
18.50.050  Exceptions to height limits.
18.50.060  Performance standards.
18.50.070  Refuse storage areas.
18.50.080  Relocated buildings.
18.50.090  Screening of mechanical equipment.
18.50.100  Sight obstructions at intersections and driveways.
18.50.110  Tree preservation.
18.50.120  Underground utilities.
18.50.130  Repealed.
18.50.140  Marijuana/cannabis.
18.50.150  Creek setbacks.
18.50.160  Solar energy systems.
18.50.170  Electric vehicle charging stations.

18.50.010  Wireless communication facilities.

Repealed by Ord. 910. (Ord. 768 § 2, 2003; 1991 code § 35-16.1)

18.50.020  Building projections into yards and courts.

A projection into a required yard setback is permitted as follows:

A. Fireplace or chimney: 18 inches;

B. Cornice, eave, mechanical equipment, and ornamental feature: two feet;

C. Balcony, stairs, canopy, and awning: five feet into a front or rear yard, and two feet into a side yard;

D. Bay windows: when installed on either a wall with a foundation or cantilevered, and do not extend to the top of the wall, and not exceeding eight feet in width, are allowed a projection of two and one-half feet, except that a minimum five-foot side yard shall be maintained; and

E. Decks: front and side yard requirements shall be the same as those applicable to the primary residence.

Rear yard setbacks as specified below:

<table>
<thead>
<tr>
<th>Deck height, measured from finished grade</th>
<th>Minimum rear yard setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 6 inches</td>
<td>None</td>
</tr>
<tr>
<td>6 to 18 inches</td>
<td>5 feet</td>
</tr>
<tr>
<td>Over 18 inches up to 3 feet</td>
<td>10 feet</td>
</tr>
</tbody>
</table>

(Revised 7/20)
18.50.030 Development on substandard lots.

A legally created lot having a width or area less than required for the base district in which it is located may be occupied by a permitted or conditional use if it has a width of 25 feet or more and an area of 2,500 square feet or more; provided, that on the effective date of regulations that made it substandard, it was in single ownership separate from any abutting lot. No substandard lot may be further reduced in area or width, and a substandard lot is subject to the same yard and density requirements as a standard lot. One dwelling unit may be located on a substandard lot that meets the requirements of this section. (Ord. 710 § 35-16.4, 1996; 1991 code § 35-16.4)

18.50.040 Development on lots divided by district boundaries.

The regulations applicable to each district shall be applied to the area within that district, and no use other than parking serving a principal use on the site shall be located in a district in which it is not a permitted or conditional use. Pedestrian or vehicular access from a street to a use shall not traverse a portion of the site in a district in which the use is not a permitted or conditional use. (Ord. 710 § 35-16.6, 1996; 1991 code § 35-16.6)

18.50.050 Exceptions to height limits.

The following items may exceed the maximum permitted height in a district by eight feet with no discretionary review, if the items do not cover more than 20% of the top floor roof area of the structure to which they are accessory: a tower, spire, cupola, chimney, elevator, penthouse, water tank, monument, theater scenery loft, and similar structures and necessary mechanical appurtenances. (Ord. 710 § 35-16.8, 1996; 1991 code § 35-16.8)

18.50.060 Performance standards.

The following performance standards shall apply to all use classifications in all zoning districts:

A. Noise. All uses and activities shall comply with the Pleasant Hill noise regulations (PHMC Chapter 9.15), and no use shall create ambient noise levels measured at the property line which exceed the standards in Schedule 18.50.060. Where noise is measured at the property line of abutting districts, the noise standard for the more restrictive district applies.

<table>
<thead>
<tr>
<th>Zone of Property Receiving Noise</th>
<th>Maximum Noise Level Ldn or CNEL, dB</th>
</tr>
</thead>
<tbody>
<tr>
<td>R, NB</td>
<td>Residential and Neighborhood Business Districts 50</td>
</tr>
<tr>
<td>RB, C</td>
<td>Commercial and Retail Business Districts 60</td>
</tr>
<tr>
<td>PAO</td>
<td>Office District 65</td>
</tr>
</tbody>
</table>

(Ord. 928 § 9, 2019; Ord. 906 § 7, 2016; Ord. 856 § 2 (Exh. A), 2011; Ord. 710 § 35-16.2, 1996; 1991 code § 35-16.2)
1. Duration and timing. The noise standards above shall be modified as follows to account for the effects of time and duration on the impact of noise levels:
   a. In residential zones, the noise standard shall be five dB lower between 10:00 p.m. and 7:00 a.m.
   b. Noise that is produced for no more than a cumulative period of five minutes in any hour may exceed the standards above by five dB.
   c. Noise that is produced for no more than a cumulative period of one minute in any hour may exceed the standards above by 10 dB.

2. Zoning administrator may require acoustic study. The zoning administrator may require an acoustic study for any proposed project which could have or create a noise exposure greater than that deemed acceptable. For any study required, noise shall be measured with a sound level meter which meets the standards of the American National Standards Institute (ANSI Section S1.4-1979, Type 1 or Type 2). Noise levels shall be measured in decibels from the property line. The unit of measure shall be designated as dB. A calibration check shall be made of the instrument at the time any noise measurement is made.

3. Noise attenuation measures. The zoning administrator may require the incorporation into a project of any noise attenuation measures deemed necessary to ensure that noise standards are not exceeded.

B. Vibration. No use, activity, or process shall produce vibrations that are perceptible without instruments by a reasonable person at the property lines of a site.

C. Odors. No use, process, or activity shall produce objectionable odors that are perceptible without instruments by a reasonable person at the property lines of a site.

D. Hazardous and extremely hazardous materials. The use, handling, storage, and transportation of hazardous and extremely hazardous materials shall comply with the provisions of the California Hazardous Materials Regulations and any other applicable laws.

E. Heat and humidity. Uses, activities, and processes shall not produce any unreasonable, disturbing, or unnecessary emissions of heat or humidity, at the property line of the site on which they are situated, that cause significant distress, discomfort, or injury to a reasonable person.

F. Electromagnetic interference. Uses, activities, and processes shall not cause electromagnetic interference with normal radio or television reception in R districts, or with the function of other electronic equipment.

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**SCHEDULE 18.50.060**

**MAXIMUM NOISE STANDARDS BY ZONING DISTRICT**

<table>
<thead>
<tr>
<th>Zone of Property Receiving Noise</th>
<th>Maximum Noise Level Ldn or CNEL, dB</th>
</tr>
</thead>
<tbody>
<tr>
<td>LI Industrial District</td>
<td>70</td>
</tr>
<tr>
<td>PUD, PPD Planned Development/Precise Plan District</td>
<td>Study Required</td>
</tr>
</tbody>
</table>
18.50.070   Refuse storage areas.

A refuse storage area screened on all sides by a six-foot high solid wood or masonry wall, or located within a building, shall be provided before occupancy for all uses other than a single-family residence or duplex. Locations, horizontal dimensions, and general design parameters of refuse storage areas shall be as prescribed by the architectural review commission. (Ord. 710 § 35-16.16, 1996; 1991 code § 35-16.16)

18.50.080   Relocated buildings.

A minor use permit is required for relocation of any building except a single-family dwelling. The design of all relocated buildings shall be approved by the architectural review commission to ensure compatibility with its surroundings in terms of architectural character, height and bulk, and exterior appearance. (Amended during 2005 recodification; Ord. 710 § 35-16.18, 1996; 1991 code § 35-16.18)

18.50.090   Screening of mechanical equipment.

A. General requirement. Except as provided in subsection B of this section, all exterior mechanical equipment shall be screened from view on all sides. Equipment to be screened includes, but is not limited to, heating, air conditioning, refrigeration equipment, plumbing lines, ductwork, and transformers. Screening of the top of equipment may be required by the zoning administrator, if necessary to protect views from an R district.

B. Utility meters. Utility meters shall be screened from view from public rights-of-way, but need not be screened on top or when located on the interior side yard of a single-family dwelling. Meters in a required front yard or in a corner side yard shall be enclosed in subsurface vaults.

C. Screening specifications. Screening materials may be solid concrete, wood, or other opaque material and shall effectively screen mechanical equipment so no portion is visible from a street or adjoining lot. Screening material may have evenly distributed openings or perforations not exceeding 50% of the surface area. (Ord. 710 § 35-16.20, 1996; 1991 code § 35-16.20)

18.50.100   Sight obstructions at intersections and driveways.

A. Intersections. Visibility at street intersections shall not be blocked above a height of two and one-half feet or greater above the top of the curb or three feet or greater above the edge of pavement by vegetation or structures, including but not limited to fences and walls. For standard, flat lots on local streets, where the corner forms a 90-degree angle, this restriction applies to all land within a triangular area bounded by the edge of pavement 35 feet back from the point of their intersection (see diagram) subject to review and approval by the director of public works and community development. For corner lots which are not flat, are irregularly shaped, or are adjacent to a collector street, arterial, or expressway, the director of public works and community development may impose a stricter standard in order to provide adequate visibility, comparable to that on a standard, flat lot.

B. Driveways. See PHMC § 18.55.130.
18.50.110  Tree preservation.

The following supplemental regulations are intended to encourage the preservation of trees throughout the community by establishing reasonable provisions for protecting heritage trees and other protected trees and establishing procedures for review and approval of tree removal and replacement. Unrestricted removal of trees without replacement will detrimentally affect the city’s health, safety and welfare. Specifically, removal of or damage to heritage and other protected trees will interfere with the city’s natural and scenic beauty, diminish the tempering effect of these trees on extreme temperatures and adversely impact the city’s unique character and identity.

A. Permit required. No person, firm, corporation, private or public utility or governmental entity shall remove, relocate, excessively trim, damage or demolish a protected tree or heritage tree prior to obtaining a tree removal permit from the zoning administrator or approval from another applicable city decision-making body pursuant to subsection C, I or J of this section. City initiated projects shall also be subject to all of the provisions of this chapter unless specifically exempted by the city council.

1. Protected trees. The term “protected tree” means any of the following:
   a. Any native oak tree with a trunk diameter measurement of nine inches or larger.
   b. Any indigenous tree with a trunk diameter measurement of nine inches or larger. Indigenous trees include but are not limited to: Alnus Oregona (Red Alder), Acer Macrophyllum (Bigleaf Maple), Aesculus Californica (California Buckeye), Arbutus Menziesii (Madrone), Umbellularia Californica (California Bay or Laurel), Juglans Hindsii (California Black Walnut), Platanus Racemosa (California Sycamore), or Sambucus Mexicana (Elderberry).
   Note: The California Native Plant Society list of indigenous/native trees for the Bay Area can also be referenced to determine whether a tree is considered native or indigenous to the region.
c. A nonnative tree (not including Eucalyptus) with a trunk diameter measurement of 18 inches or larger. Nonnative trees include species such as Sequoia Sempervirens (Coastal Redwood), Pinus Canariensis (Canary Island Pine), Pinus Halepensis (Aleppo Pine), Pinus Pinea (Italian Stone Pine), Pinus Radiata (Monterey Pine), Ulmus Americana (American Elm), Ulmus Parvifolia (Chinese Elm), Ulmus Pumila (Siberian Elm), Liquidambar Styraciflua (American Sweet Gum), Cedrus Deodara (Deodar Cedar), Cedrus Atlantica (Atlas Cedar), Fraxinus Uhdei (Shamel Ash), Fraxinus American (White Ash), Fraxinus Augustifolia (Raywood Ash), Cupressus (Cypress species), Morus Alba (Fruit/Fruitless Mulberry), Chinese Pistache, Robinia Pseudoacacia (Black Locust), Pyrus Calleryana (Bradford Pear), Cinnamomum Camphora (Camphor).

d. Any tree shown to be preserved on an approved tentative map, development or site plan or required to be retained as a condition of approval or environmental mitigation measure.

e. Any tree required to be planted as a replacement for an unlawfully removed tree.

f. Any tree designated as a “heritage tree” pursuant to subsection E of this section.

Note: See subsection G of this section for definition of trunk diameter measurement.

2. Arborist report required. Any application for a tree removal permit shall include a letter report prepared by a certified arborist addressing the health/condition of the tree, the rationale for removal, the feasibility of any alternatives to removal, and any recommendations for replacement trees.

3. Criteria for tree removal review. The zoning administrator, or other applicable city decision-making body, shall consider the following factors in determining whether to approve the removal of a tree or trees:

a. Health or physical condition of the tree;

b. Any potential hazard or any risk presented by the tree determined using the ANSI A-300, part 9 Standard for Tree Risk Assessment;

c. Whether the tree is causing a public nuisance and/or a public safety hazard;

d. Potential for the tree to be a detriment to other protected trees due to its location, overcrowding, or its health;

e. Evidence of significant damage to property caused, or likely to be caused, by the tree;

f. Any potential historic or cultural significance of the tree;

g. Whether the tree substantially inhibits sunlight necessary for the operation of active or passive solar heating, cooling or energy generation and trimming or thinning is not a feasible alternative to removal;

h. Whether the tree is obstructing proposed improvements that cannot be reasonably designed to avoid tree removal;

i. Whether the tree is located in close proximity to a structure in a high fire hazard area and removal is necessary to create defensible space per applicable fire safety laws, regulations or Fire District requirements;

j. Whether preservation of the tree(s) would render a site undevelopable and the planning commission or city council has determined that no economically viable use can be made of underlying or adjacent property if the tree is not removed and that every reasonable effort has been made to retain the tree;

k. Feasibility of alternatives to removal of the tree (for example, depending on the circumstances, abandonment in place of a natural gas pipeline that is over 30 years old and relocation of the pipeline may be deemed a feasible alternative);

l. Any other circumstances deemed relevant by the zoning administrator or other city decision-making body based on site conditions, technical analyses, and/or the location of the tree.

4. Third-party peer review arborist. When deemed necessary by the zoning administrator or other applicable city decision-making body, a third-party peer review prepared by a certified arborist, board certified master arborist or registered consulting arborist may be required (at the cost of the applicant) to: (a) review the applicant’s arborist report and/or tree preservation and replacement plan, (b) physically inspect and evaluate the tree(s) proposed for removal, and (c) provide a written analysis to include the peer review arborist’s findings, and recommendations. The peer review arborist’s comments may also include recommendations regarding tree replacement.

5. Replacement trees required.

a. Replacement ratios. Unless otherwise specified by the zoning administrator or other applicable city decision-making body, the replacement ratios for tree removal shall be as follows:

i. A protected native or indigenous tree approved for removal shall be replaced by at least two 15-gallon trees on the project site.
ii. A protected nonnative tree approved for removal shall be replaced by at least one 15 gallon tree on the project site.

iii. In addition to the replacement requirements in subsections A.5.a.i and/or ii of this section, removal of any protected tree (native, indigenous or nonnative), as part of an area-wide program and/or discretionary development plan, that is located within or adjacent to the public right-of-way along Contra Costa Boulevard or within or adjacent to the Iron Horse Trail, may also be subject to additional mitigation requirements to address potential community-wide impacts of removals. Such additional mitigation, if required by the applicable city decision-making body, may include, but not be limited to, proportionate mitigation for adverse effects (individual and cumulative) on biological values, aesthetics, loss of shade, economic vitality, air quality, vehicle speed, community identity, and other similar factors, resulting directly or indirectly from tree removal, that have the potential to cause adverse community-wide social, economic or environmental effects due, in part, to the substantial length of time required for replacement trees to reach the same level of maturity and therefore provide the same functionality and benefits as the trees that are removed.

b. Replacement tree species. The species of the replacement trees shall be approved by the zoning administrator or other applicable city decision-making body.

c. Off-site replacement. Off-site tree replacement may be considered in the event that the project site already has a significant mature tree population, to prevent overcrowding or infringement on existing structures, provided adequate provisions for maintenance of the replacement tree are specified, subject to approval by the planning commission.

d. Replacement infeasible. Where the planning commission or city council has determined that on-site or off-site replacement of trees is not currently feasible, the planning commission or city council may, at its discretion, allow the applicant to make an in lieu payment to the city for provision of off-site trees at the ratio recommended in subsection A.5.a of this section. The in lieu fee shall be based on the estimated value of the replacement tree(s) including any installation and maintenance costs. If the zoning administrator or other applicable city decision-making body determines that on-site or off-site replacement would not be feasible (due to lack of adequate space on site or lack of a suitable and available off-site location), the tree replacement requirement may be reduced or waived, as appropriate. For trees removed within or adjacent to Contra Costa Boulevard and/or within or adjacent to the Iron Horse Trail, additional mitigation for each tree removed may be required as specified in subsection A.5.a.iii of this section.

e. Maintenance. Replacement trees shall be properly maintained by the permittee to ensure their survival. Replacement trees on single family residential sites shall be maintained for a minimum of two years after planting. Replacement trees on all other sites shall be maintained as noted in any landscape maintenance agreement and/or city approved landscape plan or tree preservation and replacement plan applicable to the site.

B. Exemptions. A tree removal permit is not required prior to removal of a protected tree under any of the following circumstances:

1. Removal is determined necessary by fire department personnel actively engaged in fighting a fire.
2. Immediate removal is required to prevent imminent danger to life or property, such as with a “hazardous tree” as defined in subsection G.4 of this section or if necessary to restore utility service within 48 hours of a storm, and the city manager or his/her designee has been notified of the removal at the earliest opportunity, and it is not feasible to obtain a permit prior to removal (in which case a tree removal permit shall be submitted within five days of removal to ensure that the provisions of this chapter and any other applicable provisions of the municipal code or applicable land use entitlements are satisfied).
3. The tree is held for sale as part of a licensed nursery business.
4. A subdivider or developer need not obtain a separate tree removal permit to remove, relocate or demolish a tree designated as “To Be Removed” on an approved subdivision map (tentative map or parcel map) or development plan provided that the tree removal has been reviewed and approved by the decision-making body for the subdivision map and/or development plan based on the criteria in subsection A.3 of this
section and a tree preservation and replacement plan has been approved pursuant to subsection C of this section.

5. The zoning administrator determines that the tree is dead. The zoning administrator may require submittal of a report from a licensed arborist if deemed necessary to verify the condition of the tree. A fee shall not be required for a determination by the zoning administrator that a tree is dead. Dead trees that are removed shall not require replacement unless located on a site with a city-approved landscape plan or landscape maintenance agreement, in which case, the dead tree shall be replaced on a 1:1 basis.

6. Tree trimming that does not constitute “excessive trimming” as defined in this chapter.

7. If a governmental entity or a public or private utility believes it is exempt from this section by federal or state statute, regulation or administrative order, such entity shall provide a copy of such statute, regulation or order to the zoning administrator for approval.

C. Tree preservation and replacement plan. A tree preservation and replacement plan prepared by a state licensed or certified professional shall be submitted by the applicant in conjunction with any discretionary land use entitlement application that includes removal of protected trees (excluding an entitlement involving only one single-family residence where the zoning administrator may administratively require tree protection measures as needed if a proposed development has the potential to adversely impact a protected tree); in addition, a tree preservation and replacement plan may also be required by the zoning administrator or other applicable city decision-making body as a condition of tree removal permit approval. The tree preservation and replacement plan shall be subject to the review and approval of the zoning administrator or other applicable city decision making body and shall include:

1. A map and inventory showing the location, species, health rating, size, and a unique tree number for all trees on the site. The trees to be removed, relocated, or demolished shall be labeled “To Be Removed” or marked with an “X” and the inventory shall indicate by notation why removal of each tree is necessary based on the criteria included in subsection A.3 of this section.

2. A report from a certified arborist, board certified master arborist or registered consulting arborist describing the condition of all existing trees, the anticipated impacts of grading, trenching and construction on the protected trees and recommending specific protective measures to be implemented prior to commencement of grading or construction to minimize potential adverse impacts on protected trees. The report shall designate tree protection zones (TPZ) for each protected tree and/or group of protected trees that are proposed to remain on site and the additional measures such as protective fencing, staking and signage necessary to avoid inadvertent damage to protected trees during grading and construction. The TPZ is a restricted activity zone where soil disturbance, storage or parking of vehicles, storage of any other materials or chemicals and/or alteration of drainage is not permitted, unless otherwise approved by the city. All required tree protection measures shall also be included with the grading and/or construction documents for the development.

3. A replanting plan prepared by a licensed landscape architect or other professional approved by the city for replacement of each tree removed as required by the zoning administrator or other applicable city decision making body. The planting plan shall include replacement trees as required pursuant to subsection A.5 of this section and shall conform with ANSI A-300 Standard Part XXX (Planting).

4. Provisions to ensure ongoing maintenance of any required replacement trees.

D. Performance security. To ensure the safety and well-being of existing protected trees that may be impacted by grading or construction and/or any replacement trees required to be planted pursuant to this chapter, the zoning administrator or other applicable city decision-making body may, at its discretion, require an applicant to post a cash deposit or other performance security acceptable to the city guaranteeing that each such tree will be protected against harm from grading or construction and will be adequately maintained. The performance security must be posted with the zoning administrator prior to issuance of grading permits and shall be governed by the following provisions:

1. The zoning administrator shall establish the amount of the performance security which shall be equal to the estimated value of the protected trees.

2. The performance security shall remain in effect for a period of five years (or two years for single-family residential sites) following the date of final inspection and acceptance of the development project by the city.
3. The performance security shall provide that if the city determines that a protected tree has been removed, permanently damaged, or destroyed due to development activity during the effective period of the performance security, the city is entitled to recover the face amount of the performance security.

4. If, at the expiration of the effective period of the performance security the city determines that the protected trees have not been removed, permanently damaged, or destroyed due to development activity, the performance security shall be refunded or the surety bond terminated.

E. Heritage trees. Notwithstanding any other provisions of this chapter, a tree which is enrolled in the city’s heritage tree program may not be removed, relocated, damaged or demolished, and no permit or tree preservation and replacement plan authorizing such action may be issued, unless the zoning administrator or other applicable city decision-making body determines that there exists a hazard to property or danger of disease or infection to surrounding healthy trees.

1. Eligibility. Any tree in the city with a trunk diameter measurement of 16 inches or more or any tree grouping in the city with at least one tree of this diameter is eligible for enrollment in the heritage tree program, with the consent of the property owner.

2. Enrollment. The zoning administrator shall review and approve applications for enrollment in the heritage tree program unless an eligible tree or tree grouping is unhealthy and cannot be saved. Upon approval of an application, the zoning administrator shall:
   a. Record the location and the plant number of each tree or tree grouping.
   b. Obtain a color photograph of the tree or tree grouping at the time of its enrollment.
   c. Affix a plaque on the tree or tree grouping identifying:
      i. The scientific name of the tree(s);
      ii. The common name of the tree(s);
      iii. The plaque number (i.e., Heritage Tree No. _____); and
      iv. The name of the owner.
   d. Award a certificate to each property owner enrolling a tree or tree grouping in the program, expressing the appreciation of the city and its citizens.

F. Conditions. The zoning administrator or other applicable city decision-making body may impose reasonable conditions of approval on a tree removal permit, consistent with the purposes of this chapter, to ensure safe and unobtrusive tree removal, replacement, relocation, and demolition; maintenance of replacement trees; and protection of trees not approved to be removed. It shall be a violation of this chapter for any property owner or agent of the owner to fail to comply with any condition of approval or other requirement pursuant to this chapter.

G. Definitions.

1. Damage means any intentional action or gross negligence, which causes injury, death or disfigurement of a tree. Actions include, but are not limited to, cutting, girdling, poisoning, overwatering, soil compaction, unauthorized relocation or transportation of a tree or trenching, excavating, altering the grade or paving within the dripline or tree protection zone (if specified) of a tree.

2. Dead tree means a tree that is dead or that has been damaged beyond repair or is in an advanced state of decline (where an insufficient amount of live tissue, green leaves, limbs or branches exist to sustain life) and has been determined to be such by the zoning administrator.

3. Excessive trimming means removing in excess of one-fourth (25%) or greater, of the functioning leaf, stem or root area within one year. Trimming in excess of 25% is potentially injurious to the tree and is a prohibited act that constitutes removal. Excessive trimming typically results in the tree appearing as a “bonsai,” “lion’s tailed,” or “lolly-popped,” or overly thinned. Excessive trimming also includes removal of the leaf or stem area predominantly on one side, topping, or excessive tree canopy or crown raising. Exceptions may be considered by the zoning administrator subject to review and approval of a tree removal permit pursuant to subsection A of this section when such trimming is determined by the zoning administrator to be the only feasible way to provide necessary clearance from overhead utilities or public improvements or to abate a hazardous condition or public nuisance, or when the trimming is recommended by a certified arborist due to the health and/or structure of the tree. Excessive trimming may also include the cutting of any root two inches or greater in diameter and/or severing in excess of 25% of the roots and/or pruning not in
compliance with ANSI A-300, Part I pruning standard for trees, or the International Society of Arboriculture Pruning Best Management Practices (latest available revision of each).

4. *Hazardous tree* refers to a tree that possesses a structural defect which poses an imminent risk if the tree or part of the tree that would fall on someone or something of value (target). Structural defect means any structural weakness or deformity of a tree or its parts.

5. *Tree removal* means any of the following: (a) complete tree removal such as cutting to the ground or extraction of the tree; or (b) taking any action foreseeably leading to the death of a tree or permanent damage to its health or structural integrity, including but not limited to excessive trimming, cutting, girdling, poisoning, over-watering, unauthorized relocation or transportation of a tree, or trenching, excavating, altering the grade, or paving within the dripline area of a tree.

6. *Trunk diameter measurement* means starting at 54 inches (DBH) above the existing ground surface adjacent to the trunk of the tree, measure the width of the tree from one side of the trunk to the opposite side, or alternatively, measure the circumference of the tree’s trunk (in inches) at that point and divide by Pi (3.14). For trees located on a slope, this measurement is taken from the midpoint between the lowest and highest point of existing grade adjacent to the tree trunk. For trees with more than one trunk, the combined diameter of all trunks measured at 54 inches (DBH) above the ground will determine the diameter of that individual tree (see diagrams below)
7. **Tree protection zone (TPZ)** means a restricted activity zone where soil disturbance, storage or parking of vehicles, storage of any other materials or chemicals and/or alteration of drainage is not permitted, unless otherwise approved by the city. The project arborist or a city arborist shall designate the area of the TPZ with a temporary fenced tree enclosure designed to protect the tree and its roots from disturbance. Within the TPZ, roots that are critical for tree survival are typically found in the upper three-foot soil horizon, and may extend beyond the dripline of the tree. Protecting the roots in the TPZ is necessary to ensure the tree’s survival.

H. **Penalties.** In addition to all other remedies set forth in the municipal code or otherwise provided by law, the following remedies shall be available to the city for violation of this chapter:

1. For unlawful removal or damage of a native oak tree or heritage tree, a civil penalty may be imposed at the discretion of the city in an amount not to exceed $1,000 per tree unlawfully removed or damaged, or the replacement value of each such tree. Such amount shall be payable to the city. Failure to pay this penalty may result in imposition of a lien or special assessment on the property in the amount of the penalty and any additional costs incurred by the city in addressing the violation. Replacement value for the purposes of this section shall be determined utilizing “trunk formula method” as specified in the most recent edition of the Guide for Plant Appraisal, published by the International Society of Arboriculture.

I. **Referral to the planning commission or architectural review commission.** The zoning administrator may, in his or her discretion, refer any tree removal permit application directly to the planning commission (or architectural review commission if the removal is on a site with a landscape plan previously approved by the architectural review commission).

J. **Appeals.** Any decision to approve or deny a tree removal may be appealed by the applicant or any interested party pursuant to the procedures specified in PHMC Chapter 18.130. (Ord. 890 §§ 28, 29, 2015; Ord. 880 § 2, 2014)

18.50.120 **Underground utilities.**

All electrical, telephone, cable television, and similar distribution lines providing direct service to a development site shall be installed underground within the site and within any public right-of-way or public easement directly adjacent to the site subject to review and approval by the final decision-making body (zoning administrator, planning commission, architectural review commission or city council) on the development project. (Ord. 906 § 9, 2016; Ord. 710 § 35-16.28, 1996; 1991 code § 35-16.28)

18.50.130 **Water-conserving landscape design and development.**

Repealed by Ord. 858. (Ord. 710 § 35-16.30, 1996; 1991 code § 35-16.30)

18.50.140 **Marijuana/cannabis.**

A. **Personal cultivation of marijuana/cannabis.** Within the city of Pleasant Hill, the planting, growing, harvesting, drying, curing, grading, or trimming of marijuana/cannabis is prohibited. Notwithstanding the foregoing, it is not a violation of this section for an individual, who resides in a private residence located on the same parcel as the plant(s), to cultivate for his or her personal use no more than six marijuana plants. Cultivation shall be subject to the following limitations:

1. No more than six marijuana plants per residence are allowed to be cultivated either indoors or outdoors, or a combination of both indoors and outdoors, regardless of the number of individuals residing at the residence.
2. The plants shall not be visible from a public right-of-way, other public place, or adjacent parcel(s).
3. For outdoor cultivation:
   a. No part of a plant is within five feet of any property line.
   b. All plants must be kept within a locked space (e.g., enclosed within a locked gate).
4. For indoor cultivation:
   a. All accessory structures shall comply with the locational and other requirements set forth in PHMC § 18.20.050 or 18.25.060 as applicable.
   b. Structures and equipment used for indoor cultivation, such as indoor grow lights, shall comply with all applicable building, electrical and fire code regulations as adopted by the city.
   c. The plants must be kept in a locked space within a fully enclosed and secure structure.
5. Nothing in this section is intended to preclude any landlord from limiting or prohibiting personal cultivation of marijuana/cannabis by tenants.
6. Nothing in this section is intended to authorize commercial cultivation of marijuana/cannabis.
7. Nothing in this section is intended to authorize any public or private nuisance due to odor or as otherwise specified in PHMC Chapter 7.05.

B. Commercial cannabis uses.
   All commercial cannabis uses are expressly prohibited in all base zoning districts and overlay zoning districts unless and until one or more such uses is expressly and affirmatively authorized by this code. The foregoing prohibition shall not apply to:
   1. Conduct specified in Business and Professions Code sections 26054(c) and (d), 26080(b), or 26090(e).
   2. Cannabis delivery originating from a cannabis retailer located outside of the city.
   3. The activities of an individual qualified patient or an individual primary caregiver that are exempt from state licensure pursuant to Business and Professions Code section 26033, or a natural person’s personal use activities in accordance with Health and Safety Code sections 11362.1 and 11362.2, applicable state law and this code.
   4. Cannabis temporary events. However, cannabis temporary events, as provided under Business and Professions Code section 26200, are prohibited in the city unless specifically authorized by separate resolution or ordinance of the city council. (Ord. 931 § 1, 2019; Ord. 918 § 2, 2017; Ord. 897 § 1, 2016; Ord. 893 § 2, 2015; Ord. 819 § 5, 2007)

18.50.150 Creek setbacks.

A. Regulation. No person may place a structure (as defined in subsection B of this section), perform grading, or place fill material in a creek setback area unless:
   1. The property is adjoining a concrete channel owned by a public agency; or
   2. The structure, grading or fill was legally existing as of February 24, 2010. Such a structure, grading or fill may be replaced in kind if the property owner obtains a building permit within 18 months (within the same building footprint and without increasing the degree of nonconformity) without the requirement of a use permit under PHMC § 18.65.030.C; or
   3. The property qualifies for an exception under subsection C of this section.

B. Definitions. In this section:

*Creek* means any one of the creeks in the city as shown on the “City of Pleasant Hill Creek System” map, on file in the public works division.
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Creek setback area means a setback area measured from the top of the creek bank, as follows. This regulation applies whether or not the creek is on the property.

<table>
<thead>
<tr>
<th>DEPTH OF CREEK</th>
<th>CREEK SETBACK AREA, FROM TOP OF CREEK BANK</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 5 feet</td>
<td>5 feet</td>
</tr>
<tr>
<td>Over 5 – 10 feet</td>
<td>10 feet</td>
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<tr>
<td>Over 10 – 15 feet</td>
<td>15 feet</td>
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<tr>
<td>Over 15 feet</td>
<td>subject to city engineer review</td>
</tr>
</tbody>
</table>

(The depth of the creek bed is measured at its deepest point to a point level with the top of creek bank.)

Structure means: a structure as defined in PHMC § 18.140.010. Examples of structures include, but are not limited to: a house addition or second unit; garage; swimming pool or hot tub; arbor; shed; deck; retaining wall; and wall of concrete, masonry or stone.

For purposes of this section, structure does not include any of the following:
1. Structures not attached to the ground or needing a foundation (such as a play structure, dog house, bench or table);
2. A fence/wall not over six feet high (the fence/wall shall be constructed with at least 75% of the fence/wall open to allow the passage of light and air);
3. Flatwork (such as a patio or walkway) less than three inches thick and not used to support another structure;
4. Landscaping;
5. Existing structures legally built before the adoption of this section;
6. Structures prohibited by other regulations (see subsection D of this section).

If any uncertainty exists, the zoning administrator shall determine whether or not a structure is regulated. (PHMC § 18.10.040.A)

The top of the creek bank means the highest edge of the creek channel at the location where the structure, grading or fill is proposed, as determined by the director of public works and community development.

**TOP OF CREEK BANK**
C. Creek setback exceptions.

1. **City engineer determination.** The city engineer shall approve an exception if all the following conditions exist:

   a. The property is not located in either a 100- or 500-year floodplain as shown on the current FEMA flood insurance rate map;
   b. The property is not a “repetitive loss property” as defined by FEMA;
   c. The depth of the water in the creek during an average winter storm is less than two feet; and
   d. The creek channel has sufficient capacity to carry storm water without flooding adjacent properties in the event of a creek bank failure.

   The city engineer’s determination is ministerial, based on the facts of each case. It does not require a public hearing and there is no appeal. An applicant who disagrees with the determination may request a zoning administrator decision under subsection C.2 of this section.

2. **Zoning administrator exception.** The zoning administrator may approve an exception to the requirements of subsection A of this section, on the recommendation of the city engineer, under the following procedure:

   a. **General procedures – Application; fee; hearing; decision; appeal.** An applicant for a creek setback exception shall file an application with the planning division, together with information required by the city engineer under subsection C.2.b of this section and an application fee in an amount established by city council resolution. The zoning administrator shall hold a noticed public hearing within 30 days after receiving a completed application. The zoning administrator shall render a decision in writing within five working days of the close of the hearing. The decision of the zoning administrator may be appealed as provided in PHMC § 18.130.010.

   b. **Application information.** Information provided for an exception request shall include the following items at the discretion of the city engineer:

      i. A topographical survey of the lot precisely showing the creek bed, creek bank, top of bank and proposed and existing structures;
      ii. A soils report prepared by a licensed civil engineer specializing in soils analysis which describes the soils condition for the proposed structure and analyzes and makes recommendations as to the creek bank stability and erosion hazard;
      iii. Certification by the engineer who prepares the soils report that in the professional opinion of the engineer there is no likelihood of a hazard to persons or property resulting from the proposed construction; and
      iv. Structural calculations, hydraulic calculations, or other data as deemed necessary by the city engineer.

   c. **Zoning administrator findings – Conditions.**

      i. **Findings.** The zoning administrator may approve an exception to the creek setback requirement if he or she makes all of the following findings:

         (A) The proposed structure does not violate any other city, state or federal regulations (see subsection D of this section);
         (B) The proposed structure is not likely to be detrimental to creek stability; and
         (C) The property is not located within a special flood hazard area as defined in PHMC § 15.15.050, or, if the property is located within a special flood hazard area, the proposed structure complies with the standards of construction set forth in PHMC Chapter 15.15 (Flood Damage Prevention).

      ii. **Conditions.** In approving an exception, the zoning administrator may impose conditions deemed necessary for creek-side erosion protection and on-site drainage, including the requirement that the property owner enter into an agreement holding the city and other public agencies harmless in the event of flood or erosion damage to any property. The agreement shall be in a form acceptable to the city attorney, be recorded, and bind successors in interest.

D. **Other regulations.** Construction, development or work within a creek setback area may also be subject to other regulations and guidelines which could result in a larger setback, including but not limited to:

1. **City regulations.**

   a. Zoning district side or rear yard setbacks from the property line, for structures and accessory structures (PHMC § 18.20.050 and Schedules 18.20.030 and 18.25.030);
b. Design guidelines adopted by the city council;
c. California building codes under PHMC Title 14;
d. Grading ordinance (PHMC Chapter 15.10);
e. Requirements applicable in a special flood hazard area under PHMC Chapter 15.15 (Flood Damage Prevention);
f. Erosion protection and water quality requirements under PHMC Chapter 15.05 (Stormwater Management and Discharge Control); and
g. Mitigation measures under the California Environmental Quality Act.

2. Other agency requirements.
   a. California Department of Fish and Game.
   b. San Francisco Bay Regional Water Quality Control Board.
   c. U.S. Army Corps of Engineers.
   e. U.S. Fish and Wildlife Service. (Ord. 844 § 2, 2010)

18.50.160 Solar energy systems.

A. Purpose. The purpose of this section is to codify the procedures for reviewing applications for solar energy systems in compliance with California state law and the city’s governing documents.

B. Definitions. In this section:

*Electronic submittal* means the submission of materials via electronic mail.

*Small residential rooftop solar energy system*, in accordance with California Government Code section 65850.5, means a solar energy system that meets all of the following:
1. Is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal;
2. Conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the city, and all state and city health and safety standards;
3. Conforms to all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability;
4. Is installed on a single or duplex family dwelling; and
5. The panel or module array does not exceed the maximum legal building height as defined by the city.

*Solar energy system* has the meaning set forth in paragraphs (1) and (2) of subdivision (a) of section 801.5 of the Civil Code, as such section or subdivision may be amended, renumbered, or redesignated from time to time.

*Specific, adverse impact* means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

C. Solar energy systems, generally.
   1. Applicability and purpose. This subsection C applies to the permitting of solar energy systems in the city, except those that qualify as small residential rooftop solar energy systems, which shall be governed by subsection D of this section. The purpose of this subsection C is to codify the review and permitting of solar energy systems in conformance with California Government Code section 65850.5, as it may be amended from time to time.
   2. Review process. A building permit is required for the installation of any solar energy system within the city. A use permit may be required in some circumstances, as set forth in subsection C.4 of this section.
   3. Application review. The city shall administratively review applications for solar energy systems. Review shall be limited to whether the proposed system meets all health and safety requirements of the city, the state, and the federal government. The city requirements shall be limited to those standards and regula-
tions necessary to ensure that the solar energy system will not have a specific adverse impact upon the public health or safety. However, if the building official makes a finding, based on substantial evidence, that the solar energy system could have a specific, adverse impact upon the public health or safety, the city may require the applicant to apply for a use permit.

4. Use permit.
   a. Notwithstanding any other provision of the Pleasant Hill Municipal Code to the contrary, the building official, in consultation with the zoning administrator, is authorized to issue use permits for solar energy systems. A public hearing on the application for the use permit shall be held and notice of the same shall be provided as set forth in PHMC Chapter 18.80.
   b. If a use permit is required, the building official, in consultation with the zoning administrator, may deny an application for the use permit only if the building official makes written findings, based upon substantial evidence in the record, that the proposed installation would have a specific, adverse impact upon public health or safety and there is no feasible method to satisfactorily mitigate or avoid, as defined, the adverse impact. Such findings shall include the basis for the rejection of the potential feasible alternative for preventing the adverse impact. Any such decision may be appealed to the planning commission.
   c. Any condition imposed on an application shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost.
   d. A feasible method to satisfactorily mitigate or avoid the specific, adverse impact includes, but is not limited to, any cost-effective method, condition, or mitigation imposed by the city on another similarly situated application in a prior successful application for a permit. The city shall use its best efforts to ensure that the selected method, condition, or mitigation does not significantly increase the cost of the system or decrease its efficiency or specified performance in excess of the following:
      i. For solar domestic water heating systems or solar swimming pool heating systems: an amount exceeding 10% of the cost of the system, but in no case more than $1,000, or decreasing the efficiency of the solar energy system by an amount exceeding 10%, as originally specified and proposed.
      ii. For photovoltaic systems: an amount not to exceed $1,000 over the system cost as originally specified and proposed, or a decrease in system efficiency of an amount exceeding 10% as originally specified and proposed.

D. Small residential rooftop solar systems.
   1. Applicability and purpose. This subsection applies to the permitting of all small residential rooftop solar energy systems in the city. The purpose of this subsection is to create an expedited, streamlined solar permitting process that complies with the Solar Rights Act, as amended by AB 2188 (Chapter 521, Statutes 2014), to achieve timely and cost-effective installations of small residential rooftop solar energy systems. This subsection encourages the use of small residential rooftop solar energy systems by removing unreasonable barriers, minimizing costs to property owners and the city, and expanding the ability of property owners to install small rooftop solar energy systems. This subsection allows the city to achieve these goals while protecting the public health and safety.
   2. Small residential rooftop solar system requirements. A solar energy system that qualifies as a small residential rooftop solar energy system, as defined in this section, shall be processed in accordance with the terms of this subsection D.
      a. A small residential rooftop solar energy system must meet applicable health and safety standards and requirements imposed by the state and the city, local fire department or district.
      b. The city shall adopt an administrative, nondiscretionary expedited review process for small residential rooftop solar energy systems, which shall include standard plan(s) and checklist(s). The checklist(s) shall set forth all requirements with which small residential rooftop solar energy systems must comply with to be eligible for expedited review.
      c. The small residential rooftop solar system permit process, standard plan(s), and checklist(s) shall substantially conform to recommendations for expedited permitting, including the checklist and standard plans contained in the most current version of the California Solar Permitting Guidebook adopted by the Governor’s Office of Planning and Research.
3. Applicant obligations. Prior to submitting an application, the applicant shall:
   a. Verify, to the applicant’s reasonable satisfaction, through the use of standard engineering evaluation techniques that the support structure for the small residential rooftop solar energy system is stable and adequate to transfer all wind, seismic, and dead and live loads associated with the system to the building foundation; and
   b. At the applicant’s cost, verify, to the applicant’s reasonable satisfaction, using standard electrical inspection techniques that the existing electrical system including existing line, load, ground and bonding wiring as well as main panel and subpanel sizes are adequately sized, based on the existing electrical system’s current use, to carry all new photovoltaic electrical loads.

4. Electronic processing.
   a. All documents required for the submission of an expedited small residential rooftop solar energy system application shall be made available on a publicly accessible city website.
   b. Electronic submittal of the required permit application and documents by electronic means shall be made available to all small residential rooftop solar energy system permit applicants. The city’s website must specify the permitted method of electronic document submission.
   c. An applicant’s electronic signature shall be accepted on all forms, applications, and other documents in lieu of a wet signature.

5. Application review.
   a. An application that city staff determines satisfies the information requirements contained in the city’s checklist(s) for expedited small residential rooftop solar system processing, including complete supporting documents, shall be deemed complete.
   b. If an application is deemed incomplete, a written correction notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permit issuance shall be sent to the applicant for resubmission.
   c. After city staff deems an application complete, city staff shall review the application to determine whether the application meets local, state, and federal health and safety requirements.
   d. Unless the building official determines a use permit is warranted, upon submission of a complete application that meets the requirements of the approved checklist, standard plans, and provisions of this section, city staff shall issue a building permit or other nondiscretionary permit in accordance with the timeframes adopted by the city council and in no event later than three days after submission.
   e. The building official may require an applicant to apply for a use permit if the building official finds, based on substantial evidence, that the applicant’s proposed solar energy system could have a specific, adverse impact upon the public health and safety.
      i. If a use permit is deemed necessary, the process set forth in subsection C.4 of this section shall apply.
      ii. Any determination that a use permit is required because of a specific, adverse impact upon the public health and safety may be appealed to the planning commission.
   f. The city shall not condition approval of an application on the approval of an association, as defined in California Civil Code section 4080.

6. Inspections.
   a. Only one inspection shall be required and performed by the building department for small residential rooftop solar energy systems eligible for expedited review, unless the system fails such inspection.
   b. The inspection shall be done in a timely manner.
   c. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized but need not conform to the requirements of this section. (Ord. 894 § 2, 2015)

18.50.170 Electric vehicle charging stations.

A. Purpose. The purpose of this section is to adopt an expedited, streamlined electric vehicle charging station permitting process that complies with California Government Code section 65850.7, to achieve timely and cost-effective installations of electric vehicle charging stations. This section is intended to encourage the use of electric vehicle charging stations by establishing prescriptive guidelines, minimizing costs to property owners and the city of Pleasant Hill, and limiting obstacles for property owners to install electric vehicle charging stations, consistent with state law.
B. Definitions.
1. **Building official** means the chief building official of the city of Pleasant Hill or his or her designee.
2. **Electric vehicle charging station or charging station** means any level of electric vehicle supply equipment station that is designed and built in compliance with Article 625 of the California Electrical Code, as it reads on the effective date of the ordinance codified in this section, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.
3. **Specific, adverse impact** means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

C. Expedited permitting process.
1. Consistent with California Government Code section 65850.7, as may be amended from time to time, the building official shall implement an expedited, streamlined permitting process for electric vehicle charging stations, and develop a checklist of all requirements with which electric vehicle charging stations shall comply in order to be eligible for expedited review. The expedited, streamlined permitting process and checklist may refer to the recommendations contained in the most current version of the “Plug-In Electric Vehicle Infrastructure Permitting Checklist” of the “Zero-Emission Vehicles in California: Community Readiness Guidebook” as published by the Governor’s Office of Planning and Research.
2. The city’s adopted checklist and required application forms shall be published on the city’s website.

D. Permit application processing.
1. Prior to submitting an application for processing, an applicant shall verify that the installation of an electric vehicle charging station will not have specific, adverse impact to public health and safety and building occupants. Verification by the applicant includes but is not limited to: reviewing and complying with electrical system capacity and loads; electrical system wiring, bonding and overcurrent protection; building infrastructure affected by charging station equipment and associated conduits; areas of charging station equipment and vehicle parking.
2. A permit application that satisfies the information requirements in the city’s adopted checklist shall be deemed complete and be promptly processed. A complete application pursuant to this section does not authorize an applicant to energize or utilize the electric vehicle charging station until approval and all necessary permits are granted by the city.
3. If the building official determines that the permit application is incomplete, he or she shall issue a written correction notice to the applicant, detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.
4. The building official shall allow for electronic submittal of permit applications covered by this section and associated supporting documentations. In accepting such permit applications, the building official shall also accept electronic signatures on all forms, applications, and other documentation in lieu of a wet signature by any applicant. Electronic submittal may include one or all of the following methods, as allowed by the building official: by email, via the internet, or by fax.

E. Technical review.
1. The building official shall review all electric vehicle charging station applications. Notwithstanding the expedited permit processing set forth in this section, the building official retains authority at all times to identify and address higher priority life-safety situations.
2. If the building official makes a finding based on substantial evidence that the electric vehicle charging station could have a specific, adverse impact upon the public health or safety, as defined in this section, the city may require the applicant to apply for a conditional use permit pursuant to PHMC Chapter 18.95. An application for a conditional use permit to install an electric vehicle charging station shall not be denied unless the planning commission makes written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. The findings shall include the basis for the rejection of potential feasible alternatives.
3. In the technical review of a charging station application, the building official shall not condition the approval of any electric vehicle charging station permit on the approval of such a system by an association, as that term is defined by California Civil Code section 4080.

4. Upon confirmation by the building official that the permit application and supporting documents meet the requirements of the city-adopted checklist, and is consistent with all applicable laws and health and safety standards, the building official shall, consistent with California Government Code section 65850.7, as may be amended, approve the application and issue all necessary permits.

F. Electric vehicle charging station installation requirements.

1. Electric vehicle charging station equipment shall meet the requirements of the California Electrical Code, the Society of Automotive Engineers, the National Electrical Manufacturers Association, and accredited testing laboratories such as Underwriters Laboratories, and rules of the public utilities commission or a municipal electric utility company regarding safety and reliability.

2. Installation of electric vehicle charging stations and associated wiring, bonding, disconnecting means and overcurrent protective devices shall meet the requirements of Article 625 and all other applicable provisions of the California Electrical Code.

3. Installation of electric vehicle charging stations shall be incorporated into the load calculations of all new or existing electrical services and shall meet the requirements of the California Electrical Code. Electric vehicle charging equipment shall be considered a continuous load.

4. Anchorage of either floor-mounted or wall-mounted electric vehicle charging stations shall meet the requirements of the California Building or Residential Code as applicable per occupancy, and the provisions of the manufacturer’s installation instructions. Mounting of charging stations shall not adversely affect building elements. (Ord. 934 § 5, 2019)
Chapter 18.52

WATER-EFFICIENT LANDSCAPING

Sections:
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18.52.020 Definitions.
18.52.030 Applicability.
18.52.040 Forms – Zoning administrator review.
18.52.050 Submittal requirements.
18.52.060 Water-efficient landscape standards.
18.52.070 Landscape plan requirements.
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18.52.120 Disclosures.
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Appendices

18.52.010 Purpose.

The regulations in this chapter govern landscape design and development which is efficient at conserving water, because water is a limited resource which must be managed and used efficiently. Efficient water use can be increased through proper landscape design and management. The right to use water is limited to the amount reasonably required for the beneficial use to be served and the right does not and shall not extend to waste or unreasonable method of use.

This chapter is a result of state law that requires all California jurisdictions to either adopt the state model water-efficient landscape ordinance or adopt a local ordinance that is at least as effective as the state ordinance. This chapter conforms to the requirements of the State Water Conservation in Landscaping Act (Gov’t Code §§ 65591 through 65599), and is at least as effective as the updated 2015 state model ordinance (23 Cal. Code of Regs. § 490 et seq.). (Ord. 900 § 1, 2016; Ord. 858 § 1, 2011)

18.52.020 Definitions.

General terms used in this chapter shall have the same meaning as set forth in Appendix A (Definitions) to this chapter. (Ord. 900 § 1, 2016; Ord. 858 § 1, 2011)

18.52.030 Applicability.

This chapter applies to the following landscaping projects:

A. Projects in all zone districts. Water-efficient landscape plan approval is required for creation of 500 or more square feet of landscape area proposed in conjunction with a zoning approval, building permit, grading permit, plan check, or architectural review permit.

B. Projects in all zone districts. Water-efficient landscape plan approval is required for rehabilitation of 2,500 or more square feet of landscaping proposed in conjunction with a zoning approval, building permit, grading permit, plan check, or architectural review permit.
C. For projects using treated or untreated graywater or rainwater captured on site, any lot or parcel within the project that has less than 2,500 square feet of landscape and meets the lot or parcel’s landscape water requirement (estimated total water use) entirely with treated or untreated graywater or through stored rainwater captured on site is subject only to section E of the prescriptive compliance option maintained by the zoning administrator.

D. Any project with an aggregate landscape area of 2,500 square feet or less, and proposed in conjunction with a zoning approval, building permit, grading permit, plan check or architectural review permit, may comply with the requirements of this chapter or with the prescriptive compliance option maintained by the zoning administrator.

E. Existing landscaping. PHMC §§ 18.52.110 and 18.52.120 apply to existing landscaping.

F. For subsections A through E of this section, for all nonresidential zoning districts, decorative hardscape, mulch and/or pervious pavement areas are to be treated as landscape areas (credited for up to 50% of required project landscaped area subject to architectural review commission or planning commission approval) as part of a proposed project.

G. Not applicable. This chapter does not apply to:
   1. A landscaped area that is only temporarily irrigated for establishment purposes, or a landscaped area that is not irrigated with a permanent irrigation system.
   2. Registered local, state or federal historical sites, as determined by the planning commission or city council.
   3. Existing community garden, botanical garden or arboretum open to the public. (Ord. 934 § 6, 2019; Ord. 900 § 1, 2016; Ord. 858 § 1, 2011)

18.52.040 Forms – Zoning administrator review.

A. Forms. The zoning administrator shall develop detailed application and certification requirements consistent with 43 Cal. Code of Regs. § 490 et seq., including but not limited to:
   1. Definitions (Appendix A to this chapter);
   2. Water efficient landscape worksheet (Appendix B to this chapter);
   3. Certificate of compliance: landscape design sheet (Appendix C to this chapter);
   4. Certificate of compliance: landscape installation sheet (Appendix D to this chapter);
   5. Certificate of compliance: landscape maintenance sheet (Appendix E to this chapter);
   6. Prescriptive compliance option (Appendix F to this chapter).

B. Zoning administrator review. Water-efficient landscape plan approval, when applicable under PHMC § 18.52.030.A, B, C, D, or E, is reviewed in conjunction with a zoning approval, building permit, architectural review permit, development plan, planned unit development, use permit, or subdivision. The zoning administrator shall review each water-efficient landscape plan submittal for compliance with the provisions of this chapter and may withhold issuance of zoning approval for a building permit or grading permit for which its related landscape plan indicates an estimated total water use that exceeds the maximum applied water allowance for a proposed landscape, or does not otherwise comply with this chapter. (Ord. 900 § 1, 2016; Ord. 858 § 1, 2011)

18.52.050 Submittal requirements.

A. Submittal requirements. An applicant requesting zoning approval for any project that is subject to this chapter shall submit a water-efficient landscape application package prior to commencement of grading or construction. The landscape application package shall include:
   1. Project information sheet, on a form prepared by the zoning administrator, identifying the applicant name and description of the project, including location, type of development, source of irrigation water, total landscape area, and area of landscape to be rehabilitated.
   2. Certifications as required in PHMC § 18.52.090 on forms prepared by the zoning administrator.
3. Water efficient landscape worksheet with calculations of the maximum applied water allowance and estimated total water use of the proposed landscape plan on forms prepared by the zoning administrator.
4. Landscape and irrigation plan prepared in accordance with PHMC §§ 18.52.060 and 18.52.070.
5. Maintenance schedule prepared consistent with the provisions of PHMC § 18.52.100.
6. Soil management report prepared consistent with the provisions of PHMC § 18.52.060.

B. Waiver for low water use landscapes. The zoning administrator may waive the requirement for submittal of the water efficient landscape worksheet required by this section; provided, that the landscape plan:
1. Does not include any water features with more than 100 square feet of total surface area.
2. Does not include any turf or other plants identified as medium or high water use in Water Use Classification of Landscape Species (WUCOLS), unless they qualify as special landscape area. (Ord. 900 § 1, 2016; Ord. 858 § 1, 2011)

18.52.060 Water-efficient landscape standards.

The proposed landscape shall be creative and incorporate a variety of plantings to avoid uniformity and similar landscape designs. The landscape plan shall meet the following standards (the applicable best management practices):

A. Required elements. The landscape plan shall address:
1. Plant materials;
2. Irrigation system design;
3. Water features; and

B. The landscape plan shall be subject to the requirements of the landscape design certification form maintained by the zoning administrator, which shall be in substantially the form as set forth in Appendix C hereto. (Ord. 900 § 1, 2016; Ord. 858 § 1, 2011)

18.52.070 Landscape plan requirements.

The water-efficient landscape plan shall demonstrate that all the water-efficient landscape standards of PHMC § 18.52.060 have been met. The plan shall include details and specifications reflecting best management practices for water-efficient landscape design.

A. Planting plan. The planting plan shall include information identified in the certificate of compliance: landscape design form as maintained by the zoning administrator.

B. Irrigation plan. The irrigation plan shall include information identified in the certificate of compliance: landscape design form as maintained by the zoning administrator.

C. NPDES. The proposed landscape plan shall comply with the requirements of the National Pollutant Discharge Elimination System (NPDES; PHMC Chapter 15.05) intended to implement stormwater best management practices into the planting, irrigation, and grading plans to minimize runoff and to increase on-site retention and infiltration. (Ord. 900 § 1, 2016; Ord. 858 § 1, 2011)

18.52.080 Landscape water irrigation audit.

A landscape water audit shall be completed as specified in this section to ensure that the installed landscape meets the requirements of this chapter.

A. Audit required. The city landscape irrigation auditor or an independent third party certified irrigation system auditor shall have an audit completed within 30 days after completion of the landscape installation. Landscape audits shall not be conducted by the person who designed the landscape or installed the landscape. Large
projects or projects with multiple landscape installations shall have an auditing rate of one in seven lots or approximately 15% of the project.

B. Repair or correction. The city or independent third party certified irrigation system auditor shall inform the applicant or owner of all the areas where the landscape project does not conform to this chapter. This shall include, but is not limited to, all items listed on the certificates of compliance required for the project. The applicant or property owner shall repair or correct the noncompliance issues and the site shall be re-audited for compliance within 30 days of receipt of report from certified irrigation system auditor. (Ord. 900 § 1, 2016; Ord. 858 § 1, 2011)

18.52.090 Certifications.

Prior to final permit inspection or issuance of a certificate of occupancy, as applicable, for the project, the applicant shall submit completed certificates of compliance, on forms prepared by the zoning administrator, that the landscape has been designed and installed in accordance with the approved water-efficient landscape plan submittal and the requirements of this chapter.

Required certificates of compliance shall include the following:

A. Design. The licensed landscape architect, licensed landscape contractor or any other person(s) authorized by law to design a landscape, who prepared the landscape design, shall complete the certificate of compliance: landscape design sheet, certifying the landscape has been designed to comply with the criteria of this section. (See Appendix C.)

B. Landscape installation. Applicant shall complete the certificate of compliance: landscape installation sheet, certifying the landscape has been installed, as specified in the landscape plans, and complies with this section. (See Appendix D.)

C. Irrigation installation. The certified irrigation system auditor shall complete the certificate of compliance: landscape installation sheet certifying the landscape and irrigation system have been installed, including configuring irrigation controllers with application rate, soil types, plant factors, slope, exposure and any other factors necessary for accurate programming, as specified in the landscape plans, and comply with the criteria of this section. (See Appendix D.)

D. Maintenance. The maintenance contractor/person for a landscape project(s) involving more than one single-family residence, or the property owner/resident for a landscape project for an individual single-family residence, shall complete the certificate of compliance: landscape maintenance sheet, certifying the landscape maintenance contractor/person responsible for maintenance agrees to manage the property using less water than the maximum applied water allowance. (See Appendix E.) (Ord. 900 § 1, 2016; Ord. 858 § 1, 2011)

18.52.100 Landscape and irrigation maintenance schedule.

Applicant shall develop a landscape maintenance specification and schedule for the landscape project that is consistent with the most recent acceptable best management practices for landscape maintenance. Schedules shall be submitted with the certification of compliance specified pursuant to PHMC § 18.52.090 and shall specify, at a minimum:

A. An annual landscape maintenance schedule including at least the following: routine inspection; auditing, adjustment and repair of the irrigation system and its components; aerating turf areas; topdressing with compost, replenishing mulch; seasonal pruning; weeding in all landscape areas; and removing obstructions to emission devices. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.
B. Repair of all irrigation equipment shall be done with the originally installed components or their equivalents or with components of greater efficiency.

C. Project shall be irrigated so that total annual water applied is less than or equal to the maximum applied water allowance (MAWA), if applicable. (Ord. 900 § 1, 2016; Ord. 858 § 1, 2011)

18.52.110 Provisions for existing landscapes.

This section applies to all landscaped areas that were installed before December 1, 2015.

A. Each property owner in the city shall ensure the efficient use of landscape water and may utilize resources and services, such as irrigation surveys and landscape water use analysis, that are offered by the local retail or wholesale water utility.

B. Each property owner in the city is encouraged to prevent water waste resulting from inefficient landscape irrigation by limiting landscape irrigation to the hours between 8:00 p.m. and 10:00 a.m.; and by prohibiting runoff from the target landscape areas due to excessive irrigation run times, low head drainage, overspray, or other similar conditions where water flows onto an adjacent property, sidewalk, roadway, parking lot, or structure. Irrigation water runoff from the owner’s property is prohibited.

C. For existing landscapes installed prior to December 1, 2015, and over one acre in size the following shall also apply:
   1. For landscapes that have a water meter, the property owner shall submit to the city (or with agreement with the local water district) irrigation water use analysis/audits to evaluate water use and include recommendations to reduce landscape water use to a level that does not exceed the maximum applied water allowance currently in effect.
   2. For landscapes that do not have a water meter, the property owner shall submit to the city (or with agreement with the local water district) irrigation water use analysis/audits to evaluate water use and include recommendations to prevent water waste. (Ord. 900 § 1, 2016; Ord. 858 § 1, 2011)

18.52.120 Disclosures.

A. Model homes. All new model homes for a single-family residential subdivision or phase of a subdivision shall have front and corner (street) side yards that are landscaped in accordance with the provisions of this chapter. At least one of the model homes shall include interpretive or informational signage highlighting for visitors the water-efficient landscape principles incorporated into the site landscaping. Signage shall include information about the site water use as designed per the city ordinance; specify who designed and installed the water-efficient landscape; and demonstrate low water use approaches to landscaping such as using native plants, graywater systems and rainwater catchment system. The developer shall make available to visitors brochures or other written or graphic media that informs visitors and potential buyers about the principles of water-efficient landscapes, including but not limited to those principles that are described in this chapter.

B. Architectural guidelines. This chapter and the State Water Conservation in Landscaping Act shall preempt any architectural guidelines or covenants, conditions and restrictions (CC&Rs) of a common interest development which have the effect of prohibiting the use of low water use plants as a group. “Common interest development” includes a homeowner association, community apartment project, condominium, planned development, and stock cooperative.

C. Providing information. For a landscape project subject to this chapter under PHMC §§ 18.52.030.A through D, the property owner/resident is required to provide the following information to a subsequent site landscape maintenance company, new tenant or owner at transfer of ownership or maintenance responsibility:
   1. Irrigation controller map;
   2. Programming table; and
   3. Annual maintenance schedules based on a water budget. (Ord. 900 § 1, 2016; Ord. 858 § 1, 2011)
18.52.130 Fees.

An applicant subject to this chapter (under PHMC § 18.52.030) shall pay submittal fees in the amount established by resolution of the city council. (Ord. 900 § 1, 2016; Ord. 858 § 1, 2011)

18.52.140 Irrigation efficiency.

For the purpose of determining estimated total water use, average irrigation efficiency is assumed to be 0.75 for overhead spray devices and 0.81 for drip system devices. (Ord. 900 § 1, 2016)

18.52.150 Reporting.

The city shall report by January 31st of each year to the Department of Water Resources and shall address the following:

A. Note whether a single agency ordinance or a regional agency alliance ordinance was adopted, and the date of adoption or anticipated date of adoption.

B. Define the reporting period (calendar year).

C. Note if using a locally modified water-efficient landscape ordinance (WELO) or the MWELO. If using a locally modified WELO, how is it different than MWELO, is it at least as efficient as MWELO, and note any exemptions specified.

D. Note the entity responsible for implementing the ordinance.

E. Note the number and types of projects subject to the ordinance during the specified reporting period.

F. Note the total area (in square feet or acres) subject to the ordinance over the reporting period, if available.

G. Note the number of new housing starts, new commercial projects, and landscape retrofits during the reporting period.

H. Describe the procedure for review of projects subject to the ordinance.

I. Identify actions taken to verify compliance.

J. Identify enforcement measures.

K. Explain challenges to implementing and enforcing the ordinance.

L. Note educational and other needs to properly apply the ordinance. (Ord. 900 § 1, 2016)
Appendix A
Water-Efficient Landscaping Ordinance
Chapter 18.52
Definitions

As set forth in Pleasant Hill Municipal Code § 18.52.020, defined terms used in the Water-Efficient Landscaping Ordinance of the City of Pleasant Hill (Chapter 18.52 of Title 18 of the Pleasant Hill Municipal Code) shall have the definitions set forth below.

A. **Applicant** means the individual or entity submitting a Landscape Project Application (LPA) required under Chapter 18.52, as part of a permit, plan check, or design review. A project applicant may be the property owner or his or her designee.

B. **Applied water** means the portion of water supplied by the irrigation system to the landscape.

C. **Automatic irrigation controller** means a timing device used to remotely control valves that operate an irrigation system. Automatic irrigation controllers are able to self-adjust and schedule irrigation events using either evapotranspiration (weather-based) or soil moisture data.

D. **Backflow prevention device** means a safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.

E. **Certified irrigation system auditor (designer)** means a person certified to design irrigation systems by an accredited academic institution, a professional trade organization or other program such as the US Environmental Protection Agency’s WaterSense Irrigation designer certification program and Irrigation Association’s Certified Irrigation Designer program.

F. **Check valve or anti-drain valve** means a valve located under a sprinkler head, or other location in the irrigation system, to hold water in the system to prevent drainage from sprinkler heads when the sprinkler is off.

G. **Common interest developments** means community apartment projects, condominium projects, planned developments, and stock cooperatives per Civil Code Section 1351.

H. **Compost** means the safe and stable product of controlled biologic decomposition of organic materials that is beneficial to plant growth.

I. **Conversion factor (0.62)** means the number that converts acre-inches per acre per year to gallons per square foot per year.

J. **Distribution uniformity** means the measure of the uniformity of irrigation water over a defined area.

K. **Drip irrigation** means any non-spray low volume irrigation system utilizing emission devices with a flow rate measured in gallons per hour. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

L. **Ecological restoration project** means a project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.

M. **Effective precipitation or usable rainfall (Eppt)** means the portion of total precipitation which becomes available for plant growth.
N. **Emission Device** means any device that is contained within an irrigation system that is used to apply water. Common emission devices in an irrigation system include, but are not limited to, spray and rotary sprinkler heads, bubblers, and drip irrigation emitters.

O. **Emitter** means a drip irrigation emission device that delivers water slowly from the system to the soil.

P. **Established landscape** means the point at which plants in the landscape have developed significant root growth into the soil. Typically, most plants are established after one or two years of growth.

Q. **Establishment period of the plants** means the first year after installing the plant in the landscape or the first two years if irrigation will be terminated after establishment. Typically, most plants are established after one or two years of growth. Native habitat mitigation areas and trees may need three to five years for establishment.

R. **Estimated Total Water Use (ETWU)** means the total water used for the landscape as described in the water allowance worksheet.

S. **ET adjustment factor (ETAF)** means a factor, that, when applied to reference evapotranspiration, adjusts for plant factors and irrigation efficiency, two major influences upon the amount of water that needs to be applied to the landscape.

When applied to reference evapotranspiration establishes the upper limit (Maximum Allowable Water Allowance) of the amount of water that can be applied through the irrigation system to sustain landscape. The ETAF shall be 0.55 for residential areas and 0.45 for nonresidential areas. The ETAF for a new and existing (non-rehabilitated) Special Landscape Areas shall not exceed 1.0. The ETAF for existing non-rehabilitated landscapes is 0.8.

T. **Evapotranspiration** means the quantity of water evaporated from adjacent soil and other surfaces and transpired by plants and evaporated from the soil and plant surfaces.

U. **Flow rate** means the rate at which water flows through pipes, valves and emission devices, measured in gallons per minute, gallons per hour, or cubic feet per second.

V. **Flow sensor** means an inline device installed at the supply point of the irrigation system that produces a repeatable signal proportional to flow rate. Flow sensors must be connected to an automatic irrigation controller, or flow monitor capable of receiving flow signals and operating master valves. This combination flow sensor/controller may also function as a landscape water meter or submeter.

W. **Friable** means a soil condition that is easily crumbled or loosely compacted down to a minimum depth per planting material requirements, whereby the root structure of newly planted material will be allowed to spread unimpeded.

X. **Fuel Modification Plan Guideline** means guidelines from a local fire authority to assist residents and businesses that are developing land or building structures in a fire hazard severity zone.

Y. **Graywater** means untreated wastewater that has not been contaminated by any toilet discharge, has not been affected by infectious, contaminated, or unhealthy bodily wastes, and does not present a threat from contamination by unhealthful processing, manufacturing, or operating wastes. “Graywater” includes, but is not limited to, wastewater from bathtubs, showers, bathroom washbasins, clothes washing machines, and laundry tubs, but does not include wastewater from kitchen sinks or dishwashers. Health and Safety Code Section 17922.12.

Z. **Hardscapes** means any durable material (pervious and non-pervious).
AA. **Hydrozone** means a portion of the landscaped area having plants with similar water needs and rooting depth. A hydrozone may be irrigated or non-irrigated.

BB. **Infiltration rate** means the rate of water entry into the soil expressed as a depth of water per unit of time (e.g., inches per hour).

CC. **Invasive plant species** means species of plants not historically found in California that spread outside cultivated areas and can damage environmental or economic resources. Invasive species may be regulated by county agricultural agencies as noxious species. Lists of invasive plants are maintained at the California Invasive Plant Inventory and USDA invasive and noxious weeds database.

DD. **Irrigation audit** means an in-depth evaluation of the performance of an irrigation system conducted by a Certified Landscape Irrigation Auditor. An irrigation audit includes, but is not limited to: inspection, system tune-up, system test with distribution uniformity or emission uniformity, reporting overspray or runoff that causes overland flow, and preparation of an irrigation schedule. The audit must be conducted in a manner consistent with the Irrigation Association’s Landscape Irrigation Auditor Certification program or other U.S. Environmental Protection Agency “Watersense” labeled auditing program.

EE. **Irrigation efficiency (IE)** means the measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The irrigation efficiency for purposes of this ordinance are 0.75 for overhead spray devices and 0.81 for drip systems. Greater irrigation efficiency can be expected from well-designed and well-maintained systems.

FF. **Irrigation survey** means an evaluation of an irrigation system that is less detailed than an irrigation audit. An irrigation survey includes, but is not limited to: inspection, system test, and written recommendations to improve performance of the irrigation system.

GG. **Irrigation water use analysis** means an analysis of water use data based on meter readings and billing data.

HH. **Landscape architect** means a person who holds a license to practice landscape architecture in the state of California Business and Professions Code, Section 5615.

II. **Landscape area** means all the planting areas, turf areas, and water features in a landscape design plan subject to the Maximum Applied Water Allowance calculation. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).

JJ. **Landscape contractor/installer** means a person licensed by the state of California to construct, maintain, repair, install, or subcontract the development of landscape systems.

KK. **Landscape water meter** means an inline device installed at the irrigation supply point that measures the flow of water into the irrigation system and is connected to a totalizer to record water use.

LL. **Lateral line** means the water delivery pipeline that supplies water to the emitters or sprinklers from the valve.

MM. **Local water purveyor** means any entity, including a public agency, city, county, or private water company that provides retail water service.
NN. **Low volume irrigation** means the application of irrigation water at low pressure through a system of tubing or lateral lines and low-volume emitters such as drip, drip lines, and bubblers. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

OO. **Main line** means the pressurized pipeline that delivers water from the water source to the valve or outlet.

PP. **Master shut-off valve** is an automatic valve installed at the irrigation supply point which controls water flow into the irrigation system. When this valve is closed water will not be supplied to the irrigation system. A master valve will greatly reduce any water loss due to a leaky station valve.

QQ. **Maximum Applied Water Allowance (MAWA)** means the upper limit of annual applied water for the established landscaped area as specified in the “Water Allowance Work Sheets.” It is based upon the area’s reference evapotranspiration, the ET Adjustment Factor, and the size of the landscape area. The Estimated Total Water Use shall not exceed the Maximum Applied Water Allowance. Special Landscape Areas, including recreation areas, areas permanently and solely dedicated to edible plants such as orchards and vegetable gardens, and areas irrigated with recycled water are subject to the MAWA with an ETAF not to exceed 1.0. MAWA = (ETo) (0.62) [(ETAF x LA) + ((1-ETAF) x SLA)].

RR. **Median** is an area between opposing lanes of traffic that may be unplanted or planted with trees, shrubs, perennials, and ornamental grasses.

SS. **Microclimate** means the climate of a small, specific area that may contrast with the climate of the overall landscape area due to factors such as wind, sun exposure, plant density, or proximity to reflective surfaces.

TT. **Mulch** means any organic material such as leaves, bark, straw, compost, or inorganic mineral materials such as rocks, gravel, or decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.

UU. **New construction** means, for the purposes of this ordinance, a new building with a landscape or other new landscape, such as a park, playground, or greenbelt without an associated building.

VV. **Non-Permeable** means any surface or material that will not allow the passage of water through that surface or material and into the underlying soil at a rate that ensures run-off will not occur.

WW. **Operating pressure** means the pressure at which the parts of an irrigation system are designed by the manufacturer to operate.

XX. **Overhead irrigation** (overhead sprinkler irrigation systems or overhead spray irrigation systems) means systems that deliver water through the air (e.g., spray heads and rotors).

YY. **Overspray** means the irrigation water which is delivered beyond the target area.

ZZ. **Parkway** means the area between a sidewalk and the curb or traffic lane. It may be planted or unplanted, and with or without pedestrian egress.

AAA. **Pervious** means any surface or material that allows the passage of water through the material and into the underlying soil.

BBB. **Plant factor or plant water use factor** is a factor, when multiplied by ETo, estimates the amount of water needed by plants. For purposes of this ordinance, the plant factor range for very low water use
plants is 0 to 0.1, the plant factor range for low water use plants is 0.1 to 0.3, the plant factor range for moderate water use plants is 0.4 to 0.6, and the plant factor range for high water use plants is 0.7 to 1.0. The plant factors for this ordinance are from the WUCOLS publication. Plant factors may also be obtained from horticultural researchers from academic institutions or professional associations as approved by the California Department of Water Resources (DWR).

CCC. Precipitation rate for this ordinance means the rate of application of water measured in inches per hour.

DDD. Rain sensor or rain sensing shutoff device means a component which automatically suspends an irrigation event when it rains.

EEE. Recreational area means areas, excluding private single family residential areas, designated for active play, recreation or public assembly in parks, sports fields, picnic grounds, amphitheaters or golf course tees, fairways, roughs, surrounds and greens.

FFF. Recycled water, reclaimed water, or treated sewage effluent water means treated or recycled waste water of a quality suitable for nonpotable uses such as landscape irrigation and water features. This water is not intended for human consumption.

GGG. Reference evapotranspiration or ETo means a standard measurement of environmental parameters that affect the water use of plants.

HHH. Rehabilitated landscape means any re-landscaping project that requires a permit, plan check, or design review, or requires a new or expanded water service application or meets the requirements of Section 18.52.030, and the modified landscape area is equal to or greater than 2,500 square feet.

III. Retail water supplier means any entity, including a public agency, city, county, district or private water company that provides retail water service.

JJJ. Runoff means water which is not absorbed by the soil or landscape to which it is applied and flows from the landscape area.

KKK. Smart irrigation controllers means controllers using weather information or soil moisture readings along with site information to automatically adjust the irrigation schedule on a daily basis.

LLL. Soil moisture sensing device or soil moisture sensor means a device that measures the amount of water in the soil. The device may also suspend or initiate an irrigation event.

MMM. Special Landscape Area (SLA) means an area of the landscape dedicated solely to edible plants, recreational (active play) areas, areas irrigated with recycled water, cemeteries, or water features using recycled water.

NNN. Sprinkler head or spray head means a device which delivers water through a nozzle.

OOO. Static water pressure means the pipeline or municipal water supply pressure when water is not flowing.

PPP. Station means an area served by one valve or by a set of valves that operate simultaneously.

QQQ. Storm Water Control Plan Requirements (C.3) means Provision C.3 of the City’s Municipal Regional Stormwater Permit, as approved by San Francisco Bay Regional Water Quality Control Board on October 14, 2009 under Order No. R2-2009-0074, NPDES Permit No. CAS612008, which requires jurisdictions to include appropriate source control, site design, and stormwater treatment mea-
sures in new development and redevelopment projects to address both soluble and insoluble stormwater runoff pollutant discharges and prevent increases in runoff flows from new development and redevelopment projects. (See PHMC Chapter 15.05.)

RRR. **Swing joint** means an irrigation component that provides a flexible, leak-free connection between the emission device and lateral pipeline to allow movement in any direction and to prevent equipment damage.

SSS. **Submeter** means a metering device to measure water applied to the landscape that is installed after the primary utility water meter.

TTT. **Turf** means a ground cover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, and Tall fescue are cool-season grasses. Bermudagrass, Kikuyugrass, Seashore Paspalum, St. Augustinegrass, Zoysiagrass, and Buffalo grass are warm-season grasses.

UUU. **Valve** means a device used to control the flow of water in the irrigation system.

VVV. **Water conserving plant species** means a plant species identified as having a very low or low plant factor.

WWW. **Water feature** means a design element where open water performs an aesthetic or recreational function. Water features include ponds, lakes, waterfalls, fountains, artificial streams, spas, and swimming pools (where water is artificially supplied). The surface area of water features is included in the high water use hydrozone of the landscape area. Constructed wetlands used for on-site wastewater treatment or stormwater best management practices that are not irrigated and used solely for water treatment or stormwater retention are not water features and, therefore, are not subject to the water budget calculation.

XXX. **Watering window** means the time of day irrigation is allowed.

YYY. **WUCOLS** means the Water Use Classification of Landscape Species, published by the University of California Cooperative Extension, the Department of Water Resources 2014.

(Ord. 900 § 1, 2016)
Appendix B
Water-Efficient Landscaping Ordinance
Chapter 18.52
Water Efficient Landscape Worksheet

This worksheet is filled out by the project applicant and it is a required element of the Landscape Documentation Package.

### Reference Evapotranspiration (ETo)

<table>
<thead>
<tr>
<th>Hydrozone # /Planting Description</th>
<th>Plant Factor (PF)</th>
<th>Irrigation Method</th>
<th>Irrigation Efficiency (IE)</th>
<th>ETAFA Area (sq. ft.)</th>
<th>ETAFx Area</th>
<th>Estimated Total Water Use (ETWU)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Regular Landscape Areas</strong></td>
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<td>Totals</td>
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<td>(B)</td>
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<tr>
<td><strong>Special Landscape Areas</strong></td>
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<tr>
<td>Totals</td>
<td>(C)</td>
<td>(D)</td>
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</tbody>
</table>

**ETWU Total**

Maximum Applied Water Allowance (MAWA)

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*Hydrozone #/Planting Description*  
1. front lawn  
2. low water use plantings  
3. medium water use planting

*Irrigation Method*  
- overhead spray  
- head or drip

*Irrigation Efficiency*  
- 0.75 for spray  
- 0.81 for drip

*ETWU (Annual Gallons Required)*  
\[ \text{ETWU} = \text{ETo} \times \frac{0.62 \times \text{ETAFA Area}}{0.55 \times \text{LSA}} \]

Where 0.62 is a conversion factor that converts acre-inches per acre per year to gallons per square foot per year, LSA is the total special landscape area in square feet, and ETAFA is 0.55 for residential areas and 0.45 for non-residential areas.

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*(Revised 2/17)*  
18-88.10
ETAF Calculations

Regular Landscape Areas

<table>
<thead>
<tr>
<th>Total ETAF x Area</th>
<th>(B)</th>
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</thead>
<tbody>
<tr>
<td>Total Area</td>
<td>(A)</td>
</tr>
<tr>
<td>Average ETAF</td>
<td>( \frac{B}{A} )</td>
</tr>
</tbody>
</table>

Average ETAF for Regular Landscape Areas must be 0.55 or below for residential areas, and 0.45 or below for non-residential areas.

All Landscape Areas

<table>
<thead>
<tr>
<th>Total ETAF x Area</th>
<th>(B+D)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Area</td>
<td>(A+C)</td>
</tr>
<tr>
<td>Sitewide ETAF</td>
<td>( \frac{B+D}{A+C} )</td>
</tr>
</tbody>
</table>

(Ord. 900 § 1, 2016)
Appendix C
Water-Efficient Landscaping Ordinance
Chapter 18.52
Certificate of Compliance: Landscape Design Sheet

[Note: the Certificate of Compliance: Landscape Design Sheet used by the zoning administrator shall be in substantially the following form.]

Project Name: _____________________  Project Address/ Parcel No.: _____________________
Applicant Name: ___________________  Applicant Address: ___________________________

Landscape and Irrigation Plans Includes the Following:

- Identify each hydrozone by number, letter or other method.
- Identify each hydrozone as low, moderate, high water, or mixed water use. Temporarily irrigated areas of the landscape shall be included in the low water use hydrozone for the water budget calculation.
- Identify recreational areas, areas permanently and solely dedicated to edible plants, and areas irrigated with recycled water.
- Identify special landscape areas.
- Identify plants by their common and botanical names.
- Identify type of mulch and application depth.
- Identify soil amendments, type and quantity.
- Identify type and surface area of water features.
- Show the location and size of the landscape irrigation water meter.
- Show the location, type and size of all components of the irrigation system, including, but not limited to, controllers, main and lateral lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers, pressure regulators, and backflow prevention devices.
- Identify hardscapes (pervious and non-pervious).
- Identify location, installation details, and 24-hour retention or infiltration capacity of any applicable storm-water best management practices that encourage on-site retention and infiltration of stormwater.
- Identify any applicable graywater discharge piping, system components and area(s) of distribution.
- Identify the static water pressure at the point of connection to the public water supply.
- Identify the flow rate (gallons per minute), application rate (inches per hour), and design operating pressure (pressure per square inch) for each station.

Project Area Measurements (irrigated)
Total turf area: ____________ square feet
Total non-turf landscape area: __________ square feet
Total water feature area: __________ square feet

Landscape Design Requirements:

- The plan shall protect and preserve native species and natural vegetation.
- Plants selected shall be appropriate to the area’s climate suitability and the site’s soil conditions.
- Select water-conserving plants, trees and turf species, especially local native plants.
- Select plants from applicable local Fuel Modification Plan Guidelines (particularly to avoid fire-prone plant materials and highly flammable mulches).
- The proposed landscape shall be designed so that distinct hydrozones are irrigated separately by one or more irrigation valves. Refer to the WUCOLS report for plant water needs. (See definitions at PHMC 18.52.020, water efficient landscape.)
- Plants shall be spaced appropriately based on their expected mature spread.
- If the geometry of the planting area does not conform to the spray pattern of the sprinkler, resulting in overspray onto the adjacent pavement, then overhead irrigation shall not be used.
Plants shall be spaced so that at mature size they do not block sprinklers.
Turf shall not be planted on slopes steeper than 25%.
Turf shall not be planted in any medians or in areas narrower than 10'0" unless an alternative irrigation method, that does not incorporate overhead irrigation, is provided that does not result in overspray of adjacent surfaces or allow excessive evaporation prior to plant material utilization.

Plants selected shall emphasize water and energy efficiency; color, form and pattern; solar access for solar heat gain of buildings in winter and to allow photovoltaic (PV) facilities and plant shading for buildings in summer; reduction of the heat island effect, particularly in parking lots and on roadways; soil retention; and fire resistance. The overall landscape plan must be integrated into all elements of the project, including but not limited to buildings, structures, parking lots and streets, so as to achieve a desirable microclimate and to minimize energy demands.

Use the Sunset Western Climate Zone system, recognize the horticultural attributes of plants to minimize damage to property or infrastructure, allow for adequate soil volume for healthy root growth.

High water use plants, characterized by a plant factor of 0.7 to 1.0, are prohibited in street medians.

At least 90% of the plants selected for planting in non-turf areas shall be drought resistant and require minimal water once established.

Plants selected shall be spaced so that, at maturity, they do not interfere with visibility of vehicular, bicycle or pedestrian traffic; do not conflict with overhead utility lines, overhead lights or walkway lights; and do not block or interfere with pedestrian or bicycle right-of-way.

Planting areas shall be a minimum of three feet wide, excluding curbs or other hardscape, except for turf areas (turf shall not be planted in any medians or in areas narrower than 10'0" unless an alternative irrigation method, that does not incorporate overhead irrigation, is provided that does not result in overspray of adjacent surfaces or allow excessive evaporation prior to plant material utilization) and planter fixtures.

When shrub groupings are proposed without plant groundcover, the shrubs shall be spaced so that at maturity, they cover at least 90 percent of the landscaped area in which they are placed.

Deciduous trees proposed shall be planted 20' to 40' apart on the south and west sides of buildings to maximize energy efficiency.

A minimum of 30% of all hardscape areas (including parking lots) shall be naturally shaded in the summer when plants are at maturity. Shading of 50% of the hardscape areas is preferred if feasible.

All water features shall have re-circulating water systems.

Water fountain(s) shall be designed so that no wind drift or overspray occurs.

Recycled water shall be used as the source for decorative water features, where available.

Swimming pools are not considered water features pursuant to this ordinance and are not subject to the requirements of this section.

Comply with Storm Water Control Plan requirements (C.3), if applicable.

Improve or maintain the infiltration rate of landscape soils typical of their soil texture and minimize soil erosion.

Avoid drainage onto non-permeable hardscapes within the property lines and prevent runoff of all irrigation and natural rainfall outside property lines.

The use of crushed rock or gravel to serve as landscaping for large area coverage shall be avoided, except for walkways.

The use of invasive plant species, such as those listed by the California Invasive Plant Council, is strongly discouraged.

Soil preparation, mulch and amendments (Landscape):

Only specify soil amendments if appropriate for the selected plants.

Specify a minimum three-inch layer of mulch which shall be applied on all exposed soil surfaces of planting areas unless there is a horticultural reason not to use mulch in a portion of the planting area. Mulch, such as shredded bark, shall be specified in bioretention areas so that they will stay in place during rain events.

Soil sampling shall be submitted to a laboratory for analysis and recommendations and in projects with multiple landscape installations (ie. residential subdivisions) a soil sampling rate of 1 in 7 lots or approximately 15% will satisfy this requirement, and is required to include:
a. Soil texture;
b. Infiltration rate determined by the laboratory test or soil texture infiltration rate table;
c. pH;
d. Total soluble salts;
e. Sodium;
f. Percent organic matter; and

g. Recommendations

□ Prior to the planting of any materials, compacted soils shall be transformed to a friable condition. On engineered slopes, only amended planting holes need meet this requirement.

□ Soil amendments shall be incorporated according to recommendations of soil report and what is appropriate for the plants selected.

□ For landscape installations, compost at a rate of a minimum of four cubic yards per 1,000 square feet of permeable area shall be incorporated to a depth of six inches into the soil. Soils with greater than 6% organic matter in the top 6 inches of soil are exempt from adding compost and tilling.

□ Specify a minimum three-inch layer of mulch which shall be applied on all exposed soil surfaces of planting areas unless there is a horticultural reason not to use mulch in a portion of the planting area. To provide habitat for beneficial insects and other wildlife, up to 5% of the landscape area may be left without mulch. Designated insect habitat must be included in the landscape design plan as such.

□ Mulch, such as shredded bark, shall be specified in bioretention and on slope areas so that they will stay in place during rain events and meet current engineering standards.

□ Organic mulch materials made from recycled or post-consumer shall take precedence over inorganic materials or virgin forest products unless the recycle post-consumer organic products are not locally available. Organic mulches are not required where prohibited by local Fuel Modification Plan Guidelines or other applicable local ordinances.

Stormwater Management and Rainwater Retention

□ Comply with storm water control plan requirements (C.3), if applicable.

□ Improve or maintain the infiltration rate of landscape soils typical of their soil texture and minimize soil erosion.

□ Avoid drainage onto non-permeable hardscapes within the property lines and prevent runoff of all irrigation and natural rainfall outside property lines.

□ All planted landscape areas are required to have friable soil to maximize water retention and infiltration.

□ It is strongly recommended that landscape areas be designed for capture and infiltration capacity that is sufficient to prevent runoff from impervious surfaces (i.e. roof and paved areas) from either: the one inch, 24-hour rain event or (2) the 85th percentile, 24-hour rain event, and/or additional capacity as required by any applicable local, regional, state or federal regulation.

□ It is recommended that storm water projects incorporate any of the following elements to improve on-site storm water and dry weather runoff capture and use:
   i. Grade impervious surfaces, such as driveways, during construction to drain to vegetated areas.
   ii. Minimize the area of impervious surfaces such as paved areas, roof and concrete driveways.
   iii. Incorporate pervious or porous surfaces (e.g., gravel, permeable pavers or blocks, pervious or porous concrete) that minimize runoff.
   iv. Direct runoff from paved surfaces and roof areas into planting beds or landscaped areas to maximize site water capture and reuse.
   v. Incorporate rain gardens, cisterns, and other rain harvesting or catchment systems.
   vi. Incorporate infiltration beds, swales, basins and drywells to capture storm water and dry weather runoff and increase percolation into the soil.
   vii. Consider constructed wetlands and ponds that retain water, equalize excess flow, and filter pollutants.

Landscape Irrigation Requirements:

□ Smart irrigation controller(s) using one of the below methods shall be required on all irrigation systems:
   i. Daily evapotranspiration data utilizing non-volatile memory.
ii. Daily soil moisture sensor data utilizing non-volatile memory.

☐ A landscape water meter, defined as either a dedicated water service meter or private submeter, shall be installed for all non-residential irrigated landscapes of 1,000 square feet but not more than 5,000 square feet or greater.

☐ The installation of recycled water irrigation systems shall allow for the current and future use of recycled water. Recycled water shall be used for landscape irrigation if it is available at the project site.

☐ Specify technology and practices to prevent runoff, low head drainage, overspray, or other water waste.

☐ Overhead irrigation shall not be permitted within 12" of any impervious surface (walkways, driveways, etc.).

☐ Specify sprinkler heads and other emission devices that have matched precipitation rates within each irrigation zone. No irrigation zone shall specify a precipitation rate greater than 1.2 inches per hour. On slopes steeper than 25%, the specified application rate shall not exceed 0.75 inches per hour.

☐ Specify irrigation controls so the dynamic water pressure at sprinkler head or other emission device is within manufacturer’s recommended optimal operating range. If the water pressure is below or exceeds the recommended pressure of the specified irrigation device, the installation of a pressure regulating device is required.

☐ Flow sensors that detect high flow conditions created by system damage or malfunction are required for all non-residential landscapes and residential landscape of 5,000 square feet or larger.

☐ No overhead irrigation shall be specified in planting areas less than 10'0" wide in any dimension.

☐ Sensors, either integral or auxiliary, that suspend or alter irrigation operation during unfavorable weather conditions shall be required on all irrigation systems, as appropriate for local climatic conditions. Irrigation should be avoided during windy or freezing weather or during rain.

☐ Specify a manual shut-off valve for each point of connection and specify that each shut-off valve be identified on the controller map.

☐ Master shut-off valves are required on all projects except landscapes that make use of technologies that allow for the individual control of sprinklers that are individually pressurized in a system equipped with low pressure shut down features.

☐ Check valves or anti-drain valves are required on all sprinkler heads where low point drainage could occur.

☐ Prepare a controller map and programming table and specify that this be stored in the controller cabinet. The controller map shall visually differentiate each controller zone. For each irrigation valve, the controller programming table shall list the plant water requirement (high, medium, low, or very low), the sun exposure, irrigation emission device type, precipitation rate, station flow rate, optimal pressure, soil type, infiltration rate, square foot area, and degree of slope.

☐ Each irrigation valve shall control irrigation to only one distinct hydrozone. A hydrozone is an area with similar sun exposure, irrigation precipitation rate, soil conditions, slope, and plant material with similar water needs. Refer to the WUCOLS report for plant water needs.

☐ Trees shall be placed on separate valves from shrubs, groundcovers, and turf to facilitate the appropriate irrigation of trees. The mature size and extent of the root zone shall be considered when designing irrigation for the tree.

☐ Specify a separate irrigation valve and hydrozone for the top of a slope and the bottom of a slope.

☐ All irrigation emission devices must meet the requirements set in the American National Standards Institute (ANSI) standard. American Society of Agricultural and Biological Engineers/International Code Councils (ASABE/ICC) 802-2014 “Landscape Irrigation Sprinkler and Emitter Standard.” All sprinkler heads installed in the landscape must document a distribution uniformity low quarter 0.65 or higher using the protocol defined in ASABE/ICC 802-2014.
I/we certify that the landscape plans for the above-listed project comply with the Water-Efficient Landscape Standards and Landscape Plan Requirements of the City of Pleasant Hill Water-Efficient Landscape Ordinance.

<table>
<thead>
<tr>
<th>Designer’s Name</th>
<th>Company Name</th>
<th>Date</th>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Address</td>
<td>Telephone</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Email</td>
<td>Professional License Number</td>
<td></td>
</tr>
</tbody>
</table>

(Ord. 900 § 1, 2016)
Appendix D  
Water-Efficient Landscaping Ordinance  
Chapter 18.52  
Certificate of Compliance: Landscape Installation Sheet

[Note: the Certificate of Compliance: Landscape Installation Sheet used by the zoning administrator shall be in substantially the following form.]

<table>
<thead>
<tr>
<th>Item</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ Installed Project Area Measurements</td>
<td>match those of the Landscape Design and Irrigation Plans.</td>
</tr>
<tr>
<td>□ Plant material is the same as that specified in the plans and any</td>
<td>substitutes are determined to be equivalent or less in water need, per Water Use Classification of Landscape Species (WUCOLS).</td>
</tr>
<tr>
<td>□ Installation incorporates most recent acceptable best management</td>
<td>practices for water-efficient landscape design.</td>
</tr>
<tr>
<td>□ Any plant substitutes used are well suited to the local climate</td>
<td>and soil conditions.</td>
</tr>
<tr>
<td>□ All plants are located per the design plans.</td>
<td></td>
</tr>
<tr>
<td>□ Plants selected shall be spaced so that, at maturity, they do not</td>
<td>interfere with visibility of vehicular, bicycle or pedestrian traffic; do not conflict with overhead utility lines, overhead lights or walkway lights; and do not block or interfere with pedestrian or bicycle right-of-way.</td>
</tr>
<tr>
<td>□ Irrigation hydrozones are the same as plans and any field-adjusted</td>
<td>irrigation zones were installed so that distinct hydrozones are irrigated separately by one or more irrigation valves.</td>
</tr>
<tr>
<td>□ All irrigation equipment is the same as specified, and any</td>
<td>substitutes are equivalent.</td>
</tr>
<tr>
<td>□ Point of connection (POC) is the same as specified in plans.</td>
<td></td>
</tr>
<tr>
<td>□ Installation complies with Storm Water Control Plan requirements.</td>
<td></td>
</tr>
<tr>
<td>□ Installation work minimized any soil erosion and maintained or</td>
<td>improved the landscape soil’s infiltration rate.</td>
</tr>
<tr>
<td>□ A minimum of 3 inches of mulch was applied to all exposed soil</td>
<td>surfaces in non-turf planting areas.</td>
</tr>
</tbody>
</table>

I/we certify that the landscape has been installed as specified in the landscape plans for the above-listed project to comply with the Water-Efficient Landscape Standards and Landscape Plan Requirements of the City of Pleasant Hill Water-Efficient Landscape Ordinance.

<table>
<thead>
<tr>
<th>Owner/Resident’s Name</th>
<th>Signature</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Individual single-family project)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Installer’s Name</th>
<th>Company Name</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>(All other projects)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Address</th>
<th>Telephone</th>
<th>Professional License Number</th>
</tr>
</thead>
</table>

(Ord. 900 § 1, 2016)
Appendix E
Water-Efficient Landscaping Ordinance
Chapter 18.52
Certificate of Compliance: Landscape Maintenance Sheet

[Note: the Certificate of Compliance: Landscape Maintenance Sheet used by the zoning administrator shall be in substantially the following form.]

Project Name: _______________________ Project Address/ Parcel No.: ____________________
Applicant Name: _____________________ Applicant Address: ___________________________

Landscape Maintenance Schedule Requirements:

□ The annual landscape maintenance schedule shall include the following:
  o Routine inspection;
  o Adjustment and repair of the irrigation system and its components;
  o Aerating turf areas;
  o Replenishing mulch;
  o Seasonal pruning;
  o Weeding in all landscape areas; and
  o Removing obstructions to emission devices.
□ Repair of all irrigation equipment shall be done with the originally installed components or their equivalents.
□ Project shall be irrigated so that total annual water applied is less than or equal to the maximum applied water allowance (MAWA), if applicable.
□ A diagram of the irrigation plan showing hydrozones shall be kept with the irrigation controller for subsequent purposes.

Landscape Maintenance Requirements:

□ Maintenance practices incorporate most recent acceptable best management practices for water-efficient landscape maintenance.
□ Plants selected for replanting are well-suited to the local climate and soil conditions.
□ Plants for replanting are spaced appropriately based on their expected mature size.
□ Any changes to overhead irrigation do not result in overspray.
□ Replacement plants are spaced so at mature size they do not block sprinklers.
□ Repair of all irrigation equipment shall be done with the originally installed components or their equivalents or with components with greater efficiency.
□ Changes to irrigation system or plant material shall maintain distinct hydrozones that are irrigated separately by one or more irrigation valves.
□ Any irrigation change shall not be connected to the domestic meter.
□ Maintenance practices are incorporated to prevent run-off, low head drainage, and overspray.
□ No overhead irrigation can be moved within 12 inches of any non-permeable surface (walkways, driveway, etc.).
□ Specify sprinkler heads and other emission devices that have matched precipitation rates within each irrigation zone. No irrigation zone shall specify a precipitation rate greater than 1.2 inches per hour. On slopes steeper than 25%, the specified precipitation rate shall not exceed 0.75 inches per hour.
□ Manual shutoff valves are maintained at each point of connection.
□ A copy of the controller map(s) and programming table(s) are kept in all irrigation controller cabinets.
□ Separate irrigation valves and hydrozones are maintained for the top of a slope and bottom of a slope.
□ Re-circulation system(s) is maintained for all water features.
□ Fountain(s) and their nozzles are maintained so that no wind drift or overspray will occur.
□ Maintenance practices comply with Storm Water Control Plan requirements (C.3), if applicable.
☐ Infiltration rates for site’s landscape soils are maintained or improved with site maintenance practices.
☐ Site is maintained to avoid drainage onto non-permeable hardscapes within the project and prevent run-off of irrigation and rainfall outside property lines.
☐ Only use soil amendments that are appropriate for any replacement plants.
☐ Maintain a minimum of 3 inches of mulch for all exposed soil surfaces in non-turf planting areas.
☐ The use of crushed rock or gravel to serve as landscaping for large area coverage shall be avoided, except for walkways.

I/we certify that the landscape has been installed as specified in the landscape plans for the above-listed project to comply with the Water-Efficient Landscape Standards and Landscape Plan Requirements of the City of Pleasant Hill Water-Efficient Landscape Ordinance.

Owner/Resident’s Name
(Individual single-family project)  Signature  Date

Designer’s Name
(All other projects)  Company Name  Date

Address  Telephone

Email  Professional License Number

(Ord. 900 § 1, 2016)
Appendix F
Water-Efficient Landscaping Ordinance
Chapter 18.52
Prescriptive Compliance

[Note: the Prescriptive Compliance sheet used by the zoning administrator shall be in substantially the following form.]

This appendix contains prescriptive requirements which may be used as a compliance option to the Model Water Efficient Landscape Ordinance.

Compliance with the following items is mandatory and must be documented on a landscape plan in order to use the prescriptive compliance option:

A. Submit a Landscape Documentation Package which includes the following elements:

1. Date
2. Project applicant
3. Project address (if available, parcel and/or lot number(s))
4. Total landscape area (square feet), including a breakdown of turf and plant material
5. Project type (e.g., new, rehabilitated, public, private, cemetery, homeowner-installed)
6. Water supply type (e.g., potable, recycled, well) and identify the local retail water purveyor if the applicant is not served by a private well
7. Contact information for the project applicant and property owner
8. Applicant signature and date with statement, “I agree to comply with the requirements of the prescriptive compliance option to the MWELO”.

B. Incorporate compost at a rate of at least four cubic yards per 1,000 square feet to a depth of six inches into landscape area (unless contra-indicated by a soil test);

C. Plant material shall comply with all of the following;

1. For residential areas, install climate adapted plants that require occasional, little or no summer water (average WUCOLS plant factor 0.3) for 75% of the plant area excluding edibles and areas using recycled water; For non-residential areas, install climate adapted plants that require occasional, little or no summer water (average WUCOLS plant factor 0.3) for 100% of the plant area excluding edibles and areas using recycled water;
2. A minimum three inch (3”) layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated.

D. Turf shall comply with all of the following:

1. Turf shall not exceed 25% of the landscape area in residential areas, and there shall be no turf in non-residential areas;
2. Turf shall not be planted on sloped areas which exceed a slope of 1 foot vertical elevation change for every 4 feet of horizontal length;
3. Turf is prohibited in parkways less than 10 feet wide, unless the parkway is adjacent to a parking strip and used to enter and exit vehicles. Any turf in parkways must be irrigated by subsurface irrigation or by other technology that creates no overspray or runoff.
E. Irrigation systems shall comply with the following:

1. Automatic irrigation controllers are required and must use evapotranspiration or soil moisture sensor data and utilize a rain sensor.
2. Irrigation controllers shall be of a type which does not lose programming data in the event the primary power source is interrupted.
3. Pressure regulators shall be installed on the irrigation system to ensure the dynamic pressure of the system is within the manufacturers recommended pressure range.
4. Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) shall be installed as close as possible to the point of connection of the water supply.
5. All irrigation emission devices must meet the requirements set in the ANSI standard, ASABE/ICC 802-2014. “Landscape Irrigation Sprinkler and Emitter Standard,” All sprinkler heads installed in the landscape must document a distribution uniformity low quarter of 0.65 or higher using the protocol defined in ASABE/ICC 802-2014.
6. Areas less than ten (10) feet in width in any direction shall be irrigated with subsurface irrigation or other means that produces no runoff or overspray.

F. For non-residential projects with landscape areas of 1,000 sq. ft. or more, a private submeter(s) to measure landscape water use shall be installed.

G. At the time of final inspection, the permit applicant must provide the owner of the property with a certificate of completion, certificate of installation, irrigation schedule and a schedule of landscape and irrigation maintenance.

(Ord. 900 § 1, 2016)
Chapter 18.55
OFF-STREET PARKING AND LOADING REGULATIONS

Sections:
18.55.010 Specific purposes.
18.55.020 General requirements for off-street parking and loading.
18.55.030 Off-street parking and loading spaces required.
18.55.040 Shared parking facilities.
18.55.050 Reduced parking for single uses.
18.55.060 Parking spaces for the disabled.
18.55.070 Electric vehicle (EV), bicycle and motorcycle parking.
18.55.080 Parking space dimensions.
18.55.090 Application of dimensional requirements.
18.55.100 Aisle and parking space dimensions and circulation.
18.55.110 Parking access from street.
18.55.120 Driveway widths and clearance.
18.55.130 Driveways – Visibility.
18.55.140 Parking area screening, lighting and landscaping.
18.55.150 Driveways, garages and carport design and location in R districts.
18.55.160 Additional design standards for parking lots and structures.
18.55.170 Location and design of off-street loading spaces.
18.55.180 Parking reductions allowed within priority development and transit uses.
18.55.190 Minor adjustments to parking design standards.

18.55.010 Specific purposes.

In addition to the general purposes listed in PHMC § 18.05.020, the specific purposes of the off-street parking and loading regulations are to:

A. Ensure that off-street parking and loading facilities are provided for new land uses and for major alterations and enlargements of existing uses in proportion to the need for such facilities created by each use.

B. Establish parking standards for commercial uses consistent with need and with the feasibility of providing parking on specific commercial sites.

C. Ensure that off-street parking and loading facilities are designed in a manner that will ensure efficiency, protect the public safety, and, where appropriate, insulate surrounding land uses from adverse impacts. (Ord. 710 § 35-17.1, 1996; 1991 code § 35-17.1)

18.55.020 General requirements for off-street parking and loading.

A. When required. At the time of initial occupancy of a site, construction of a structure, or major alteration or enlargement of a site or structure, off-street parking facilities and off-street loading facilities shall be provided in accord with the regulations prescribed in this section. For the purposes of these requirements, major alteration or enlargement means a change of use or an addition that would increase the number of parking spaces or loading berths required by 10% or more of the total number required before the alteration or enlargement. A change in occupancy is not considered a change in use unless the new occupant is in a different use classification than the former occupant (e.g., retail vs. office). For any alteration or enlargement of a parking or loading facility that does not increase the number of parking spaces or loading berths by 10%, the altered or enlarged portion of the parking or loading facility shall be required to comply with this section.

B. Nonconforming parking or loading. No existing use of land or structure shall be deemed to be nonconforming solely because of the lack of off-street parking or loading facilities required by this section; provided, that

(Revised 2/17)
facilities being used for off-street parking and loading as of the date of adoption of this chapter shall not be reduced in number to less than that required by this section.

C. **Spaces required for alteration or enlargement.** The number of parking spaces or loading berths required for an alteration or enlargement of an existing use or structure, or for a change of occupancy, shall be in addition to the number of spaces or berths existing before the alteration, enlargement, or change of occupancy unless the preexisting number is greater than the number prescribed in this section. In this case, the number of spaces or berths in excess of the prescribed minimum shall be counted in determining the required number of spaces or berths.

D. **Spaces required for multiple uses.** If more than one use is located on a site, the number of off-street parking spaces and loading berths to be provided shall be equal to the sum of the requirements prescribed for each use, except in shopping centers where the standards in Schedule 18.55.030A apply (one space per 250 square feet).

E. **Shared parking.** Off-street parking and loading facilities required by this section for any use shall not be considered as providing parking spaces or loading berths for any other use except where the provisions of PHMC § 18.55.040, Shared parking facilities, apply or a joint facility exists.

F. **Location and ownership.** Parking required to serve a residential use shall be on the same site as the residence served. Parking required to serve a nonresidential use may be on a different site under the same or different ownership as the use served; the distance of parking from the use served shall be subject to review and approval by the planning commission.

G. **Common loading facilities.** The off-street loading facilities requirements of this section may be satisfied by the permanent allocation of the prescribed number of berths for each use in a common truck loading facility; provided, that the total number of berths shall not be less than the sum of the individual requirements. As a requirement of approval, a signed copy of a contract between the parties concerned setting forth an agreement to joint use of the common truck loading facility shall be filed with the application for a zoning permit. The city may record the contract. If the gross floor area of individual uses on the same site is less than that for which a loading berth would be required by Schedule 18.55.030B, but the aggregate gross floor area of all uses is greater than the minimum for which a loading berth would be required, the aggregate gross floor area shall be used in determining the required number of loading berths.

H. **Computation of spaces required.** If, in the application of the requirements of this section, a fractional number is obtained, one parking space or loading berth shall be required for a fraction of more than one-half, and no space or berth shall be required for a fraction of one-half or less.

I. **Land banking.** The planning commission may allow a portion of the required parking improvements to be deferred upon finding that all of the spaces are not needed immediately. (Ord. 890 § 30, 2015; Ord. 856 § 2 (Exh. A), 2011; Ord. 710 § 35-17.2, 1996; 1991 code § 35-17.2)

### 18.55.030 Off-street parking and loading spaces required.

Off-street parking and loading spaces shall be provided in accord with Schedules 18.55.030A and 18.55.030B. A limit on the number of parking spaces permitted for office uses is established to encourage carpooling and vanpooling, reduce traffic congestion, conserve energy and provide air quality benefits. For off-street loading, Schedule 18.55.030B sets space requirements and standards for different groups of use classifications and sizes of buildings, which correspond with group numbers shown in the “Off-Street Loading Spaces” column in Schedule 18.55.030A. References to spaces per square foot are to be computed on the basis of gross floor area unless otherwise specified, and shall include allocations of shared restroom, halls and lobby area, but shall exclude area for vertical circulation, stairs or elevators.

Where the use is undetermined, and/or if a use requires approval of a conditional use permit, the zoning administrator shall determine the probable use and the number of parking and loading spaces required, based on the
operational characteristics of the proposed use. This may result in more off-street parking spaces being required than specified in Schedule 18.55.030A. In order to make this determination, the zoning administrator may require the submission of survey data or other applicable studies from the applicant or prepared at the applicant’s expense.

**SCHEDULE 18.55.030A**

**OFF-STREET PARKING AND LOADING SPACES REQUIRED**

<table>
<thead>
<tr>
<th>Use Classification</th>
<th>Off-Street Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Residential</strong></td>
<td></td>
</tr>
<tr>
<td>Accessory dwelling unit</td>
<td>See PHMC § 18.20.095.</td>
</tr>
<tr>
<td>Bed and breakfast</td>
<td>1 per guest bedroom, plus 2 for the primary dwelling unit.</td>
</tr>
<tr>
<td>Care facility, small, licensed</td>
<td>Same as single-family residential.</td>
</tr>
<tr>
<td>Care facility, small, unlicensed</td>
<td>As specified by use permit.</td>
</tr>
<tr>
<td>Emergency homeless shelter</td>
<td>Within the LI zone district, 1 space per 750 sq. ft. of gross floor area plus 1 space for every 2 employees, and 1 additional space for every facility vehicle. Within other zone districts, parking shall be as specified by use permit.</td>
</tr>
<tr>
<td>Family day care home, large</td>
<td>1 per 6 children.</td>
</tr>
<tr>
<td>Family day care home, small</td>
<td>1 per 6 children.</td>
</tr>
<tr>
<td>Group residential</td>
<td>1 per sleeping room plus 1 per 100 sq. ft. used for assembly purposes or common sleeping areas.</td>
</tr>
<tr>
<td>Multifamily residential</td>
<td>1.5 per studio or 1-bedroom unit of which 1 must be covered or 2 spaces per 2-bedroom or larger unit of which 1 must be covered; plus 1 guest parking space for every 2 units.</td>
</tr>
<tr>
<td>Multifamily senior</td>
<td>1 for each 2.5 units.</td>
</tr>
<tr>
<td>Single-family residential</td>
<td>For new construction, 2 spaces per dwelling unit both of which must be fully enclosed.</td>
</tr>
<tr>
<td>Single-room occupancy</td>
<td>Same as group residential.</td>
</tr>
<tr>
<td><strong>Public and Semipublic</strong></td>
<td></td>
</tr>
<tr>
<td>Care facility, large, licensed or unlicensed</td>
<td>1 per 3 beds, plus 1 for each employee during peak hours of operation, plus 1 visitor parking space per 4 residents unless otherwise specified by use permit (see PHMC § 18.55.030).</td>
</tr>
<tr>
<td>Clubs and lodges</td>
<td>1 per 100 sq. ft. used for assembly purposes.</td>
</tr>
<tr>
<td>Cultural institutions</td>
<td>1 per 300 sq. ft. gross floor area.</td>
</tr>
<tr>
<td>Day care, general</td>
<td>1 per 6 children; maximum enrollment based on maximum occupancy load.</td>
</tr>
<tr>
<td>Emergency medical care</td>
<td>1 per 200 sq. ft.</td>
</tr>
<tr>
<td>Government offices</td>
<td>1 per 250 sq. ft.</td>
</tr>
<tr>
<td>Maintenance and service facilities</td>
<td>1 per 500 sq. ft., plus 1 per 500 sq. ft. of outdoor storage area.</td>
</tr>
</tbody>
</table>
### SCHEDULE 18.55.030A
OFF-STREET PARKING AND LOADING SPACES REQUIRED (Continued)

<table>
<thead>
<tr>
<th>Use Classification</th>
<th>Off-Street Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Park and recreation facilities</td>
<td>As specified by zoning permit or use permit for private facilities.</td>
</tr>
<tr>
<td>Public safety facilities</td>
<td>As specified by use permit.</td>
</tr>
<tr>
<td>Offender rehabilitation services</td>
<td>As specified by use permit.</td>
</tr>
<tr>
<td>Religious assembly</td>
<td>1 per 4 fixed seats, or 1 per 50 sq. ft. of seating area if there are no fixed seats.</td>
</tr>
<tr>
<td>Schools, public or private</td>
<td>1 for each employee; plus 1 for every 100 sq. ft. of classroom.</td>
</tr>
<tr>
<td>Utilities, major</td>
<td>As specified by use permit.</td>
</tr>
</tbody>
</table>

#### Commercial

<table>
<thead>
<tr>
<th>Use Classification</th>
<th>Off-Street Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult businesses</td>
<td>1 per 250 sq. ft.</td>
</tr>
<tr>
<td>Ambulance services</td>
<td>1 per 500 sq. ft., plus 2 storage spaces.</td>
</tr>
<tr>
<td>Animal sales and services:</td>
<td></td>
</tr>
<tr>
<td>Animal boarding or grooming; animal hospital</td>
<td>1 per 400 sq. ft.</td>
</tr>
<tr>
<td>Animal day care</td>
<td>1 per 400 sq. ft. of indoor space</td>
</tr>
<tr>
<td>Animals, retail sales</td>
<td>1 per 250 sq. ft.</td>
</tr>
<tr>
<td>Riding academies</td>
<td>As specified by the zoning administrator.</td>
</tr>
<tr>
<td>Artists' studios</td>
<td>1 per 1,000 sq. ft.</td>
</tr>
<tr>
<td>Automobile maintenance, limited</td>
<td>2 per service bay plus queue for 2 cars per bay.</td>
</tr>
<tr>
<td>Automobile service stations</td>
<td>3 per service bay plus 1 per each employee.</td>
</tr>
<tr>
<td>Automobile, vehicle/equipment broker</td>
<td>1 per 300 sq. ft., but not to exceed 1 per 250 sq. ft.</td>
</tr>
<tr>
<td>Automobile, vehicle/equipment repair</td>
<td>4 per service bay or 1 per 225 sq. ft., whichever is greater.</td>
</tr>
<tr>
<td>Automobile, vehicle/equipment sales and rentals</td>
<td>1 per 250 sq. ft. of office and ancillary meeting spaces; plus 1 per 1,000 sq. ft. of indoor product sales and display areas; plus 1 per 1,000 sq. ft. of outdoor sales and product display areas; plus 2 spaces per service bay for any accessory service, repair and maintenance facilities. Parking lot design standards (PHMC §§ 18.55.080 through 18.55.170) shall apply to employee and customer parking and loading areas only.</td>
</tr>
<tr>
<td>Automobile, vehicle/equipment wholesaler</td>
<td>1 per 400 sq. ft.</td>
</tr>
<tr>
<td>Automobile washing</td>
<td>1 per 200 sq. ft. of sales, office, or lounge area; plus queue for 5 cars per washing station.</td>
</tr>
</tbody>
</table>
### SCHEDULE 18.55.030A
OFF-STREET PARKING AND LOADING SPACES REQUIRED (Continued)

<table>
<thead>
<tr>
<th>Use Classification</th>
<th>Off-Street Parking Spaces</th>
<th>Off-Street Loading Spaces: Schedule 18.55.030B Group Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Banks and savings and loans</td>
<td>1 per 200 sq. ft.</td>
<td>2</td>
</tr>
<tr>
<td>Drive-up service</td>
<td>Queue space for 5 cars per teller.</td>
<td></td>
</tr>
<tr>
<td>Building materials and services</td>
<td>1 per 400 sq. ft.; plus 1 per 500 sq. ft. of outdoor storage area.</td>
<td>1</td>
</tr>
<tr>
<td>Catering services</td>
<td>1 per 400 sq. ft.</td>
<td>1</td>
</tr>
<tr>
<td>Use Classification</td>
<td>Off-Street Parking Spaces</td>
<td></td>
</tr>
<tr>
<td>--------------------------------------------------------</td>
<td>------------------------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Commercial recreation and entertainment:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bowling alleys</td>
<td>6 per lane.</td>
<td></td>
</tr>
<tr>
<td>Electronic game centers</td>
<td>1 per 400 sq. ft.</td>
<td></td>
</tr>
<tr>
<td>Skating rinks</td>
<td>1 per 5 fixed seats, or 1 per 35 sq. ft. seating area if there are no fixed seats; plus 1 per 250 sq. ft. floor area not used for seating.</td>
<td></td>
</tr>
<tr>
<td>Billiards/pool tables</td>
<td>2 per table, 1 per employee.</td>
<td></td>
</tr>
<tr>
<td>Tennis and racquetball clubs</td>
<td>4 per court.</td>
<td></td>
</tr>
<tr>
<td>Other commercial recreation</td>
<td>As specified by the zoning administrator.</td>
<td></td>
</tr>
<tr>
<td>Communications facilities</td>
<td>1 per 500 sq. ft.</td>
<td></td>
</tr>
<tr>
<td>Eating and drinking</td>
<td>1 per 100 sq. ft. gross area; plus queue space as determined by the zoning administrator for drive-through service.</td>
<td></td>
</tr>
<tr>
<td>For uses with take-out service only</td>
<td>1 per 50 sq. ft. gross area; plus queue space as determined by the zoning administrator for drive-through service.</td>
<td></td>
</tr>
<tr>
<td>With outdoor seating</td>
<td>No additional spaces for the first 12 seats; 1 additional per 3 seats for more than 12 seats except within the Downtown Specific Plan area where parking requirements for outdoor seating shall be as specified by the zoning administrator or planning commission.</td>
<td></td>
</tr>
<tr>
<td>Equipment and appliance maintenance and repair services</td>
<td>1 per 400 sq. ft.; plus 1 per 500 sq. ft. of outdoor storage area.</td>
<td></td>
</tr>
<tr>
<td>Fitness studio</td>
<td>1 per 250 sq. ft.</td>
<td></td>
</tr>
<tr>
<td>Food and beverage sales</td>
<td>1 per 250 sq. ft.</td>
<td></td>
</tr>
<tr>
<td>Funeral and interment services</td>
<td>1 per 50 sq. ft. seating area.</td>
<td></td>
</tr>
<tr>
<td>Horticulture, limited</td>
<td>1 per 2 acres.</td>
<td></td>
</tr>
<tr>
<td>Hotels</td>
<td>1 per guest room plus 1 per 50 sq. ft. banquet seating area.</td>
<td></td>
</tr>
<tr>
<td>Laboratories (general)</td>
<td>1 per 500 sq. ft.</td>
<td></td>
</tr>
<tr>
<td>Laboratories (medical and dental)</td>
<td>1 per 200 sq. ft.</td>
<td></td>
</tr>
<tr>
<td>Live entertainment (all types except karaoke)</td>
<td>As specified by the zoning administrator.</td>
<td></td>
</tr>
<tr>
<td>Karaoke</td>
<td>1 per 4 karaoke seats, 1 per employee.</td>
<td></td>
</tr>
<tr>
<td>Maintenance services establishments</td>
<td>1 per 500 sq. ft.</td>
<td></td>
</tr>
<tr>
<td>Motels</td>
<td>1 per guest room.</td>
<td></td>
</tr>
<tr>
<td>Nurseries</td>
<td>1 per 500 sq. ft. of outside display lathe house area, plus 1 per 250 sq. ft. gross floor area.</td>
<td></td>
</tr>
<tr>
<td>Offices, general</td>
<td>1 per 300 sq. ft. but not to exceed 1 per 250 sq. ft.</td>
<td></td>
</tr>
</tbody>
</table>
SCHEDULE 18.55.030A
OFF-STREET PARKING AND LOADING SPACES REQUIRED (Continued)

<table>
<thead>
<tr>
<th>Use Classification</th>
<th>Off-Street Parking Spaces</th>
<th>Off-Street Loading Spaces: Schedule 18.55.030B Group Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Offices, medical and dental</td>
<td>1 per 200 sq. ft.</td>
<td></td>
</tr>
<tr>
<td>Pawn shops</td>
<td>1 per 250 sq. ft.</td>
<td>1</td>
</tr>
<tr>
<td>Personal improvement services</td>
<td>1 per 250 sq. ft.</td>
<td></td>
</tr>
<tr>
<td>Dance or music studio</td>
<td>1 per 600 sq. ft.</td>
<td></td>
</tr>
<tr>
<td>Personal services</td>
<td>1 per 250 sq. ft.</td>
<td>1</td>
</tr>
<tr>
<td>Pharmacy</td>
<td>1 per 250 sq. ft.</td>
<td></td>
</tr>
<tr>
<td>Non-retail/wholesale</td>
<td>1 per employee.</td>
<td></td>
</tr>
<tr>
<td>Research and development services</td>
<td>1 per 400 sq. ft.</td>
<td></td>
</tr>
<tr>
<td>Retail sales not listed under another use classification</td>
<td>1 per 250 sq. ft.</td>
<td>1</td>
</tr>
<tr>
<td>Furniture/appliance stores, household equipment store</td>
<td>1 per 400 sq. ft.</td>
<td>1</td>
</tr>
<tr>
<td>Shopping centers</td>
<td>1 per 250 sq. ft.</td>
<td>1</td>
</tr>
<tr>
<td>Theaters</td>
<td>1 per 4 fixed seats, or 1 per 40 sq. ft. seating area if there are no fixed seats.</td>
<td>1</td>
</tr>
<tr>
<td>Vehicle storage facilities</td>
<td>1 per 500 sq. ft. (in addition to parking for the vehicles stored on site as part of this use).</td>
<td></td>
</tr>
<tr>
<td>Travel services</td>
<td>1 per 300 sq. ft.</td>
<td></td>
</tr>
</tbody>
</table>

**Industrial**

- Fuel storage and distribution: As specified by the use permit.
- Industry, custom and general: 1 per 1,000 sq. ft.
- Industry, limited: 1 per 750 sq. ft.
- Industry, research and development: 1 per 500 sq. ft.
- Wholesale distribution and storage: 1 per 800 sq. ft.

SCHEDULE 18.55.030B
OFF-STREET LOADING SPACES REQUIRED

<table>
<thead>
<tr>
<th>Gross Floor Area (sq. ft.)</th>
<th>Number of Spaces Required 10' x 20' x 10'</th>
<th>12' x 25' x 14'</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use Classification Group 1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>0 to 3,000</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>3,001 to 15,000</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>15,001 to 50,000</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>50,001 and over</td>
<td>3</td>
<td>0</td>
</tr>
</tbody>
</table>

(Revised 3/16) 18-90.6
SCHEDULE 18.55.030B
OFF-STREET LOADING SPACES REQUIRED

<table>
<thead>
<tr>
<th>Gross Floor Area (sq. ft.)</th>
<th>Number of Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>10' x 20' x 10'</td>
</tr>
<tr>
<td>Use Classification Group 2</td>
<td></td>
</tr>
<tr>
<td>0 to 10,000</td>
<td>1</td>
</tr>
<tr>
<td>10,001 to 20,000</td>
<td>1</td>
</tr>
<tr>
<td>20,001 and over</td>
<td>1</td>
</tr>
<tr>
<td>Use Classification Group 3</td>
<td></td>
</tr>
<tr>
<td>0 to 30,000</td>
<td>0</td>
</tr>
<tr>
<td>30,001 to 100,000</td>
<td>0</td>
</tr>
<tr>
<td>100,000 and over</td>
<td>0</td>
</tr>
</tbody>
</table>

(Ord. 915 § 12, 2017; Ord. 902 § 8, 2016; Ord. 890 § 31, 2015; Ord. 874 § 6, 2013; Ord. 867 § 7, 2012; Ord. 865 § 6, 2012; Ord. 856 § 2 (Exh. A), 2011; Ord. 710 § 35-17.4, 1996; 1991 code § 35-17.4)

18.55.040 Shared parking facilities.

A. Use permit for shared parking facilities. A use permit may be approved by the zoning administrator or planning commission for shared parking facilities serving more than one use on a site or serving more than one property (see PHMC Chapter 18.95). A use permit for shared off-street parking may allow a reduction of the total number of spaces required by this section if the findings in subsection B of this section are made. No use shall be continued if the on-site or off-site parking is removed unless substitute parking facilities are provided.

The maximum allowable reduction in the number of spaces to be provided shall be reviewed and approved through a use permit. An applicant for a use permit for shared parking may be required to submit survey data substantiating a request for reduced parking requirements. A use permit for shared parking shall describe the limits of any area subject to reduced parking requirements and the reduction applicable to each use.

B. Findings required. A use permit for shared off-street parking may allow a reduction of the total number of spaces required by this section if the following findings are made:

1. The spaces to be provided will be available as long as the uses requiring the spaces are in operation;
2. The peak hours of parking demand from all uses do not coincide so that peak demand is greater than the parking provided;
3. The adequacy of the quantity and efficiency of parking provided will equal or exceed the level that can be expected if collective parking is not provided; and
4. A written agreement exists between the landowner(s) and the city, in a form satisfactory to the city attorney, that includes:
   a. A guarantee that there will be no substantial alteration in the uses that will create a greater demand for parking;
   b. A guarantee among the landowner(s) for access to and use of the shared parking facilities in perpetuity. However, if the landowner providing the shared parking facility is a public agency, then the minimum required time period for the agreement shall be as established by mutual consent of the city and the applicable public agency;
   c. A provision that the city may require parking facilities in addition to those originally approved upon a finding by the planning commission that adequate parking to serve the use(s) has not been provided;
   d. A provision stating that: (i) the planning commission may for due cause and upon notice and hearing, unilaterally terminate the agreement at any time; (ii) the zoning administrator may terminate the agree-
ment upon finding that substitute parking facilities meeting the requirements of this section are provided; and

e. A provision that the agreement will be recorded in the county recorder’s office upon issuance of the use permit. (Ord. 934 § 7, 2019; Ord. 890 § 32, 2015; Ord. 856 § 2 (Exh. A), 2011; Ord. 710 § 35-17.6, 1996; 1991 code § 35-17.6)

18.55.050 Reduced parking for single uses.

The planning commission may approve a use permit reducing the number of spaces to less than the number specified in the Schedules 18.55.030A or 18.55.030B; provided, that the following findings are made:

A. The parking demand will be less than the requirement in the schedules; and

B. The probable long-term occupancy of the building or structure, based on its design, will not generate additional parking demand.

In reaching a decision, the planning commission shall consider survey data submitted by an applicant or collected at the applicant’s request and expense. The use permit issued pursuant to this section shall be recorded in the county recorder’s office. (Ord. 710 § 35-17.8, 1996; 1991 code § 35-17.8)

18.55.060 Parking spaces for the disabled.

All parking facilities shall comply with the requirements of the California Code of Regulations (Chapter 24, Part 2, Division 2-71) and with the sign requirements of California Vehicle Code section 22507.8. Parking lot modifications required to comply with these requirements shall be allowed, including reduction in required parking spaces or modification to provisions contained in this chapter, subject to review and approval of the city engineer and zoning administrator. (Ord. 890 § 33, 2015; Ord. 710 § 35-17.10, 1996; 1991 code § 35-17.10)

18.55.070 Electric vehicle (EV), bicycle and motorcycle parking.

A. Electric vehicle (EV) parking – Number required.

1. Commercial use classifications. New development shall provide a minimum of one EV parking space (including charging facility) when the parking lot has 25 to 50 parking spaces, and one additional EV parking space (including charging facility) for every 50 additional spaces. Existing parking lots that are modified and subject to the provisions of PHMC § 18.55.020.A shall also be required to comply with this section.

2. All other use classifications: as specified by architectural review, use or development plan permit.


B. Bicycle parking – Where required. Bicycle parking spaces shall be provided in every nonresidential district as required by this section.

C. Bicycle parking – Number required.

1. Public and semipublic use classifications: as specified by use permit.

2. Commercial use classifications. Each development shall provide at least one bicycle space plus the equivalent of 2% of the requirement for automobile parking spaces.

D. Bicycle parking design requirements. For each bicycle parking space required, a stationary object shall be provided to which a user can secure both wheels and the frame of a bicycle with a six-foot cable and lock. The stationary object may be either a freestanding bicycle rack or a wall-mounted bracket. The following alternative facilities may be provided, subject to approval of the zoning administrator:

1. An enclosed bicycle locker; or

2. A three-point bicycle rack which secures both wheels and the frame; or
3. A fenced, covered, locked or guarded bicycle storage area. Spacing of the bicycle units shall be figured on a handle width of three feet, a distance from bottom of wheel to top of handlebar, three feet, six inches, and a maximum wheel distance of six feet.

E. Motorcycle parking spaces. A commercial, office or industrial use having more than 10,000 square feet is required to designate at least one standard parking space as motorcycle parking. The designated spaces’ entrance shall be a concrete piece at least 36 inches long and affixed to a foundation by epoxy cement. The wheel stops shall have a two-foot separation to provide access from the aisle or driveway. (Ord. 934 § 8, 2019; Ord. 906 § 11, 2016; Ord. 710 § 35-17.12, 1996; 1991 code § 35-17.12)

18.55.080 Parking space dimensions.

Required parking spaces shall have unobstructed access to the nearest driveway, thus, no tandem, mechanical lift, or other similar parking configuration is allowed to satisfy parking requirements. In addition, required parking spaces shall have the following minimum dimensions:

<table>
<thead>
<tr>
<th>Use</th>
<th>Type of Space</th>
<th>Width x Length in Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>Spaces in a garage or carport</td>
<td>See PHMC § 18.55.150</td>
</tr>
<tr>
<td></td>
<td>Uncovered</td>
<td>8.5 x 19</td>
</tr>
<tr>
<td>Nonresidential</td>
<td>Perpendicular</td>
<td>8.5 x 19</td>
</tr>
<tr>
<td>All</td>
<td>Parallel spaces</td>
<td>9 x 23</td>
</tr>
<tr>
<td></td>
<td></td>
<td>9 x 20</td>
</tr>
</tbody>
</table>

(Ord. 906 § 10, 2016; Ord. 710 § 35-17.14, 1996; 1991 code § 35-17.14)

18.55.090 Application of dimensional requirements.

A. In general. For residential use, all required resident spaces and at least 50% of guest spaces shall be large-car spaces. For nonresidential use, up to 50% of the required spaces may be small-car spaces. Small-car spaces shall be clearly marked.

B. Relation to aisles.
   1. Each parking space adjoining a wall, column, or other obstruction higher than 0.5 foot shall be increased by two feet on each obstructed side; provided, that the increase may be reduced by 0.25 foot for each one foot of unobstructed distance from the edge of a required aisle, measured parallel to the depth of the parking space.
   2. At the end of a parking bay, the driveway aisle providing access to the parking spaces shall extend two feet beyond the end of the last parking space to allow adequate vehicle movement.
18.55.100 Aisle and parking space dimensions and circulation.

A. Aisle and parking space dimensions. Aisle widths adjoining parking spaces and parking stalls shall be pursuant to Schedule 18.55.100, Minimum Parking Dimensions, below:
B. Circulation

1. Within a parking lot, circulation must be such that a car entering the parking lot need not enter the street to reach another aisle and that a car shall not enter a public street backwards. No backing into streets is permitted except for a single-family detached residence or a duplex residence where each unit is served by an individual driveway.

2. Each preschool or day care center, private educational, institutional, or public recreational land use located in an R district, or a commercial recreational facility shall include a drop-off area that may be adjacent to a primary access or aisle. Minimum widths for such areas combined with accesses are 12 feet for one-way traffic and 25 feet for two-way traffic.

3. Within a parking lot, a pedestrian walkway shall be provided for every four parking aisles. (Ord. 710 § 35-17.18, 1996; 1991 code § 35-17.18)

18.55.110 Parking access from street.

A. Property with less than 200 feet of frontage on an arterial street is limited to one driveway. Property with 200 feet or more of frontage is limited to two driveways. Joint use of driveways with adjacent property may be required in all cases to reduce the total number of driveways along arterial streets, improve the flow of traffic and lower accident potential.

B. All spaces in a parking facility shall be accessible without reentering a public right-of-way unless it is physically impossible to provide for such access. An alley may be used as maneuvering space for access to off-street parking.

C. Where an area used for off-street parking does not abut a public street, there shall be provided an access drive not less than 20 feet in width for two-way traffic, connecting the off-street parking area with a public street. The access drive shall be paved in the manner required for off-street parking lots and may not traverse property in an R district unless the drive provides access to a parking area serving a use in an R district.

D. A dead-end access or service driveway with a length of 150 feet or greater shall provide a turnaround consisting of at least one specifically designated parking space, or an equivalent alternative, as determined by the zoning administrator.

E. Entrances and exits are subject to the approval of the city engineer.

F. An entrance to a parking area accommodating more than 25 automobiles shall include a landscaped median strip. The design of the strip is subject to approval by the planning commission and the architectural review commission. The strip shall be located to eliminate possible cross-traffic within the parking area within 50 feet.
of the public right-of-way. An applicant may request zoning administrator, architectural review commission or planning commission approval modifying this requirement based on the size of the parking area, the circulation plan, and sight and safety considerations. (Ord. 906 § 12, 2016; Ord. 710 § 35-17.20, 1996; 1991 code § 35-17.20)

18.55.120 Driveway widths and clearance.

A driveway shall have the following minimum width at the gutterline, plus a minimum of one foot additional clearance on each side of a vertical obstruction exceeding 0.5 foot in height.

A. Serving a single-family or duplex use: Up to three required parking spaces – 10 feet minimum driveway.

B. Serving a multifamily or single-family residential use: four or more required parking spaces – 12 feet one-way or 20 feet two-way minimum driveway.

C. Serving a nonresidential use: 24 or fewer spaces (12 feet one-way, 20 feet two-way); 25 or more spaces (15 feet one-way, 26 feet two-way).

The zoning administrator in consultation with the city engineer may require driveways in excess of the above widths where unusual traffic, grade or site conditions prevail. The zoning administrator also may require driveways to be constructed with full curb returns and handicapped ramps as opposed to simple curb depression. Driveways serving the same parking facility shall be located at least 35 feet apart. (Ord. 710 § 35-17.22, 1996; 1991 code § 35-17.22)

18.55.130 Driveways – Visibility.

The driveway visibility triangle for each side of the driveway shall be determined by measuring 15 feet (20 feet for non-single-family uses) along the front property line, away from the driveway, beginning at the intersection of the driveway with the front property line, and measuring 15 feet (20 feet for non-single-family uses) along the driveway beginning at the intersection of the driveway with the front property line. The triangular area formed by connecting the outer points of each line across the intervening property is the visibility triangle and shall not be blocked above a height of two and one-half feet or greater above the top of the curb, or three feet with no curb, to a height of seven feet.

For lots which are not flat, are irregularly shaped, or are adjacent to a collector street, arterial, or expressway, the director of public works and community development may impose a stricter standard in order to provide adequate visibility.
18.55.140 Parking area screening, lighting and landscaping.

A. Screening. A parking area for five or more cars serving a nonresidential use shall be screened from an adjoining R district or a ground-floor residential use by a solid concrete, solid wood, or masonry wall eight feet in height, constructed to withstand a 15-pound-per-square-foot wind load, except that the height of a wall adjoining a required front yard in an R district shall not exceed three feet. A carport or open parking area for five or more cars serving a residential use shall be screened from an adjoining lot in an R district or a ground-floor residential use by a solid wall or fence six feet in height, except that the height of a wall or fence adjoining a required front yard in an R district shall not exceed three feet.

B. Lighting. Outdoor parking lot lighting shall be designed, installed and maintained to prevent nighttime sky light pollution and use energy efficiently by lighting only those areas or objects necessary for safety and security. All outdoor parking lot lighting shall conform to the following:

1. Exterior light fixtures shall be full cutoff fixtures designed and installed so that no emitted light will break a horizontal plane passing through the lowest point of the fixture.
2. Outdoor parking area lighting shall not employ a light source mounted higher than 24 feet above finished grade.
3. Outdoor parking area lighting shall be directed downward and shall not directly shine onto any adjacent street or property. Maximum illumination adjacent to any residential property line or R district boundary line shall not exceed 0.2 footcandles as measured in the vertical plane at the property line to a height equal to the height of the light source.
4. The maximum light intensity on a nonresidential site, except automobile, vehicle/equipment sales lots and automobile service stations, shall not exceed 10 footcandles, when measured at finished grade.
5. The maximum light intensity on automobile vehicle equipment sales lots and automobile service stations shall not exceed 30 footcandles, when measured at finished grade, unless a higher lighting intensity is approved through a conditional use permit. All luminaries mounted on the under surface of service station canopies shall be a full cutoff fixture.
6. Outdoor parking lot lighting for nonresidential uses shall be completely turned off or light levels dimmed to half, when the associated use is closed (post-curfew), of when the business is open (pre-curfew). If safety and security lighting is warranted, an occupancy sensing system will bring the system to sufficient brightness to meet the need, then reset to the lower level after a predetermined time. This approach is subject to approval by the zoning administrator.

C. Landscaping. Parking lots shall have a five-foot perimeter planting strip adjoining street property lines and interior property lines adjoining an R district or a different district from the subject property and, in addition, 10% of the parking lot area within the perimeter planting strips shall be devoted to planting areas distributed throughout the parking lot subject to the conditions listed below:
1. A parking structure of two or more above-ground levels having at-grade parking adjoining a street shall have a 10-foot planting area adjoining the street property line.
2. Where landscaped areas are provided, they shall be a minimum of three feet in width. Landscaped areas containing trees shall be a minimum of four feet in the narrowest dimension.
3. The end of each row of parking stalls shall be separated from driveways by a landscaped planter, sidewalk, or other means.
4. A minimum of one tree for every three spaces shall be distributed evenly throughout the parking lot.
5. If an automobile will extend over landscaping, the required planting area shall be increased two feet in depth by decreasing the length of the parking stall by two feet. If an automobile will overhang into both sides of an interior landscaped strip or well, the minimum inside curb-to-curb interior planter dimension shall be seven feet.
6. Landscaping shall be provided on the upper levels of a parking structure where the structure is visible from a public street, pedestrian pathway, or adjacent building. (Ord. 938 § 9, 2020; Ord. 906 § 13, 2016; Ord. 856 § 2 (Exh. A), 2011; Ord. 727 § 17, 1998; Ord. 710 § 35-17.26, 1996; 1991 code § 35-17.26)

18.55.150 Driveways, garages and carport design and location in R districts.

The following provisions apply to a driveway, garage, and carport in R districts, whether it is an accessory structure or part of a principal structure:

A. Driveway. A driveway shall be paved and shall have widths and clearances prescribed subject to the visibility requirements set forth in PHMC §§ 18.50.100 and 18.55.130. A new driveway shall not be placed on an arterial street unless other alternatives are unavailable.
B. Minimum dimensions for residential enclosed garage (inside dimensions). A new garage or alteration to an existing garage shall conform to the following minimum dimensions:
   1. Single-car garage: 10 feet by 22 feet (nine-foot door opening).
   No interior door shall open into a garage space unless the door will fully open without encroaching into the above specified areas. A preexisting garage that does not meet these dimensional requirements is not deemed a nonconforming use solely because of this nonconformity (See PHMC § 18.65.020).

C. Minimum dimensions for residential carport. Each single carport car parking area shall measure nine feet by 19 feet. The width of the carport is measured from the inside face of the support to the inside face of the opposite support. The carport roof shall cover the entire 19-foot length of the space.

D. Minimum setbacks for garages. Any garage structure with the garage door or driveway facing a property line shall be set back a minimum of 20 feet from that property line and/or from a private vehicular access easement. (Ord. 856 § 2 (Exh. A), 2011; Ord. 710 § 35-17.28, 1996; 1991 code § 35-17.28)

18.55.160 Additional design standards for parking lots and structures.

The zoning administrator may require a parking lot to have paving, drainage, wheel stops, lighting, space marking, directional signs, ramp grades, litter collection containers, fire equipment, and queuing space for drive-in facilities or ticket-dispensing booths or machines.

A. Sales, storage, etc. The parking area may not be used for auto sales, storage, repair work, dismantling, or outdoor open sales displays.

B. Drainage/stormwater runoff.
   1. Parking lots shall comply with the city’s current national pollutant discharge elimination system (NPDES) permit requirements for the treatment of stormwater runoff. (See PHMC Chapter 15.05.)
   2. Surface water shall be discharged to natural or engineered off-site drainage facilities and may not drain off or across public or private sidewalks, pedestrian walkways, or areas not designed as drainage facilities.
      All industrial uses shall be required to install oil/water separators and/or grease traps on storm drain inlets.

C. Surfacing. A driveway or parking area serving any residential development shall be surfaced with concrete or two inches of asphalt concrete over six inches of aggregate base or comparable concrete. Each driveway shall be graded and drained to dispose of all surface water as described in subsection B of this section to an approved drainage facility.

D. Optional double line striping. If it is deemed necessary by the zoning administrator, each parking space shall measure 8.5 feet from center to center, with double stripes two feet apart.

(D) DOUBLE LINE STRIPING
E. Markings.
1. Each parking space and parking facility shall be identified by surface markings and shall be maintained in a manner so as to be readily visible and accessible at all times. Such markings shall be arranged to provide for orderly and safe loading, unloading, parking, and storage of vehicles. Marking required to be maintained in a highly visible condition includes striping, directional arrows, lettering and field color on signs in handicapped-designated areas.
2. One-way and two-way accesses into required parking facilities shall be identified by directional arrows. Any two-way access located at any angle other than 90 degrees to a street shall be marked with a traffic separation stripe the length of the access; this requirement does not extend to aisles.
3. Where the exit may not be clearly recognizable, directional signage must be provided. (Ord. 856 § 2 (Exh. A), 2011; Ord. 710 § 35-17.30, 1996; 1991 code § 35-17.30)

18.55.170 Location and design of off-street loading spaces.
Required off-street loading spaces shall not be within a building, but shall be on the site of the use served or on an adjoining site. On a site adjoining an alley, a required loading space shall be accessible from the alley unless alternative access is approved by the planning commission. A required loading space shall be accessible without backing a truck across a street property line unless the zoning administrator determines that provision of turnaround space is infeasible and approves alternative access. An occupied loading space shall not prevent access to a required off-street parking space. A loading area shall not be located in a required front or street side yard.

Except in a C or LI district, a loading area visible from a street shall be screened on three sides by a fence, wall, or hedge at least six feet in height. (Ord. 710 § 35-17.32, 1996; 1991 code § 35-17.32)

18.55.180 Parking reductions allowed within priority development and transit areas.
A project site within a priority development area (designated by the Association of Bay Area Governments, “ABAG”) or within a quarter-mile of a regional transit hub (BART station or transit center) is allowed to have up to a 15% reduction from the number of spaces required under Schedule 18.55.030A as determined by the zoning administrator. This parking reduction does not apply to single-family residential sites. (Ord. 856 § 2 (Exh. A), 2011)

18.55.190 Minor adjustments to parking design standards.
A. Adjustments subject to zoning administrator approval. The zoning administrator may approve an adjustment of up to 20% from the parking design standards in PHMC §§ 18.55.020.F and G, 18.55.040, and 18.55.070 through 18.55.170, and/or use of an alternative driveway surface material, by approval of a zoning permit.

B. Adjustments subject to planning commission approval. The planning commission may approve a use permit for adjustments of greater than 20% from the parking standards listed in subsection A of this section.

C. Findings required. Before approval of an adjustment, the zoning administrator or planning commission shall make the following findings:
1. The adjustment is consistent with the intent of the zoning ordinance;
2. The adjustment will not adversely affect adjacent properties;
3. The adjustment is necessary due to practical difficulties involved in the strict application of zoning ordinance standards; and
4. For an adjustment of 20% or more, the planning commission shall also make use permit findings under PHMC § 18.95.040. (Ord. 902 § 9, 2016; Ord. 856 § 2 (Exh. A), 2011)
Chapter 18.60

SIGNS

Sections:
18.60.010 Specific purposes.
18.60.015 General provisions.
18.60.020 Exempt signs.
18.60.030 Permit required.
18.60.040 Maximum sign area.
18.60.050 Specific sign standards.
18.60.055 Temporary freestanding sign standards.
18.60.057 Standards for other types of temporary commercial signs.
18.60.060 Prohibited signs.
18.60.070 Maintenance – Abandoned or obsolete signs.
18.60.080 Master sign program.
18.60.090 Minor sign adjustments.
18.60.100 Major sign adjustments.
18.60.110 Sign design guidelines.
18.60.120 Enforcement.

18.60.010 Specific purposes.

In addition to the general purposes listed in PHMC § 18.05.020, the specific purposes of sign regulations are to:

A. Provide each sign user an opportunity for effective identification by limiting the number and area of signs permitted on all sites.

B. Maintain and enhance the quality of the city’s appearance by limiting off-premises signs to avoid clutter.

C. Enable users of goods and services to readily identify establishments offering services to meet their needs.

D. Regulate the number and size of signs according to standards consistent with the types of establishments in each zoning district.

E. Protect residential districts adjoining nonresidential districts from adverse impacts from excessive signs.

F. Provide fair and equitable regulations throughout the community.

G. Provide substantial compliance with city-wide sign design guidelines.

H. Minimize the possible adverse effects of signs on nearby public and private property, including streets, roads and highways.

I. Regulate signs in a manner so they do not physically interfere with or obstruct the vision of pedestrian or vehicular traffic.

J. Avoid unnecessary and time-consuming approval requirements for certain minor or temporary signs that do not require review for compliance with the city’s building and electrical codes, while limiting the size and number of such signs so as to minimize visual clutter.

K. Respect and protect the right of free speech by sign display, while reasonably regulating the structural, locational and other noncommunicative aspects of signs.
L. Regulate signs in a constitutional manner, which is content-neutral as to noncommercial signs. (Ord. 870 § 2, 2012; Ord. 854 § 2, 2011; Ord. 738 § 1 (Exh. A), 1999; Ord. 710 § 35-18.1, 1996; 1991 code § 35-18.1)

18.60.015 General provisions.

A. Owner’s consent required. The consent of the property owner or person in control or possession of the real property is required before any sign may be placed on any private property in the city.

B. Noncommercial signs. A noncommercial sign is allowed wherever commercial signage is permitted, and is subject to the same standards and total maximum allowances per site or building of each sign type specified in this chapter. An approval is required for a permanent noncommercial sign only when a permanent commercial sign has not been previously approved. For purposes of this chapter, all noncommercial speech messages are deemed to be “on site,” regardless of location.

C. Substitution of noncommercial message. A noncommercial message of any type may be substituted for all or part of the commercial or noncommercial message on any sign allowed under this chapter. No special or additional approval is required to substitute a noncommercial message for any other message on an allowable sign, provided the sign structure is already approved or exempt from the approval requirements and no structural or electrical change is made. When a noncommercial message is substituted, the sign is still subject to the same design, locational and structural regulations (color, materials, size, height, illumination, maintenance, duration of display, etc.), as well as all building and electrical code requirements, as would apply if the sign were used to display a commercial message. (Ord. 870 § 3, 2012)

18.60.020 Exempt signs.

The following signs are exempt from the regulations of this chapter unless approved as part of a master sign plan under PHMC § 18.60.080.

A. Address. Street address numbers, as required by the building code or local fire protection district.

B. Building sign. Names of building, date of erection, commemorative tablet and the like, when carved into stone, concrete or similar material or made of bronze, aluminum or other permanent-type material and made an integral part of the structure. Such a sign may not exceed four square feet in area and may not be illuminated.

C. Construction sign. Construction sign with a maximum total size not exceeding 24 square feet per individual frontage for commercial, office and industrial districts and 12 square feet per frontage for R districts. No monument construction sign shall exceed five feet in height. Construction signs shall be removed within 30 working days following issuance of a certificate of occupancy.

D. Directional or informational sign. On-premises parking or other directional sign, not exceeding one double-faced sign per entrance and not exceeding four square feet in area and three feet in height. Such a sign may not include advertising material.

E. Door signs. Exterior door signs in a nonresidential zoning district where the total area covered by signs (including exempt signs) is five square feet or less for each door.

F. Flag. United States, state of California, or city government flags mounted or flown no higher than the maximum building height of that district.

G. Holiday decorations. Holiday decorations not advertising a product or sale, on display for a period of 60 consecutive days, no more than two times per calendar year. A holiday decoration that includes advertising is a regulated sign under this chapter.

H. Interior sign. Sign within a building three feet or more from a window.
I. Lottery sign. Sign for the California State Lottery, approved by the Lottery Commission for display by lottery game retailers.

J. Nameplate. Nameplate not over two square feet in area, displaying the name and profession of the occupant of the building and/or the address.

K. Occupant identification sign. Nonilluminated wall sign not over two square feet in area, displaying the name of the occupant or resident, or the address at the entrance of each business occupant space.

L. Personal property sales sign. Sign not exceeding six square feet and erected on private property for no more than three consecutive days six times per year.

M. (Not used.)

N. Product sign. Sign manufactured as a standard, integral part of a mass-produced product accessory to a commercial or public or semipublic use, including a telephone booth, vending machine, automated teller machine, gasoline pump, newspaper rack, and bus shelter sign.

O. Public agency sign. A sign placed on its own property by a public agency.

P. Public interest sign. A sign erected by a public agency, including a public information, identification, or directional sign, the city’s information A-frame signs, and a banner sign erected on public property under the city banner policy.

Q. Public notice. Notice posted by a utility or other quasi-public agent in the performance of a public duty or by any person giving due legal notice.

R. Real estate sign.
   1. One temporary on-site real estate sign not exceeding six square feet in R, HPUD, and residential areas of PUD and PPD districts or 32 square feet in other districts that advertises the sale, lease or rental of a structure or land. Any monument sign shall not exceed six feet in height. The sign shall be removed within seven working days following the sale (close of escrow), lease or rental of the property.
   2. Up to four off-site open house signs, each not exceeding four square feet in area and three feet in height, to be placed as necessary at street intersections leading to the open house, plus one on-site real estate company open house sign, are allowed only on the weekends or for the Contra Costa Association of Realtors-sponsored broker’s open house. Only one sign is allowed per intersection regardless of the number of open houses in the direction indicated by the sign. No temporary off-site directional real estate sign shall be located on a wall or fence in the public right-of-way, on a utility pole, or on a public street, median strip, traffic island, public landscaped area, sidewalk or private property without permission of the owner.

S. Recycling facility sign. Sign on a machine in a recycling facility not over four square feet in area, identifying the type of material to be deposited, operating instructions, and the name and phone number of the operator.

T. Service station sign. Gasoline service station fuel pump identification and/or price sign located on the pump top or pump face and not exceeding two square feet in area.

U. Small sign. On-premises signs, covering a total area of not more than two square feet, which do not include advertising material. Examples include signs for hours of operation, phone number, credit cards accepted, and trade associations.

V. State inspection sign. One official state inspection sign constructed of a permanent material for each type of inspection service offered on site, located flat against the wall of a building and not exceeding four square feet in area.
W. Temporary signs, noncommercial. Signs that comply with PHMC § 18.60.055.

X. Vehicle or trailer sign. An identification sign painted on or affixed to a vehicle or trailer if all of the following apply:
1. The sign is incidental to the primary use of the vehicle or trailer;
2. The vehicle or trailer is used as a vehicle in the ordinary course of business; and
3. The vehicle or trailer is legally parked within a single, delineated parking space.

Y. Window signs. Window signs in a nonresidential zoning district if the total window area covered by signs (including exempt signs) is 30% or less of the window area. As used here, the “window area” means the window area of a single business, on each building elevation. Glass doors are excluded from the calculation of window area. (See subsection E of this section and PHMC § 18.60.050.H.) (Ord. 879 § 2, 2014; Ord. 870 § 4, 2012; Ord. 854 § 2, 2011; Ord. 738 § 1 (Exh. A), 1999; Ord. 710 § 35-18.2, 1996; 1991 code § 35-18.2)

18.60.030 Permit required.

A. General requirement. No sign shall be erected or displayed without a sign permit or temporary sign permit, unless the sign is exempt under PHMC § 18.60.020. (See PHMC Chapter 18.105.)

The zoning administrator may require the removal, modification or relocation of an existing sign as a condition of sign permit or temporary sign permit approval if: (1) the proposed sign would be located on a site with an existing sign violation; or (2) the approval of the sign permit or temporary sign permit would result in a violation of the sign regulations.

B. Sign permit for permanent sign. A sign permit is required for a permanent sign including the following types: wall sign, monument sign, shingle sign, off-premises sign, multiple-story office sign, theater or cinema sign. The application and approval procedures are set forth in PHMC Chapter 18.105.

C. Temporary sign permit. A temporary sign permit is required for a temporary commercial sign. The regulations for temporary freestanding commercial and noncommercial signs are set forth in PHMC § 18.60.055 and regulations for other signs are set forth in PHMC § 18.60.057. The application and approval procedures are set forth in PHMC Chapter 18.105. (Ord. 870 § 5, 2012; Ord. 854 § 2, 2011; Ord. 738 § 1 (Exh. A), 1999; Ord. 710 § 35-18.3, 1996; 1991 code § 35-18.3)

18.60.040 Maximum sign area.

A. Applicability. These maximum sign area regulations apply to wall signs and multiple-story office signs. They do not apply to monument signs, window signs, off-premises signs, shingle signs, temporary signs, or exempt signs.

B. Maximum sign area. The maximum area for all wall signs and multiple-story office signs is based on the zoning district in which the sign is located, as follows:

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Maximum Sign Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>8 square feet per street frontage.</td>
</tr>
<tr>
<td></td>
<td>If a sign permit is approved, up to 32 square feet per street frontage is allowed as reasonable and necessary for identification of any of the following uses: Convalescent facility; cemetery; club and lodges; congregate care – general; cultural institution; day care – general; hospital; religious assembly; private school; or subdivision community identification.</td>
</tr>
<tr>
<td>NB, RB, PAO, C and LI</td>
<td>1 square foot for each linear foot of building frontage.</td>
</tr>
</tbody>
</table>
C. **Calculating maximum sign area.** In determining compliance with maximum sign area, the following general regulations apply:

1. Only one side of a building is used in calculating the building frontage. The zoning administrator may designate another side of a building as the building frontage if it is determined that: (a) the primary access to the tenant spaces is from a side facing an interior side lot line; and (b) the interior lot line is longer than the front lot line.

2. Only the street frontage that is developed or approved for development is counted for purposes of determining the maximum allowable sign area. Vacant land reserved for future development is not counted.

3. No sign or sign area permitted on one tenant’s building frontage shall be transferred to another tenant’s building frontage within a shopping center or other multi-tenant structure or development except in accord with a master sign plan prepared under PHMC § 18.60.080.

4. Sign area shall be computed by measuring the simplest geometric shape(s) that will encompass the extreme limits of the sign. Negative space that is bounded by sign elements must be counted as sign area. For panel signs (see definition), the background area of the panel (surrounding the lettering) shall not be included in the calculation of sign area; provided, that the background of the panel does not contain text, is designed to complement the sign design and the building facade, is proportionate to the size of the sign lettering, and is compatible with the colors, materials and design of the sign. (Ord. 879 § 3, 2014; Ord. 854 § 2, 2011; Ord. 738 § 1 (Exh. A), 1999; Ord. 710 § 35-18.4, 1996; 1991 code § 35-18.4)

### 18.60.050 Specific sign standards.

**A. Monument signs.** These regulations apply to a monument sign.

1. **Maximum size of monument signs.**

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Maximum Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>0.5 square foot for each lineal foot of street frontage up to a maximum of 16 square feet on one face or 32 square feet on two faces. A monument sign is only allowed for the uses listed in PHMC § 18.60.040.B.</td>
</tr>
<tr>
<td>NB, RB and C</td>
<td>0.5 square foot for each lineal foot of street frontage up to a maximum of 32 square feet on 1 face or 64 square feet on 2 faces. If the street frontage exceeds 250 feet, 1 additional monument sign is permitted, not to exceed 32 square feet on 1 face or 64 square feet on 2 faces.</td>
</tr>
<tr>
<td>PAO and LI</td>
<td>0.5 square foot for each lineal foot of street frontage up to a maximum of 16 square feet on 1 face or 32 square feet on 2 faces.</td>
</tr>
</tbody>
</table>

2. **Other regulations.** A monument sign may not:
   a. Be closer than 30 feet to another monument sign or to a projecting sign;
   b. Be closer to an interior property line than one-half its height;
   c. Extend over a public right-of-way nor be located on the same frontage as a projecting sign extending over a public right-of-way;
   d. Be placed outside of a landscaped area;
   e. Exceed eight feet in height in a nonresidential zoning district or exceed six feet in height in a residential zoning district;
   f. Be considered a double-faced sign unless the two faces are an integral part of a single sign and the sign faces are designed to be identical in size and located back to back on opposite parallel planes.

**B. Illumination – Movement.** The following regulations apply to a sign which is illuminated or which moves.

1. No sign may have exposed fluorescent tubes or incandescent bulbs unless determined by the decision-making authority to be an enhancement to the design of the sign and complementary to the architecture of a building facade.
2. If a sign is indirectly illuminated, the lighting shall be white or amber colored.
3. A sign directly visible from an R district shall not be illuminated between 10:00 p.m. and 6:00 a.m., except during the hours the business is open.
4. No movement or apparent movement of, or in, a sign or change in intensity of sign illumination is permitted, except as permitted in this section.
   a. Time or temperature signs are permitted, if otherwise consistent with the other provisions of this chapter.
   b. Theater canopy signs are permitted, if otherwise consistent with the other provisions of this chapter.
   c. Electronic readerboard signs located inside a building and within three feet of a window are permitted if the total aggregate area of all electronic readerboard signs at any business location does not exceed two square feet.
5. A sign with a plastic face shall be constructed of rigid plastic material and constructed in a manner which presents a planar surface with no visible warpage of the sign face and no visible seams. If a sign with a plastic face is illuminated, the illumination shall be evenly distributed and not cause uneven shadows.
6. An exposed neon window sign (without a translucent cover over the neon) is permitted if it otherwise complies with the regulations of this chapter and does not exceed four square feet per window.

C. Multiple-story office sign. An office building at least three stories in height may have a multiple-story office sign to identify the building if:
   1. The sign is located below the top of the parapet at a height and scale architecturally in harmony with the building;
   2. There is only one identification sign per building;
   3. Only individual letters or a logo are used and there are no cabinet or can signs. If lighted, the letters must be internally illuminated;
   4. The sign is not indirectly illuminated;
   5. The sign complies with the maximum sign area set forth in PHMC § 18.60.040.

D. Off-premises signs. An outdoor advertising sign advertising a business, product or service not sold on the premises is not permitted, unless the sign:
   1. Is needed to provide visibility of the business(es) from the nearest arterial or commercial collector street; and
   2. Is not located in a residential district.

E. Projecting signs (also referred to as “shingle” or “blade” signs). A projecting sign shall:
   1. Be set back at least five feet from an interior side property line, if applicable;
   2. Not exceed four square feet in area;
   3. Not be more than 20 feet or less than seven feet six inches above the surface over which it projects, or less than 14 feet above a vehicular passageway; and
   4. Not project above an apparent eave or parapet, including the eave of a simulated mansard roof.

F. Theater or cinema sign. A sign permit may be issued for a theater or cinema sign deviating from the standards of this section, including a marquee with changeable letters, brighter lights, or other feature.

G. Wall signs. A wall sign must comply with the maximum sign area requirements of PHMC § 18.60.040 and shall not:
   1. Project above an eave or parapet, including the eave of a simulated mansard roof;
   2. Project more than six inches from the face of the building; or
   3. Include illumination when facing a residential zoning district.
   The painting or decorating of a building in a manner designed to convey an advertising message to viewers is a wall sign subject to this chapter.

H. Window signs. Window signs are exempt from permit review, provided the following standards are met:
   1. Window signs may cover up to 30% of the total window area for each building frontage (glass doors are not included in the calculation of total window area); and
2. The proposed signs are not located in a residential zoning district, nor directly facing a residential zoning district. (Ord. 854 § 2, 2011; Ord. 738 § 1 (Exh. A), 1999; Ord. 710 § 35-18.6, 1996; 1991 code § 35-18.6)

18.60.055 Temporary freestanding sign standards.

A. General. Temporary freestanding signs are permitted as follows:
1. Commercial and industrial zoning districts (including neighborhood business, retail business, general commercial, professional and administrative office and limited industrial zoning districts).
   a. Commercial signs. The zoning administrator may issue a temporary sign permit for a temporary commercial freestanding or a portable sign subject to the requirements of PHMC § 18.60.057.B and C.
   b. Noncommercial signs. A temporary freestanding noncommercial sign is permitted if it complies with the standards in subsections B through D of this section. No temporary sign permit is required.
2. Residential zoning districts.
   a. Commercial signs. No temporary freestanding commercial sign is permitted in a residential zoning district, except for an exempt real estate sign under PHMC § 18.60.020.R.
   b. Noncommercial signs. A temporary freestanding noncommercial sign is permitted if it complies with subsections B through D of this section. A temporary freestanding noncommercial sign may be displayed as a temporary freestanding sign or as a building wall or fence mounted banner. No temporary sign permit is required.

B. Size; aggregate area; distance; height; duration. Following are the allowable sign sizes, the aggregate area permitted, the distance between signs and sign display duration, for temporary freestanding noncommercial signs:

<table>
<thead>
<tr>
<th></th>
<th>COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS</th>
<th>RESIDENTIAL ZONING DISTRICTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Properties with up to 150 feet of lineal street frontage³</td>
<td>Properties with over 150 feet of lineal street frontage³</td>
<td></td>
</tr>
<tr>
<td>Maximum area per sign face (single or double-sided)</td>
<td>16 square feet</td>
<td>6 square feet</td>
</tr>
<tr>
<td>Maximum aggregate area for all signs</td>
<td>64 square feet¹</td>
<td>25 square feet</td>
</tr>
<tr>
<td>Maximum individual letter height</td>
<td>Not to exceed 50% of sign face height or 12 inches whichever is greater</td>
<td>Not to exceed 50% of sign face height or 12 inches whichever is greater</td>
</tr>
<tr>
<td>Maximum size of any graphic, emblem, logo or photograph</td>
<td>Not to exceed 30% of sign face area</td>
<td>Not to exceed 30% of sign face area</td>
</tr>
<tr>
<td>Minimum distance between temporary freestanding noncommercial signs</td>
<td>Multiple signs, regardless of spacing, arranged to appear as one sign to convey a single message or image, are prohibited.</td>
<td>Multiple signs, regardless of spacing, arranged to appear as one sign to convey a single message or image, are prohibited.</td>
</tr>
<tr>
<td>Maximum height</td>
<td>See Section 18.60.050.A.2</td>
<td>See Section 18.60.050.A.2</td>
</tr>
</tbody>
</table>
18.60.057

<table>
<thead>
<tr>
<th>COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS</th>
<th>RESIDENTIAL ZONING DISTRICTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sign display duration</td>
<td>Properties with up to 150 feet of lineal street frontage³</td>
</tr>
<tr>
<td></td>
<td>Properties with over 150 feet of lineal street frontage³</td>
</tr>
<tr>
<td>Up to 65 days, two times per year, or up to 30 days, six times per year, or any combination of the above that does not exceed a total of 195 days per year, all with at least 30 days between each display period²</td>
<td>Up to 65 days, two times per year, or up to 30 days, six times per year, or any combination of the above that does not exceed a total of 195 days per year, all with at least 30 days between each display period²</td>
</tr>
</tbody>
</table>

1 – The aggregate sign area applies whether the signs are located on an individual parcel or within a single commercial shopping center, business park, industrial park or other complex of related buildings.
2 – Sign text changes may occur within each occurrence.
3 – When a property (lot) has more than one street frontage, only one is used to calculate street frontage.
4 – A record of sign display dates shall be maintained by the person displaying the sign and available to the city for review upon request.

C. Location
1. No attachment to utility or light pole, tree or other vegetation. A temporary freestanding noncommercial sign shall not be attached to a utility or light pole, tree or other vegetation, except that a temporary freestanding noncommercial sign may be displayed as a banner temporarily affixed to poles (other than utility poles or light poles) placed on private property solely for the purpose of displaying temporary signage or as a building wall mounted banner.
2. No obstruction. A temporary freestanding noncommercial sign shall not be placed at a location which obstructs or poses the threat of obstructing vehicular or pedestrian travel. The sign may not be located within areas regulated to preserve sight distance (see PHMC § 18.50.100).
3. Public right-of-way. A temporary freestanding noncommercial sign is not allowed in or over the public right-of-way (including public streets, alleys, sidewalks and unpaved areas). Except, in residential zones districts, a temporary freestanding noncommercial sign may be placed within the privately maintained portion of the public right-of-way that extends beyond the edge of sidewalk (or, beyond the edge of curb if no sidewalk exists) in the front yard; provided, that it does not block or impede public or vehicular access, parking, sight distance, utility access or disabled access, and does not otherwise create a hazard or public nuisance.

D. Lighting. Temporary freestanding noncommercial signs shall not be lighted. (Ord. 879 § 4, 2014; Ord. 870 § 6, 2012)

18.60.057 Standards for other types of temporary commercial signs.

A temporary sign permit may be issued subject to these regulations:

A. Temporary wall signs.
1. The temporary wall sign area shall not exceed a maximum of 25 square feet. However, for a property with a building frontage in excess of 100 lineal feet, the maximum temporary wall sign area allowed is at the discretion of the zoning administrator, not to exceed the maximum allowed under PHMC § 18.60.040;
2. The temporary wall sign width shall not exceed two-thirds of the width of the storefront;
3. No more than two temporary wall signs shall be displayed at any one time, and they shall not face in the same direction;
4. The temporary wall sign shall be securely attached to a building wall, fascia, or window;
5. The temporary sign permit may be valid for no more than 20 days, six times each calendar year; and
6. The temporary sign is necessary to:
   a. Advertise a special event, promotion, sale, or other temporary activity;
   b. Maintain identity while a sign permit application is pending and until a permanent sign is erected;
   c. Warn of a temporary, dangerous condition; or
   d. Advertise a temporary use permitted by a temporary use permit.

   1. May be approved by the zoning administrator subject to compliance with design, siting and locational criteria established by the zoning administrator or as specified in an approved master sign program.
   2. May not be located within any public right-of-way (except in the Downtown Specific Plan area subject to approval by the city engineer).
   3. May not be located within areas regulated to preserve sight distance (see PHMC § 18.50.100).
   4. May be approved for display with a temporary sign permit for no more than 20 days, up to six times each calendar year.

C. Temporary signs, other.
   1. A temporary sign permit may be issued for a flashing sign, searchlight, flag, pennant, streamer, spinner, air blown or similar device. For these types of signs, the temporary permit may be issued for no more than seven days, six times per year; and
   2. For window signs, see PHMC § 18.60.050.H. (Ord. 879 § 5, 2014; Ord. 870 § 7, 2012; Ord. 854 § 2, 2011. Formerly 18.60.055)

18.60.060 Prohibited signs.

Unless otherwise exempt, the following types of signs and locations of signs are prohibited:

A. A sign in a required building yard setback adjoining a street property line in violation of PHMC § 18.55.130, Driveways – Visibility.

B. A sign with lighting, colors, design or text that could be confused with a public traffic directional sign or control device.

C. A sign which includes obscene matter in violation of California Penal Code section 311 et seq.

D. An exterior sign made of materials which are impermanent and will not stand exposure to weather, unless it is a temporary sign.

E. A roof sign.

F. Outdoor advertising structure sign and/or sign located within a public right-of-way except: (1) when associated with a city-approved bus shelter or bench; or (2) if located within the Downtown Specific Plan area and approved by the city engineer.

G. A sign placed on, painted, or affixed to a vehicle or trailer which is parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way, if the apparent purpose is to advertise a product or business, or direct people to a business or activity located on the same or other property. (See PHMC § 18.60.020.X.)

H. Electronic readerboard sign larger than two square feet used as a window sign or if located on the exterior of a structure. Electronic service station fuel price signs are not considered to be “readerboard” signs.
I. Balloon or similar inflated sign, except with a temporary sign permit under PHMC § 18.60.057.C.1.

J. A sign advertising tobacco products which is prohibited under PHMC § 9.45.230.

K. Commercial signs that are animated and/or moving, including mechanically or human powered or held signs within the public right-of-way, and any mechanically powered animated and/or moving commercial sign on private property, except as permitted in PHMC § 18.60.050.B, given that the movement associated with such signs is particularly distracting to motorists and thus, poses traffic safety hazards. (Ord. 879 § 6, 2014; Ord. 854 § 2, 2011; Ord. 738 § 1 (Exh. A), 1999; Ord. 710 § 35-18.8, 1996; 1991 code § 35-18.8)

18.60.070 Maintenance – Abandoned or obsolete signs.

A. Maintenance. Each sign shall be: (1) maintained in a secure and safe condition; (2) maintained in good repair; and (3) cleaned, painted and replaced as necessary to present a neat appearance. If the city determines that a sign is not secure, safe, or in a good state of repair, it shall give written notice of this fact to the person responsible for the sign. If the defect is not corrected within the time permitted by the city, the city may revoke the permit to maintain the sign and may remove the sign pursuant to the public nuisance abatement provisions of PHMC Chapter 7.05.

B. Abandoned or obsolete sign. An on-premises sign advertising an activity, business, service or product shall be removed within 45 days after a business is no longer in operation. If the sign is not so removed, the code enforcement officer may have the sign removed in accordance with the public nuisance abatement provisions of PHMC Chapter 7.05, and the property owner will be held responsible for the cost of removal. Any prior exceptions, adjustments, modifications or variances granted for the abandoned or obsolete sign are void 45 days after the business is no longer in operation. (Ord. 879 § 7, 2014; Ord. 854 § 2, 2011; Ord. 738 § 1 (Exh. A), 1999; Ord. 710 § 35-18.10, 1996; 1991 code § 35-18.10)

18.60.080 Master sign program.

A. Requirement. After July 1, 1998, a site having more than four nonresidential tenants or proposing a renovation of more than 5,000 square feet must have a master sign program. The master sign program must be approved by the architectural review commission before issuance of any occupancy permit and before any permanent sign is placed or modified.

The owner of an existing development or a site may submit a master sign program to be reviewed and approved by the architectural review commission.

B. Variations. A master sign program may include certain variations from the standards of this section subject to the following:

1. The master sign program must conform to the maximum sign area requirements of PHMC § 18.60.040. However, the architectural review commission may allow an increase in wall sign area for individual tenants; provided, that the overall allowable wall sign area for the project site is not exceeded. In addition, for a multiple building site, sign area may be transferred from one building frontage to another if the transfer does not exceed 50% of the area allowed for a particular frontage or tenant;
2. The master sign program may allow more than one monument sign per parcel;
3. The master sign program may allow for decorative, “nongeneric,” temporary freestanding signs (such as “A” or “H” frames, menu boards, and small temporary promotional signs) on premises. (In the Downtown Specific Plan area, such signs may be allowed in the public right-of-way subject to review and approval by the city engineer). Such temporary freestanding signs shall be limited to locations that would not impair or obstruct public access, disabled access, parking, loading, and/or required intersection or driveway visibility. They may not be permanently attached to the ground or any other fence, wall or structure. The design, size, location, number, and spacing of such signs are subject to architectural review commission approval.
4. The master sign program may include more restrictive requirements, including methods of measurement, than prescribed by this chapter. If the master sign program has more restrictive requirements than this chapter, the master sign program shall be controlling. (Ord. 854 § 2, 2011; Ord. 738 § 1 (Exh. A), 1999; Ord. 710 § 35-18.12, 1996; 1991 code § 35-18.12)

18.60.090 Minor sign adjustments.

A. The architectural review commission may approve minor adjustments involving not more than a 20% change from any provision of this chapter as part of approval of a sign permit, except that a greater number of signs is not allowed.

B. Before approval of a minor adjustment, the architectural review commission must find that the adjustment:
   1. Is consistent with the intent of the specific purposes noted in PHMC § 18.60.010;
   2. Will not adversely affect adjacent properties or tenants; and
   3. Is necessary due to practical difficulties involved in the strict application of zoning ordinance standards to the project site or would result in a superior, more creative design. (Ord. 854 § 2, 2011)

18.60.100 Major sign adjustments.

A. The planning commission may approve major adjustments involving more than a 20% change from any provision of this chapter through approval of a use permit.

B. Before approval of a use permit for a major sign adjustment, the planning commission must make the following findings (in addition to the findings required by PHMC Chapter 18.95 for use permit approval):
   1. The adjustment is consistent with the intent of the specific purposes noted in PHMC § 18.60.010;
   2. The adjustment will not adversely affect adjacent properties or tenants; and
   3. The adjustment is necessary due to practical difficulties involved in the strict application of zoning ordinance standards to the project site or would result in a superior, more creative design. (Ord. 854 § 2, 2011)

18.60.110 Sign design guidelines.

In reviewing sign applications, the architectural review commission shall ensure that all signs are in substantial compliance with the city-wide sign design guidelines. (Ord. 854 § 2, 2011; Ord. 738 § 1 (Exh. A), 1999; Ord. 710 § 35-18.14, 1996; 1991 code § 35-18.14. Formerly 18.60.090)

18.60.120 Enforcement.

A. Illegal sign. An illegal sign is any sign in violation of this chapter including, but not limited to, the following:
   1. A sign erected or displayed without a sign permit, unless the sign is exempt under PHMC § 18.60.020;
   2. A sign which is prohibited under PHMC § 18.60.060;
   3. A sign which is a danger to the public or which is unsafe;
   4. A sign which is not properly maintained, under PHMC § 18.60.070; or
   5. A sign which is abandoned or obsolete under PHMC § 18.60.070.

B. Abatement. An illegal sign violates this zoning ordinance and is a public nuisance. It may be abated in accordance with any enforcement procedure set forth in PHMC Chapter 18.135, or the public nuisance abatement procedures set forth in PHMC Chapter 7.05, and the cost of abatement is the responsibility of the owner. Each person who erects or maintains a sign which is subject to removal is jointly and severally liable for the cost of removal.
In addition to all other remedies, the city has a lien upon the sign which it removes for the cost of removal and may, but is not required to, keep possession of the sign until the owner redeems it by paying the cost of removal. The city may dispose of the sign 30 calendar days after removal without further liability to the owner by giving the owner notice that the owner may redeem the sign by paying the cost of removal.
C. **Summary abatement.** An illegal sign on public property may be summarily removed without prior notice. (Ord. 854 § 2, 2011; Ord. 738 § 1 (Exh. A), 1999; Ord. 710 § 35-18.16, 1996; 1991 code § 35-18.16. Formerly 18.60.100)
Chapter 18.65

NONCONFORMING USES, STRUCTURES, AND SIGNS

Sections:
18.65.010 Purpose.
18.65.020 Nonconforming uses.
18.65.030 Nonconforming structures.
18.65.040 Nonconforming signs.

18.65.010 Purpose.

The purpose of this chapter is to limit the number and extent of nonconforming uses, structures and signs by prohibiting expansion or enlargement, or reestablishment after abandonment or destruction. (Ord. 710 § 35-19.1, 1996; 1991 code § 35-19.1)

18.65.020 Nonconforming uses.

A. Continuation and maintenance. Use of a structure or land that was lawfully established and maintained, but which does not conform to current use regulations is a nonconforming use and may be continued, except as otherwise provided in this chapter.

A use that does not conform with the parking dimension standards, loading, planting area, or screening regulations of the district in which it is located is not deemed a nonconforming use solely because of these nonconformities.

B. General regulations. The following regulations apply to each nonconforming use:
   1. There may be no increase or enlargement of the area, space or volume occupied and used.
   2. There may be no change in the nature or character of the nonconforming use.
   3. If the nonconforming use is replaced by a conforming use, the nonconforming use is automatically terminated.
   4. If the nonconforming use discontinues active operation for a continuous period of 180 days, the nonconforming use terminates and the facilities accommodating or serving such activity shall thereafter be utilized only for uses permitted or conditionally permitted by the zoning district. This provision does not apply to a nonconforming dwelling unit.

C. Modification of general regulations. The regulations in subsection B of this section may be modified upon the issuance of a conditional use permit under PHMC Chapter 18.95, if the modification will result in the elimination or substantial reduction of the nonconformity.

D. Restoration. A nonconforming use located in a nonconforming building may be resumed after the destruction of the nonconforming building if the nonconforming building is restored in compliance with PHMC § 18.65.030.C.

E. Revocation of nonconforming use. The planning commission may revoke the nonconforming use granted by subsection A of this section if it makes any of the following findings:
   1. The use is exercised so as to be detrimental to the public health or safety, or so as to be a public nuisance.
   2. The nature of the improvements are such that they can be altered so as to permit the use of the property in conformity with the uses permitted in the land use district in which the property is located without impairing the constitutional rights of the owner or occupant.
   3. The improvement which exists on the property is such that to require the property to be used only for uses permitted in the applicable land use district would not impair the constitutional rights of the owner or occupant. (Ord. 710 § 35-19.2, 1996; 1991 code § 35-19.2)
18.65.030 Nonconforming structures.

A. Continuation and maintenance. A structure that was lawfully erected but which does not conform with the currently applicable requirements and standards for yard spaces, height of structure, or distance between structures prescribed in the district regulations is a nonconforming structure and may be used and maintained, except as otherwise provided in this chapter. A nonconforming structure is also subject to the Uniform Building Code, Section 104(c) and PHMC § 18.20.040.D.

B. General regulations. The following regulations apply to each nonconforming structure:
   1. Routine maintenance and repairs may be performed on a nonconforming structure.
   2. No nonconforming structure shall be altered or enlarged unless required by law, or unless the alteration or enlargement conforms to the standards of the district in which the structure is located.
   3. An applicant for a zoning permit in a nonresidential district for occupancy of a site or structure that is nonconforming due to lack of one of the following: screening of mechanical equipment; required walls or fences to screen parking; required paving for driveways; or required planting areas; shall present a schedule for elimination or substantial reduction of these nonconformities over a period not exceeding five years. The zoning administrator may require that priority be given to elimination of nonconformities that have a significant adverse impact on surrounding properties, and shall not require a commitment to remove nonconformities that have a minor impact and would be costly to eliminate due to the configuration of the site and the location of existing structures.

C. Restoration.
   1. If a nonconforming structure is destroyed by fire or other calamity, to the extent of 50% or less, the structure may be restored (and the nonconforming use resumed); provided, that restoration is started within six months and diligently pursued to completion.
   2. If a nonconforming structure is destroyed by fire or other calamity, to an extent greater than 50%, or is voluntarily razed or is required by law to be razed, the structure shall not be restored except in full conformity with the regulations for the district in which it is located. However, a residential structure in an R district that does not conform to yard setbacks or a residential garage that does not conform to the minimum dimensional limits may be reconstructed with the same floor area, provided there is no increase in any nonconformity, and upon issuance of a use permit by the zoning administrator.
   3. The extent of damage or partial destruction under subsection C.1 or C.2 of this section shall be based upon the ratio of the estimated cost of restoring the structure to its condition before the damage or partial destruction to the estimated cost of duplicating the entire structure as it existed before the damage or partial destruction. Estimates for this purpose shall be made by or shall be reviewed and approved by the chief building official.
   4. Notwithstanding the requirements of this subsection C, a structure, or any portion of it, which is legally existing as of February 24, 2010, and which is located within a creek setback area under PHMC § 18.50.150.A may be replaced in kind if the property owner obtains a building permit within 18 months (within the same building footprint and without increasing the degree of nonconformity) without the requirement of a use permit under this section.
   5. Notwithstanding the requirements of PHMC § 18.20.050, an accessory structure, or any portion of it, which is legally existing as of September 28, 2011, which exceeds the allowable height and/or size only, may be replaced or reconstructed in kind without the requirement of a use permit under this section (refers to the nonconforming structure provisions of the zoning ordinance) if the property owner obtains a building permit within 18 months of the voluntary or involuntary destruction of the structure; and provided, that the replacement structure will not exceed the height, floor area, lot coverage, or otherwise increase the degree of nonconformity of the original structure.
   6. Notwithstanding the requirements of this subsection C, a care facility, large, licensed or unlicensed, which is legally existing within any single-family residential zone district as of June 20, 2012, may be replaced in kind if the property owner obtains a building permit within 18 months (within the same building footprint and without increasing the degree of nonconformity or intensity of use) without the requirement of a use permit under this section. (Ord. 867 § 11, 2012; Ord. 856 § 2 (Exh. A), 2011; Ord. 844 § 6, 2010; Ord. 710 § 35-19.4, 1996; 1991 code § 35-19.4)
18.65.040 Nonconforming signs.

A. Continuation. A nonconforming sign or sign structure that was lawfully erected or displayed but that does not conform with currently applicable requirements is a nonconforming sign and may be displayed, except as otherwise provided in this chapter.

B. General regulations. The following regulations apply to each nonconforming sign:
   1. No nonconforming sign shall be moved or enlarged unless the new location or enlargement conforms to the regulations for the district in which the sign is located.
   2. A nonconforming sign that has been more than 50% destroyed shall be removed. A nonconforming sign that has been less than 50% destroyed, as determined by the chief building official (and the destruction is other than facial copy replacement), may be restored if construction begins within 90 days. If construction does not begin within 90 days, the owner shall remove the sign.
   3. An owner of a nonconforming sign is required to make the sign conform to the requirements of this chapter if the owner proposes:
      a. To alter the sign, other than a change in sign copy; or
      b. To expand or enlarge the building or land use where the sign is located, and the sign is affected by the construction, alteration or enlargement, and the cost of alterations to the sign exceeds 50% of the replacement cost of the sign, as determined by the chief building official. (Ord. 710 § 35-19.6, 1996; 1991 code § 35-19.6)
Chapter 18.67

WIRELESS TELECOMMUNICATIONS FACILITIES

Sections:

Article I. Purpose and Definitions

18.67.010 Purpose.
18.67.020 Definitions.

Article II. General Regulations

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18.67.120 Permits required.
18.67.130 Application submittal requirements.
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Article III. 6409(a) Modifications

18.67.210 Required findings.
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18.67.230 Conditions of approval for Section 6409(a) modifications.
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18.67.310 Timing of review.
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18.67.380 Nonconforming facilities.
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Article I. Purpose and Definitions

18.67.010 Purpose.

The purpose of this chapter is to establish a comprehensive set of zoning requirements for antennas and wireless telecommunications facilities. These regulations are intended to provide for the managed development of antennas and wireless telecommunications facilities in a manner that recognizes and enhances the community benefits of wireless telecommunications technology and reasonably accommodates the needs of citizens and wireless telecommunications service providers in accordance with federal and state rules and regulations. At the same time, these regulations are intended to protect neighbors from potential adverse impacts of such facilities, including but not limited to noise, traffic, aesthetic and other impacts over which the city has purview, and to preserve the visual character of the established community through appropriate design, siting, screening,

18.67.020 Definitions.

In this chapter, the following definitions apply:

_antenna, amateur radio_ means a ground, building, or tower-mounted antenna, or similar antenna structure, operated by a federally licensed amateur radio operator as part of the Amateur Radio Service, and as designated by the Federal Communications Commission (FCC).

_antenna_ has the meaning set forth in PHMC § 18.140.010.

_antenna, building- or structure-mounted_ has the meaning set forth in PHMC § 18.140.010.

_antenna, ground-mounted_ has the meaning set forth in PHMC § 18.140.010.

_antenna, satellite_ has the meaning set forth in PHMC § 18.140.010.

_antenna structure, monopole_ has the meaning set forth in PHMC § 18.140.010.

_base station_ has the same meaning as provided in 47 C.F.R. § 1.40001(b)(1), as may be amended, which defines that term as follows:

A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless telecommunications between user equipment and a communications network. The term does not encompass a tower as defined in 47 C.F.R. § 1.40001(b)(9) or any equipment associated with a tower.

1. The term includes, but is not limited to, equipment associated with wireless telecommunications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

2. The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems and small-cell networks).

3. The term includes any structure other than a tower that, at the time the relevant application is filed with the state or local government under this section, supports or houses equipment described in subsections 1 and 2 of this definition that has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

4. The term does not include any structure that, at the time the relevant application is filed with the state or local government under this section, does not support or house equipment described in subsections 1 and 2 of this definition.

As an illustration and not a limitation, the FCC’s definition refers to any structure that actually supports wireless equipment even though it was not originally intended for that purpose. Examples include, but are not limited to, wireless facilities mounted on buildings, utility poles and transmission towers, light standards or traffic signals. A structure without wireless equipment replaced with a new structure designed to bear the additional weight from wireless equipment constitutes a base station.

_co-location_ has the same meaning as provided in 47 C.F.R. § 1.40001(b)(2), as may be amended, which defines that term as “[t]he mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.” As an illustration and not a limitation, the FCC’s definition effectively means “to add” new equipment to an existing facility and does not necessarily refer to more than one wireless facility installed at a single site.
Distributed antenna system or DAS means a network of one or more antennas and related fiber optic nodes typically mounted to or located at streetlight poles, utility poles, sporting venues, arenas or convention centers which provide access and signal transfer for wireless service providers. A distributed antenna system also includes the equipment location, sometimes called a “hub” or “hotel” where the DAS network is interconnected with one or more wireless service provider’s facilities to provide the signal transfer services.

Eligible facilities request has the same meaning as provided in 47 C.F.R. § 1.40001(b)(3), as may be amended, which defines that term as “[a]ny request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving: (i) [c]ollocation of new transmission equipment; (ii) [r]emoval of transmission equipment; or (iii) [r]eplacement of transmission equipment.”

Eligible support structure has the same meaning as provided in 47 C.F.R. § 1.40001(b)(4), as may be amended, which defines that term as “[a]ny tower or base station as defined in this section, provided that it is existing at the time the relevant application is filed with the state or local government under this section.”

Enclosure building, shed, or shelter means a building, shed, fence, or other enclosure used to house equipment associated with a wireless telecommunications facility.

Equipment cabinet means a cabinet used to house equipment associated with a wireless telecommunications facility.

Existing has the same meaning as provided in 47 C.F.R. § 1.40001(b)(4), as may be amended, which provides that “[a] constructed tower or base station is existing for purposes of [the FCC’s Section 6409(a) regulations] if it has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.”

Federal Communications Commission (“FCC”) is an independent United States government agency responsible for the regulation of interstate and international communications by radio, television, wire, satellite, and cable.

Height of a wireless telecommunications facility means the vertical distance measured from the natural undisturbed ground surface below the center of the base of said facility to the top of the facility itself or, if higher, to the tip of the highest antenna or piece of equipment attached thereto. In the case of building-mounted facilities the height of the facility includes the height of the portion of the building on which it is mounted. In the case of crank-up or other similar towers whose height can be adjusted, the height of the facility shall be the maximum height to which it is capable of being raised.

Monopole means a single freestanding pole, post, or similar nonlattice structure used to support antennas and equipment associated with a wireless telecommunications facility.

Mount means to attach, fix, or otherwise place antenna(s) to a structure or building.

Personal wireless service facilities has the same meaning as provided in 47 U.S.C. § 332(c)(7)(C)(ii), as may be amended, which defines the term as “facilities for the provision of personal wireless services.”

Personal wireless services has the same meaning as provided in 47 U.S.C. § 332(c)(7)(C)(i), as may be amended, which defines the term as “commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.”

Public property is commonly used as a designation of those things which are considered owned by “the public,” the state or community, and not restricted to dominion of a private person. It may also apply to any property owned by a state, nation, or municipality.
Public right-of-way means and includes all land or interest in land which by deed, conveyance, agreement, easement, dedication, usage, or process of law is reserved for or dedicated to the use of the general public for road or highway purposes.

Public safety facilities means facilities used only for public safety functions such as police, fire and emergency operations.

Radio frequency ("RF") is a rate of oscillation, which corresponds to the frequency of radio waves, and the alternating currents which carry radio frequency, electromagnetic, or other wireless signals.

Related equipment means all equipment ancillary to the antenna used for transmission and reception of radio frequency, electromagnetic, or other wireless signals. Such equipment may include, but is not limited to, cable, conduit and connectors.

Roof-mounted or building-mounted antenna means an antenna directly attached or affixed to the roof of, on the facade, or elsewhere on an existing building, tank or similar structure other than a wireless telecommunications facility.

Section 6409(a) means Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156, codified as 47 U.S.C. § 1455(a), as may be amended from time to time.

Section 6409(a) modification means any eligible facilities request that does not cause a substantial change and submitted for approval pursuant to Section 6409(a) and the FCC’s regulations at 47 C.F.R. § 1.40001 et seq.

Significant gap means a gap in a wireless provider’s own personal wireless services that is demonstrably significant based on scientifically valid and reliable data and other substantial evidence.

Site has the same meaning as provided in 47 C.F.R. § 1.40001(b)(6), as may be amended, which provides that “[f]or towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.”

Stealth facility means any wireless telecommunications facility which is designed to blend into the surrounding environment by means of screening, concealment, or camouflage. The antenna and related equipment are either not readily visible beyond the property on which they are located, or, if visible, appear to be part of the existing natural or built environment rather than as a wireless telecommunications facility.

Substantial change has the same meaning as provided in 47 C.F.R. § 1.40001(b)(7), as may be amended, which defines that term differently based on the particular facility type and location. For clarity, the definition in this chapter organizes the FCC’s criteria and thresholds for a substantial change according to the facility type and location.

1. For towers outside the public rights-of-way, a substantial change occurs when:
   a. The proposed co-location or modification increases the overall height more than 10% or the height of one additional antenna array not to exceed 20 feet (whichever is greater); or
   b. The proposed co-location or modification increases the width more than 20 feet from the edge of the wireless tower or the width of the wireless tower at the level of the appurtenance (whichever is greater); or
   c. The proposed co-location or modification involves the installation of more than the standard number of equipment cabinets for the technology involved, not to exceed four; or
   d. The proposed co-location or modification involves excavation outside the current boundaries of the leased or owned property surrounding the wireless tower, including any access or utility easements currently related to the site.
2. For towers in the public rights-of-way and for all base stations, a substantial change occurs when:
   a. The proposed co-location or modification increases the overall height more than 10% or 10 feet (whichever is greater); or
   b. The proposed co-location or modification increases the width more than six feet from the edge of the wireless tower or base station; or
   c. The proposed co-location or modification involves the installation of any new equipment cabinets on the ground when there are no existing ground-mounted equipment cabinets; or
   d. The proposed co-location or modification involves the installation of any new ground-mounted equipment cabinets that are 10% larger in height or volume than any existing ground-mounted equipment cabinets; or
   e. The proposed co-location or modification involves excavation outside the area in proximity to the structure and other transmission equipment already deployed on the ground.

3. In addition, for all towers and base stations wherever located, a substantial change occurs when:
   a. The proposed co-location or modification would defeat the existing concealment elements of the support structure as determined by the zoning administrator; or
   b. The proposed co-location or modification violates a prior condition of approval; provided, however, that the co-location need not comply with any prior condition of approval related to height, width, equipment cabinets or excavation that is inconsistent with the thresholds for a substantial change described in this section.

4. As to all measurements set forth herein, the following principles shall govern:
   a. The thresholds for height increases are cumulative limits.
   b. For sites with horizontally separated deployments, the cumulative limit is measured from the originally permitted support structure without regard to any increases in size due to wireless equipment not included in the original design.
   c. For sites with vertically separated deployments, the cumulative limit is measured from the permitted site dimensions as they existed on February 22, 2012, the date of passage of Section 6409(a).

**Tower** has the same meaning as provided in 47 C.F.R. § 1.40001(b)(9), as may be amended, which defines that term as “[a]ny structure built for the sole or primary purpose of supporting any [FCC]-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless telecommunications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.” Examples include, but are not limited to, monopoles, mono-trees and lattice towers.

**Transmission equipment** has the same meaning as provided in 47 C.F.R. § 1.40001(b)(8), as may be amended, which defines that term as “[e]quipment that facilitates transmission for any [FCC]-licensed or authorized wireless telecommunications service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless telecommunications services including, but not limited to, private, broadcast, public safety services, as well as fixed wireless services, such as microwave backhaul.”

**Wireless telecommunications facility** means an unstaffed facility, generally consisting of antennas, an equipment cabinet or enclosure building, shed, or shelter, and related equipment, which receives and/or transmits radio frequency, electromagnetic, or other wireless signals for the purpose of transmitting voice or data. (Ord. 928 § 10, 2019; Ord. 910 § 5, 2017)

### Article II. General Regulations

#### 18.67.110 Exemptions.

The requirements of this chapter do not apply to antennas or antenna structures set forth in this section, unless noted otherwise below. Each exempt facility shall fully comply with other applicable requirements of the Pleasant Hill Municipal Code to the extent not specially exempted in this section, including but not limited to
the adopted uniform codes, including: Building Code, Electrical Code, Plumbing Code, Mechanical Code, and Fire Code.

A. **DBS, MDS and TVBS antennas.**
   1. Direct broadcast satellite (DBS) antennas and multipoint distribution services (MDS) antennas measuring one meter or less in diameter (or diagonal measurement); and
   2. Television broadcast system (TVBS) antennas, provided: (a) the antenna is located entirely on and/or above the subject property, and (b) no portion of any ground-mounted antenna is within a required front yard setback for the main building, in front of the main building, within a required side yard setback of a corner lot or adjacent to a street.

B. **Satellite earth station (SES) antennas.** Satellite earth station (SES) antennas measuring two meters or less in diameter (or diagonal measurement) located on a property within any commercial or industrial zoning district, provided: (1) the antenna is located entirely on and/or above the subject property; and (2) no portion of any ground-mounted antenna is within a required front yard setback for the main building, in front of the main building, within a required side yard setback of a corner lot or adjacent to a street. All SES antennas require a building permit and zoning permit for review of placement to ensure that maximum safety is maintained.

C. **Amateur radio antennas.** Antennas and antenna structures constructed by or for FCC-licensed amateur radio operators that comply with the following provisions. Such an antenna or antenna structure requires a building permit and zoning permit for review of placement to ensure that maximum safety is maintained:
   1. The antenna structure, when fully extended, measures 35 feet or less in height, and measures 24 inches or less in diameter or width;
   2. The antenna boom measures 20 feet or less in length and is three inches or less in diameter;
   3. No antenna element exceeds 32 feet in length or two inches in diameter or width, with the exception of mid-element tuning devices which shall not exceed six inches in diameter or width;
   4. The turning radius of any antenna does not exceed 26 feet; and
   5. All antennas and antenna structures shall comply with PHMC § 18.67.150, and other applicable provisions of the municipal code.

D. **Public safety facilities.** Telecommunications facilities used only for public safety functions, including personal wireless services, used and maintained by the city, or any fire district, school district, hospital, ambulance service, governmental agency, or similar public or semipublic use.

E. **Temporary mobile facilities.** Mobile facilities placed on a site for less than seven consecutive days, provided any other necessary permits are obtained.

F. **Co-location facilities.** A proposed co-location facility that meets all of the requirements of California Government Code section 65850.6.

G. **Other.** A proposed facility is exempt from this section if, and to the extent that, rules and regulations of the Federal Communication Commission (FCC) or the provisions of a permit issued by the California Public Utilities Commission (CPUC) specifically provide that the facility is exempt from city regulation.

H. **Emergency facilities.** Telecommunications facilities erected and operated for emergency situations, as designated by the police chief or city manager, so long as the facility is removed at the conclusion of the emergency. (Ord. 910 § 5, 2017)

**18.67.120 Permits required.**

A person who proposes to install or operate a wireless telecommunications facility shall first obtain approval, as set forth in subsection A of this section (if the facility would be located on public property and/or public right-of-way) or as set forth in subsection B of this section (if the facility would be located on private property), unless the facility is exempt under PHMC § 18.67.110 (Exemptions).
A. Public property and public right-of-way.
   1. Encroachment permit. An encroachment permit shall be required for any facility located within public property or within the public right-of-way. Approval of the facility shall only be granted by the city engineer if the facility is in substantial conformance with the “Guidelines for Wireless Communications Facilities” within the public right-of-way. Applications that conform to the engineering guidelines are subject to review and approval by the city engineer. If the project proposes any exceptions or deviations from engineering guidelines and standards, such exceptions or deviations shall be considered by the planning commission through a use permit review pursuant to this section, in which event the encroachment permit application, and all required accompanying documentation and information, shall be submitted to the planning commission. Exceptions or deviations may be granted at the discretion of the planning commission if the applicant demonstrates that the findings for approval of an exception/deviation (PHMC § 18.67.160) have been satisfied.
   2. Lease/license. A lease entered into with the city shall be required for any facility located within public property. A license entered into with the city shall be required for use of any city-owned property within the public right-of-way.
   3. Cost recovery. The processing of an encroachment permit for purposes of a wireless telecommunications facility shall be subject to full cost recovery for city staff time processing the permit.

B. Private property.
   1. Architectural review permit. With the exception of any facility eligible for a Section 6409(a) permit, an architectural review permit under PHMC Chapter 18.115 is required for the following facilities:
      a. A monopole or any other antenna structure constructed by or for an FCC-licensed amateur radio operator which, when fully extended, is between 35 and 60 feet in height, and/or has a turning radius exceeding 26 feet (when the antennas are rotated).
      b. A wireless telecommunications facility, monopole or any other antenna structure constructed by or for a service provider.
   2. Use permit. With the exception of any facility eligible for a Section 6409(a) permit, a use permit issued in accordance with the procedures set forth in PHMC Chapter 18.95 is required for the installation of:
      a. An amateur radio antenna that does not meet the standards of PHMC § 18.67.110.C or which, when fully extended, exceeds 60 feet in height.
      b. A wireless telecommunications facility, monopole or any other antenna structure constructed by or for a service provider.
   3. Section 6409(a) permit. A Section 6409(a) permit shall be required for any Section 6409(a) modification. No architectural review permit shall be required for a Section 6409(a) modification, provided all prior conditions of approval related to concealment or reasonably related to public health and safety are met.
   4. Building permit. Each antenna or antenna structure requires a building permit, unless it is specifically exempted.
   5. Encroachment permit. An encroachment permit shall be required for accessing, working, or staging within the public right-of-way or on public property. (Ord. 928 § 11, 2019; Ord. 910 § 5, 2017)
18.67.130 Application submittal requirements.

A. Applications for wireless telecommunications facilities shall submit the following information:

<table>
<thead>
<tr>
<th>Submittal information required</th>
<th>Facilities requiring use permits</th>
<th>Facilities requiring Section 6409(a) permits</th>
</tr>
</thead>
<tbody>
<tr>
<td>A completed planning division application form, together with all applicable fees.</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Application materials for a conditional use permit, as provided in PHMC Chapter 18.95.</td>
<td>X</td>
<td>–</td>
</tr>
<tr>
<td>Vicinity map depicting major roads and highways and including topographic areas within both a 200-foot radius and a 1,000-foot radius from the proposed WTF.</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Site plan including and identifying:</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>a. All facility-related support and protection equipment;</td>
<td>S-2</td>
<td>S-3</td>
</tr>
<tr>
<td>b. A description of general project information, including the type of facility, number of antennas, height to top of antenna(s), radio frequency range, wattage output of equipment, and a statement of compliance with current FCC requirements.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Elevations of all proposed telecommunications structures and appurtenances, and composite elevations from the street(s) showing the proposed project and all buildings on the site.</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Photo simulations, photo-montage, story poles, elevations and/or other visual or graphic illustrations necessary to determine potential visual impact of the proposed project.</td>
<td>X</td>
<td>–</td>
</tr>
<tr>
<td>Visual impact demonstrations shall include accurate scale and coloration of the proposed facility. The visual simulation shall show the proposed structure as it would be seen from surrounding properties from perspective points to be determined in consultation with the community development and sustainability department prior to preparation. The city may also require the simulation analyzing stealth designs, and/or on-site demonstration mock-ups before the public hearing.</td>
<td>X</td>
<td>–</td>
</tr>
<tr>
<td>Landscape plan depicting existing vegetation, vegetation to be removed, and proposed plantings by type, size, and location.</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Noise and acoustical information for the base transceiver station(s), equipment buildings, and associated equipment such as air conditioning units and back-up generators. Such information shall be provided by a qualified firm or individual, approved by the city, and paid for by the project applicant.</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>
A radio frequency (RF) analysis conducted and certified by a state-licensed/registered RF engineer or qualified consultant to determine the maximum potential RF power density of the proposed WTF at full build-out, along with a comparison of the maximum RF exposure calculations at ground level with the FCC’s RF safety standards. The engineer shall use accepted industry standards for evaluating compliance with FCC guidelines for human exposure to RF, such as OET Bulletin 65, or any superseding reports/standards. The RF analysis shall be provided by a qualified firm or individual, approved by the city, and paid for by the project applicant.

A cumulative impact analysis for the proposed facility and other WTFs on the project site or within (a) 1,000 feet and (b) 300 feet of the proposed WTF site. The analysis shall include all existing and proposed (application submitted to the community development and sustainability department) WTFs on or near the site, dimensions of all antennas and support equipment on or near the site, power rating for all existing and proposed back-up equipment, and a report estimating the ambient RF fields and maximum potential cumulative electromagnetic radiation at, and surrounding, the proposed site that would result if the proposed WTF were operating at full buildout.

Statement by the applicant of willingness to allow other carriers to co-locate on their facilities wherever technically and economically feasible and aesthetically desirable.

A signed copy of the proposed property lease agreement, exclusive of the financial terms of the lease, or a signed property owner acknowledgment, including provisions for removal of the WTF and appurtenant equipment within 90 days of its abandonment and provisions for city (on city land) access to provide access, or property owner responsibility, to remove the WTF where the provider fails to remove the WTF and appurtenant equipment within 90 days of its abandonment pursuant to PHMC § 18.67.370. The final agreement shall be submitted at the building permit stage.
An evidence of needs report detailing operational and capacity needs of the provider’s system within the city and the immediate area adjacent to the city. The report shall detail how the proposed WTF is technically necessary to address current demand and technical limitations of the current system, including technical evidence regarding significant gaps in the provider’s coverage, if applicable, and that there are no less intrusive means to close that significant gap. Such report shall be evaluated by a qualified firm or individual, chosen by the city, and paid for by the project applicant. The qualified firm or individual chosen by the city may request additional information from the applicant to sufficiently evaluate the proposed project.

A security plan, including emergency contact information, main breaker switch, emergency procedures to follow.

A description of the anticipated maintenance program and back-up generator power testing schedule.

A written statement and supporting information, as requested by staff and/or the planning commission, regarding alternative site selection and co-location opportunities in the service area. The application shall describe the preferred location sites within the geographic service area, a statement why each alternative site was rejected, a contact list used in the site selection process, and a statement and evidence of refusal regarding lack of co-location opportunities.

A copy of the original land use approval for the wireless telecommunications facility, if any such approval is claimed by applicant.

A copy of any certificate of public convenience and necessity issued by the California Public Utilities Commission.

Additional information determined to be necessary in order to properly assess a particular application.

In addition, the vicinity map shall depict the distance of the proposed WTF from existing residentially designated or zoned areas, existing residences, schools, major roads and highways, and all other WTF sites and facilities (including other providers’ locations) within a 1,000-foot radius shall be delineated on the vicinity map.

The number, size and content of plans shall be determined by the zoning administrator.

The site plan shall also include all of the listed information for the facility as it existed on February 22, 2012.

If deemed necessary, the zoning administrator may require a report by a licensed landscape architect to verify project impacts on existing vegetation. This report may recommend protective measures to be implemented during and after construction. Where deemed appropriate by the zoning administrator, a landscape plan may be required for the entire parcel and leased area.
Pleasant Hill Municipal Code

18.67.140 Findings.

The hearing body or individual considering a zoning permit, an architectural review permit, a use permit, or Section 6409(a) permit may approve the permit only upon making the finding, in addition to the findings which may be otherwise required for the particular permit, that each applicable requirement in PHMC §§ 18.67.150 (General development standards) and 18.67.370 (Discontinuance of use) have been satisfied, or an exception has been granted under PHMC § 18.67.160 (Exceptions). (Ord. 910 § 5, 2017)

18.67.150 General development standards.

A. General development standards. Each wireless telecommunications facility located on private property shall be designed, installed and operated in compliance with these development standards, unless specifically stated otherwise in this section. Wireless telecommunication facilities approved under a Section 6409(a) permit shall only be required to comply with the development standards in subsections A.1.b., 2.h, 3.a, 3.b, 6, 9, 10, and 11 of this section. Wireless telecommunication facilities located on public property and/or in the public right-of-way and approved under an encroachment permit by the city engineer shall only be required to comply with the development standards in subsections A.1.b., 2.h, 3.a, 3.b, 6, 9, 10, and 11 of this section in addition to the requirements of PHMC § 18.67.120.A.

1. Location requirements.
   a. Zoning districts. See Schedules 18.20.020 and 18.25.020. Not more than one monopole or any other antenna structure is permitted on any parcel in a residential zoning district. A wireless telecommunications facility may also be located in the Downtown Specific Plan area and the Contra Costa Center Specific Plan area and other future specific plan areas if listed as an allowed use within the specific plan.
   b. Airport safety zones. A wireless telecommunications facility shall not be installed within safety zones 2, 3, or 4 for Buchanan Field or for any other airport or heliport, unless the airport operator and the Airport Land Use Commission indicate in writing that the facility would not adversely impact airport operations (the safety zones for Buchanan Field are identified in the Pleasant Hill general plan).
   c. Co-location. Facilities owned by multiple wireless telecommunications providers shall be co-located on a single tower, monopole or building to the extent technically feasible and aesthetically desirable to minimize proliferation and visual impacts of new facilities. In order to facilitate future co-location of antennas for other service providers, the conditions of approval shall prohibit the applicant from entering into an exclusive lease for the use of the site.
   d. Visibility from public places. A wireless telecommunications facility installed in a location readily visible from a public trail, public park, or other publicly owned outdoor recreation area shall be sited and designed to blend in with the existing natural and/or manmade environment in such a manner as to be effectively unnoticeable.
The smallest and least visible antennas as possible should be installed which will reasonably accommodate the operator’s communication needs. The applicant shall disclose what antennas and support structures were evaluated, and the selection process used to select the antenna and support structure consistent with this section. The city shall retain the authority to limit the number of antennas and related equipment at any site in order to minimize potential visual impacts.

e. **Setbacks.** A ground-mounted antenna or antenna structure and any related ground-mounted equipment shall not be located in the front or street side yard of any parcel, or within 200 feet of a parcel having a residential use. The 200-foot linear measurement shall be taken from the base of any antenna structure, any structure that is supporting antennas, and/or any ground-mounted support equipment to the nearest property line of the residential use.

f. **Location on public property preferred.** Whenever reasonably feasible, as determined by the zoning administrator, wireless telecommunications facilities shall be encouraged to be located on publicly owned property, however, not in the public right-of-way. This provision shall not apply to any facility authorized to operate in the public right-of-way under Public Utility Code section 7901.

2. **Screening and design requirements.**

   a. **Antennas.** Antennas, antenna structures and related equipment shall incorporate architectural, landscape, color and/or other treatments to minimize potential visual impacts.

   b. **Natural appearance.** Ground-mounted facilities shall be screened with natural vegetation or designed as a camouflage facility. A camouflage facility is a wireless telecommunications facility which is designed and constructed to blend in with the surrounding environment. Examples include a water tank, artificial tree, rocks, and a cupola on a building. Existing and new landscaping materials, especially trees, shall be used where possible to screen antenna and antenna towers from off-site views.

   c. **Glare.** All exterior surfaces of the facility shall be constructed or treated with nonglare and nonreflective material.

   d. **Blending with architecture.** Building-mounted antennas shall be in scale and architecturally integrated with the building design in such a manner as to be visually unobtrusive. This shall include use of complementary materials and complementary colored paint. Screening may include locating the facility within attics, steeples, and towers or within a new architectural addition to a building or structure which is architecturally compatible with the building. Applicants are also encouraged to design wireless telecommunications facilities to serve as public art, particularly those in commercial, office or retail zoning districts.

   e. **Specific plan areas.** Within any specific plan area, all wireless telecommunications facilities shall be completely screened from the view of surrounding properties. Appropriate locations may include inside of attic spaces, steeples, towers, below parapets or concealed in architectural features.

   f. **Exterior lighting.** Exterior lighting is limited to:

      i. One exterior light with a maximum wattage of 100 watts over a door to equipment sheds. Light fixtures shall be equipped with cutoff lenses to minimize spill-over of light to adjacent properties; and
      
      ii. Other lights required by the FAA for communications facilities within Airport Safety Zones 2, 3 and 4.

   g. **Standards for wall- and building-mounted facilities.**

      i. **Roof-mounted antennas.** Roof-mounted antennas shall be set back from the edge of the roof a distance at least as great as the height of the antenna.

      ii. **Wall-mounted antennas.** Wall-mounted antennas shall be architecturally integrated into the building design. Wall-mounted antennas shall not exceed a total of 50 square feet per building face.

   h. **Unauthorized access.** All facilities shall be designed so as to be resistant to and minimize opportunities for unauthorized access, climbing, vandalism, graffiti, and other conditions which would result in hazardous conditions, visual blight, or attractive nuisances.

3. **Noise standards.** Each facility shall be operated in such a manner so as to minimize any noise impacts.

   a. **Maximum limit.** The maximum noise generation limit for communications facilities is 50 decibels (measured on the CNEL scale) measured 10 feet from any noise-generating use on the site. Final building plans for new and remodeled facilities shall include a letter from a qualified acoustical engineer certifying that building plans comply with this standard.
b. **Testing.** Testing of back-up generators and other noise-producing equipment shall take place between the hours of 8:30 a.m. and 4:30 p.m. except for weekends and holidays.

4. **Height.** A wireless telecommunications facility, whether building- or ground-mounted, may exceed the height limits for buildings established in the zoning district within which they are located upon approval of a use permit by the planning commission; however, roof-mounted antennas and antenna structures shall not exceed a height of 12 feet above the maximum allowed height limit of the main building in the zoning district in which the facility is located. The applicant shall submit technical evidence to the city for independent third party technical review justifying any request to exceed zoning district height limits.

5. **Undergrounding.** Extensions of electrical and telecommunications land lines to serve wireless telecommunications facilities shall be undergrounded.

6. **Signs.** Wireless telecommunications facilities shall include the installation of all-weather emergency information signs at all gates. Each sign shall indicate, at minimum, the site address and a 24-hour emergency contact phone number.

7. **Service roads.** Existing roads and easements shall be used to the extent feasible. New service roads shall be limited to a width of 10 feet, unless a wider road is deemed necessary by the city or the Contra Costa Fire Protection District.

8. **Landscaping and tree preservation.**
   a. **Landscape plan.** Any existing trees or significant vegetation shall be retained as part of an approved landscape plan for the project.
   b. **Protection.** Prior to commencement of work, existing trees in the vicinity of the facility and along any access roads and trenching areas shall be protected from damage with temporary construction fencing or other methods approved by the zoning administrator. Grading, cutting or filling is prohibited in the dripline of any tree required to be preserved. Underground lines shall be located so as to minimize damage to tree roots.
   c. **Restoration.** All areas disturbed during project construction shall be revegetated with similar plant material before issuance of a certificate of occupancy.

9. **Interference.** To the extent allowed under applicable federal rules and regulations, the operator of a wireless telecommunications facility shall correct interference problems experienced by any person or entity with respect to equipment such as television, radio, computer, and telephone reception or transmission that are caused by the facility. If a federal agency with jurisdiction over such matters finds that a facility is operating in violation of federal standards, the operator shall bring the facility into conformance with such standards within the conformance period established by the federal agency. In the event that the federal agency does not establish a conformance period, the operator shall bring the facility into conformance within 30 days of notification by the federal agency. The operator is under an affirmative duty to promptly provide the zoning administrator with a copy of any notice of such violation issued by any federal agency. Any violation of the provisions of this section shall be grounds for the city to terminate any permit granted hereunder and/or to order the immediate service termination of the facility. The operator shall be responsible for all labor and equipment costs for determining the source of the interference, all costs associated with eliminating the interference (including but not limited to filtering, installing radio frequency cavities, installing directional antennas, powering down systems and engineering analysis), and all costs arising from third party claims against the city attributable to such interference.

10. **Compliance with laws.** All wireless telecommunications facilities shall comply with the applicable provisions of this section and this chapter as well as the Building Code, Electrical Code, Plumbing Code, Mechanical Code, Fire Code and rules and regulations imposed by state and federal agencies. All wireless telecommunications facilities shall meet current standards and regulations of the Federal Communications Commission, California Public Utilities Commission, and any other agencies with authority to regulate wireless telecommunications service providers. If existing standards or regulations are changed, the applicant shall bring its facility into compliance with the new standards within 90 days of the effective date of such standards, unless the federal or state agency mandates a different compliance schedule. Changes to approved projects are subject to review and approval by the zoning administrator or other applicable city decision-making body. Failure to comply with adopted new state or federal requirements shall be grounds for permit revocation.

11. **Public health.** No wireless telecommunications facility shall be sited or operated in such a manner that it poses, either by itself or in combination with other such facilities, a potential threat to the public health.
To that end, no facility or combination of facilities shall produce at any time power densities in any inhabited area that exceed the FCC’s maximum permissible exposure (MPE) limits for electric and magnetic field strength and power density for transmitters or any more restrictive standard subsequently adopted or promulgated by the city, county, state or federal government. Absolute compliance with FCC Office of Engineering Technology (OET) Bulletin 65, as amended, is mandatory, and any violation of this section shall be grounds for the city to immediately terminate any permit granted hereunder, or to order the immediate service termination of any nonpermitted, noncomplying facility constructed within the city.

12. Performance bond. Prior to issuance of a building or electrical permit, the permittee shall file with the city, and shall maintain in good standing throughout the term of the approval, a performance bond or other surety or another form of security for the removal of the facility in the event that the use is abandoned or the permit expires, or is revoked, or is otherwise terminated. The security shall be in the amount equal to 115% of the cost of physically removing the wireless telecommunications facility and all related facilities and equipment on the site, based on the higher of two contractor’s quotes for removal that are provided by the permittee. The permittee shall reimburse the city for staff time associated with the processing and tracking of the bond, based on the hourly rate adopted by the city council. Reimbursement shall be paid when the security is posted and during each administrative review.

B. Special provisions for amateur radio antennas and antenna structures. In addition to the general development standards in this section, amateur radio antennas and antenna structures shall be the minimum height and size necessary to reasonably accommodate the operator’s communication needs, in accordance with FCC regulations as set forth in FCC Order “PRB-1.” Retractable monopoles may be required for antenna structures over 35 feet in height which are in or within 200 feet of a parcel having a residential use. The city may require that, at times when not in operation, the monopole be retracted to the lowest elevation possible in order to maintain a safe clearance above any nearby building, accessory structure, overhead utility, landscaping and/or any other site improvements. (Ord. 928 § 12, 2019; Ord. 910 § 5, 2017)

18.67.160 Exceptions.

In accordance with 47 U.S.C. § 332(c)(7), the hearing body may grant an exception to any requirement of this article that is not met upon finding that a denial would result in a prohibition or effective prohibition of personal wireless services. Exceptions may also be granted upon a finding that a denial would otherwise violate applicable laws or regulations. (Ord. 928 § 13, 2019; Ord. 910 § 5, 2017)

18.67.170 Standard conditions of approval.

Unless modified by the approval authority, the following conditions of approval shall apply to any WTF affirmatively approved or approved by operation of law through issuance of an architectural review permit, use permit, or building permit:

A. Permit term. Any validly issued conditional use permit or land use permit for a wireless facility will automatically expire at 12:01 a.m. local time exactly 10 years and one day from the issuance date, except when California Government Code section 65964(b), as may be amended, authorizes the city to issue a permit with a shorter term.

B. Code compliance. The permittee shall at all times maintain compliance with all applicable federal, state and local laws, regulations and other rules.

C. Inspections – Emergencies. The city or its designee may enter onto the facility area to inspect the facility upon reasonable notice to the permittee. The permittee shall cooperate with all inspections. The city reserves the right to enter or direct its designee to enter the facility and support, repair, disable or remove any elements of the facility in emergencies or when the facility threatens imminent harm to persons or property.

D. Contact information for responsible parties. The permittee shall at all times maintain accurate contact information for all parties responsible for the facility, which shall include a phone number, street mailing address
and email address for at least one natural person. All such contact information for responsible parties shall be
provided to the zoning administrator upon permittee’s receipt of the zoning administrator’s written request,
except in an emergency determined by the city when all such contact information for responsible parties shall
be immediately provided to the zoning administrator upon that person’s verbal request.

E. Indemnities. The permittee and, if applicable, the owner of the private property upon which the tower/and
or base station is installed shall defend, indemnify and hold harmless the city of Pleasant Hill, its agents, offi-
cers, officials and employees (1) from any and all damages, liabilities, injuries, losses, costs and expenses and
from any and all claims, demands, law suits, writs of mandamus and other actions or proceedings brought
against the city or its agents, officers, officials or employees to challenge, attack, seek to modify, set aside,
void or annul the city’s approval of the permit, and (2) from any and all damages, liabilities, injuries, losses,
costs and expenses and any and all claims, demands, law suits or causes of action and other actions or proceed-
ings of any kind or form, whether for personal injury, death or property damage, arising out of or in connection
with the activities or performance of the permittee or, if applicable, the private property owner or any of each
one’s agents, employees, licensees, contractors, subcontractors or independent contractors. Further, permittees
shall be strictly liable for interference caused by their facilities with the city’s communications systems. The
permittee shall be responsible for costs of determining the source of the interference, all costs associated with
eliminating the interference, and all costs arising from third party claims against the city attributable to the
interference. In the event the city becomes aware of any such actions or claims the city shall promptly notify
the permittee and the private property owner and shall reasonably cooperate in the defense. It is expressly
agreed that the city shall have the right to approve, which approval shall not be unreasonably withheld, the
legal counsel providing the city’s defense, and the property owner and/or permittee (as applicable) shall reim-
burse city for any costs and expenses directly and necessarily incurred by the city in the course of the defense.

F. Adverse impacts on adjacent properties. Permittee shall undertake all reasonable efforts to avoid undue
adverse impacts to adjacent properties and/or uses that may arise from the construction, operation, mainte-
nance, modification and removal of the facility. Any natural screening afforded by site conditions, including,
but not limited to, the presence of trees, landscaping, topographical features, or structures on the site that shield
the WTF from view, shall be considered stealing elements.

G. General maintenance. The site and the facility, including but not limited to all landscaping, fencing and
related transmission equipment, must be maintained in a neat and clean manner and in accordance with all
approved plans and conditions of approval.

H. Graffiti removal. All graffiti on facilities must be removed at the sole expense of the permittee within 48
hours after notification from the city.

I. RF exposure compliance. All facilities must comply with all standards and regulations of the FCC and any
other state or federal government agency with the authority to regulate RF exposure standards. After transmit-
ter and antenna system optimization, but prior to unattended operations of the wireless telecommunications
facility, permittee or its representative must conduct on-site post-installation RF emissions testing to demon-
strate actual compliance with the FCC OET Bulletin 65 RF emissions safety rules for general population/
uncontrolled RF exposure in all sectors. For this testing, the transmitter shall be operating at maximum oper-
ating power, and the testing shall occur outwards to a distance where the RF emissions no longer exceed the
uncontrolled/general population limit.
J. Optional build-out period. As a condition of approval, the approval authority may establish a reasonable build-out period for the approved facility.

K. Lapse. The permit shall automatically lapse if there is a discontinuance of the exercise of the entitlement granted by the permit for six consecutive months or more.

L. Testing. Testing of back-up generators and other noise producing equipment shall take place on weekdays only, and only between the hours of 8:30 a.m. and 4:30 p.m., except that testing is prohibited on holidays that fall on a weekday. In addition, testing is prohibited on weekend days.

M. Utilities undergrounded. Extensions of electrical and telecommunications land lines to serve the wireless telecommunications facility shall be underground.

N. Encroachment. Permittee must obtain an encroachment permit for any work, staging, operations, or construction access in the city right-of-way or on public property. The permit shall require the applicant to comply with, but not be limited to, the following requirements:
   1. Hours of work within the public right-of-way or easement shall be restricted to between 8:30 a.m. to 4:30 p.m. weekdays.
   2. The contractor shall be responsible for keeping mud and other debris off the public right-of-way within and adjacent to the project.
   3. The public right-of-way shall not be used to store materials or to park construction equipment, trailers or other such vehicles.
   4. The contractor shall submit a traffic control plan for any lane closures or operations within the public right-of-way.
   5. The contractor shall comply with the requirements of the National Pollutant Discharge Elimination System (NPDES), including, but not limited to, best management practices (BMPs) as described in the Contra Costa Clean Water Program Pollution Prevention Plan.
   6. Deliveries to staging areas and the construction site shall be restricted to between 8:30 a.m. and 4:30 p.m. weekdays.
   7. The contractor shall obtain approval in writing from the city engineer prior to commencing work in the public right-of-way on weekends or holidays.
   8. The contractor shall be responsible for repairing any damage to city property and to restore city property to city standards.
   9. The contractor shall be responsible for paying any permit and/or inspection fees, as applicable.

O. Other approvals. The permittee shall obtain all other applicable permits, approvals, and agreements necessary to install and operate the WTF in conformance with federal, state, and local laws, rules, and regulations.

P. Modifications. No changes shall be made to the approved plans without review and approval in accordance with this chapter.

Q. Performance and maintenance agreement. The property owner(s) and the permittee shall enter into a performance and maintenance agreement with the city. The agreement shall be signed and notarized and submitted to the planning services division to be recorded against the property when located on private property. The agreement shall run with the property to ensure that future property owner(s) are aware of the requirement for ongoing maintenance of the existing and approved landscaping. The terms of the agreement shall:
   1. Ensure compliance with this chapter and all applicable conditions of approval;
   2. Require the facility to be appropriately maintained;
   3. Ensure new landscaping is installed and existing landscaping is maintained, preserved and protected, as indicated on the plans; and
   4. Require the property owners to defend, indemnify, and hold harmless the city.

R. Performance bond. Prior to issuance of a building or electrical permit, the permittee shall file with the city, and shall maintain in good standing throughout the term of the approval, a performance bond or other surety
or another form of security for the removal of the facility in the event that the use is abandoned or the permit expires, or is revoked, or is otherwise terminated. The security shall be in the amount equal to 115% of the cost of physically removing the wireless telecommunications facility and all related facilities and equipment on the site, based on the higher of two contractor’s quotes for removal that are provided by the permittee. The permittee shall reimburse the city for staff time associated with the processing and tracking of the bond, based on the hourly rate adopted by the city council. Reimbursement shall be paid when the security is posted and during each administrative review.

S. Conflicts with improvements. For all wireless telecommunications facilities located within the public right-of-way, the permittee shall remove or relocate, at its expense and without expense to the city, any or all of its wireless telecommunications facilities when such removal or relocation is deemed necessary by the city by reason of any change of grade, alignment or width of any public right-of-way, for installation of services, water pipes, drains, storm drains, power or signal lines, traffic control devices, public right-of-way improvements, or for any other construction, repair or improvement to the public right-of-way.

T. City access. The city reserves the right of its employee, agents, and designated representatives to inspect permitted facilities and property upon reasonable notice to the permittee. In case of an emergency or risk of imminent harm to persons or property within the vicinity of permitted facilities, the city reserves the right to enter upon the site of such facilities and to support, disable, or remove those elements of the facilities posing an immediate threat to public health and safety. The city shall make an effort to contact the permittee, prior to disabling or removing wireless telecommunications facility elements.

U. Encourage co-location. Where the wireless telecommunications facility site is capable of accommodating a co-located facility upon the same site, the owner and operator of the existing facility shall allow another carrier to co-locate its facilities and equipment thereon, provided the parties can mutually agree upon reasonable terms and conditions. (Ord. 910 § 5, 2017)

Article III. 6409(a) Modifications

18.67.210 Required findings.

The zoning administrator may issue a Section 6409(a) permit only upon finding that the proposed Section 6409(a) modification:

A. Constitutes an eligible facilities request; and

B. Would not result in a substantial change. (Ord. 910 § 5, 2017)

18.67.220 Effect on existing use permit.

Notwithstanding any other requirement of the Pleasant Hill Municipal Code, the zoning administrator shall be authorized to issue a Section 6409(a) permit, even if issuance of such a permit would have the effect of amending an existing use permit. (Ord. 910 § 5, 2017)

18.67.230 Conditions of approval for Section 6409(a) modifications.

Section 6409(a) permits are subject to the following conditions, unless modified by the zoning administrator:

A. No permit term extension. The city’s grant or grant by operation of law of a Section 6409(a) permit constitutes a federally mandated modification to the underlying permit or approval for the subject tower or base station. The city’s grant or grant by operation of law of a Section 6409(a) permit will not extend the permit term for any conditional use permit, land use permit or other underlying regulatory approval and its term shall be coterminous with the underlying permit or other regulatory approval for the subject tower or base station.
B. **No waiver of standing.** The city’s grant or grant by operation of law of a Section 6409(a) modification does not waive, and shall not be construed to waive, any standing by the city to challenge Section 6409(a), any FCC rules that interpret Section 6409(a) or any Section 6409(a) modification.

C. **Permit term.** Any validly issued conditional use permit or land use permit for a wireless facility will automatically expire at 12:01 a.m. local time exactly 10 years and one day from the issuance date, except when California Government Code section 65964(b), as may be amended, authorizes the city to issue a permit with a shorter term.

D. **Code compliance.** The permittee shall at all times maintain compliance with all applicable federal, state and local laws, regulations and other rules.

E. **Inspections – emergencies.** The city or its designee may enter onto the facility area to inspect the facility upon reasonable notice to the permittee. The permittee shall cooperate with all inspections. The city reserves the right to enter or direct its designee to enter the facility and support, repair, disable or remove any elements of the facility in emergencies or when the facility threatens imminent harm to persons or property.

F. **Contact information for responsible parties.** The permittee shall at all times maintain accurate contact information for all parties responsible for the facility, which shall include a phone number, street mailing address and email address for at least one natural person. All such contact information for responsible parties shall be provided to the zoning administrator upon permittee’s receipt of the zoning administrator’s written request, except in an emergency determined by the city when all such contact information for responsibility parties shall be immediately provided to the zoning administrator upon that person’s verbal request.

G. **RF exposure compliance.** All facilities must comply with all standards and regulations of the FCC and any other state or federal government agency with the authority to regulate RF exposure standards. After transmitter and antenna system optimization, but prior to unattended operations of the wireless telecommunications facility, permittee or its representative must conduct on-site post-installation RF emissions testing to demonstrate actual compliance with the FCC OET Bulletin 65 RF emissions safety rules for general population/uncontrolled RF exposure in all sectors. For this testing, the transmitter shall be operating at maximum operating power, and the testing shall occur outwards to a distance where the RF emissions no longer exceed the uncontrolled/general population limit.

H. **Optional build-out period.** As a condition of approval, the approval authority may establish a reasonable build-out period for the approved facility.

I. **Lapse.** The permit shall automatically lapse if there is a discontinuance of the exercise of the entitlement granted by the permit for six consecutive months or more.

J. **Testing.** Testing of back-up generators and other noise producing equipment shall take place on weekdays only, and only between the hours of 8:30 a.m. and 4:30 p.m., except that testing is prohibited on holidays that fall on a weekday. In addition, testing is prohibited on weekend days.

K. **Utilities undergrounded.** Extensions of electrical and telecommunications land lines to serve the wireless telecommunications facility shall be undergrounded where existing land lines serving the facility are underground.

L. **Encroachment.** Permittee must obtain an encroachment permit for any work, staging, operations, or construction access in the city right-of-way or on public property. The permit shall require the applicant to comply with, but not be limited to, the following requirements:
   1. Hours of work within the public right-of-way or easement shall be restricted to between 8:30 a.m. to 4:30 p.m. weekdays.
   2. The contractor shall be responsible for keeping mud and other debris off the public right-of-way within and adjacent to the project.
3. The public right-of-way shall not be used to store materials or to park construction equipment, trailers or other such vehicles.
4. The contractor shall submit a traffic control plan for any lane closures or operations within the public right-of-way.
5. The contractor shall comply with the requirements of the National Pollutant Discharge Elimination System (NPDES), including, but not limited to, best management practices (BMPs) as described in the Contra Costa Clean Water Program Pollution Prevention Plan.
6. Deliveries to staging areas and the construction site shall be restricted to between 8:30 a.m. and 4:30 p.m. weekdays.
7. The contractor shall obtain approval in writing from the city engineer prior to commencing work in the public right-of-way on weekends or holidays.
8. The contractor shall be responsible for repairing any damage to city property and to restore city property to city standards.
9. The contractor shall be responsible for paying any permit and/or inspection fees, as applicable.

M. Other approvals. The permittee shall obtain all other applicable permits, approvals, and agreements necessary to install and operate the WTF in conformance with federal, state, and local laws, rules, and regulations.

N. Modifications. No changes shall be made to the approved plans without review and approval in accordance with this chapter. (Ord. 910 § 5, 2017)

18.67.240 Effect of repeal of Section 6409(a).

The city council has adopted this article to comply with P.L. 112-96, Section 6409. This article shall become null and void if P.L. 112-96, Section 6409, is rescinded. In such event, any application that would have been subject to this Article III shall instead be subject to the requirements of Article II. (Ord. 910 § 5, 2017)

Article IV. Process

18.67.310 Timing of review.

The city shall advise the applicant within 30 days of the filing of an application subject to this chapter if an application whether or not the application is complete. (Ord. 910 § 5, 2017)

18.67.320 Peer review.

In addition, the city engineer, zoning administrator and/or the hearing body considering the encroachment permit, zoning permit, architectural review permit, use permit, or Section 6409(a) permit may require the application, proposed findings, and conditions to be reviewed by an independent third-party peer review consultant. The cost of the third-party peer review shall be the responsibility of the applicant. (Ord. 928 § 14, 2019; Ord. 910 § 5, 2017)

18.67.330 Decision.

A. Basis. The hearing body’s decision shall be in writing. A denial must be supported by substantial evidence and:
   1. Cannot be based on the environmental effects of radio frequency (RF) emissions if the facility complies with the FCC’s RF regulations;
   2. Cannot prohibit or have the effect of prohibiting the provision of services; and
   3. Cannot unreasonably discriminate between providers (47 U.S.C. § 332(c)(7)(B)(i) and (iv)).

B. Timing of decision. The hearing body shall make its decision on a complete wireless telecommunications facility application as follows:
   1. Section 6409(a) permits. Within 60 days of submission of application, as such deadline may be tolled.
2. All other permits. Within 90 days of submission of the application for a co-location; and within 150 days of submission of the application for other siting applications, unless a written waiver of these timelines is provided by the applicant. (Ord. 910 § 5, 2017)

18.67.340 Compliance verification.

No later than one year after commencing operation of the facility or issuance of a certificate of occupancy, whichever occurs first, and annually thereafter, the applicant, wireless carrier, or property owner, shall have an appropriately licensed professional conduct a noise and radio frequency emissions study of facility operations to verify compliance with all applicable local, state and federal regulations. In addition, a report shall also be submitted by an appropriately licensed professional to verify completion of any required site landscaping, equipment enclosures, and confirm that the facility appearance is in compliance with approved plans. These reports shall be submitted and reviewed by the zoning administrator within five days of completion of the reports. Failure to submit such compliance verification, or the submission of materials verifying a lack of compliance, will constitute grounds for the city to initiate a public hearing to consider whether permittee is fully complying with all conditions related to any permit or approval granted under this article. (Ord. 910 § 5, 2017)

18.67.350 Indemnification and liability.

A. Agreement required. The applicant and the property owner shall enter into a standard maintenance, removal and indemnification agreement subject to review and approval of the city attorney before a building permit is issued for any wireless telecommunications facility.

B. Contents. The agreement shall bind the applicant, property owner and any successors in interest to properly maintain the exterior appearance of the facility and ultimately remove the facility. It shall further bind them to pay all costs for monitoring compliance with provisions of this section and to reimburse the city for all costs incurred to perform any work, if required, because the applicant has failed to perform. In the agreement, the applicant shall agree to indemnify and defend the city, at the applicant’s sole expense, for any action taken against the city as a result of issuing an entitlement under this section.

C. Recordation. This agreement shall be recorded at the Contra Costa County recorder’s office and shall run with the land to ensure that future property owner(s) are aware of these ongoing requirements. (Ord. 910 § 5, 2017)

18.67.360 Facility maintenance.

All wireless telecommunications facilities and related equipment, including but not limited to fences, cabinets, poles and landscaping, shall be maintained in good working condition over the life of the permit. This shall include keeping the structures maintained to the visual standards established at the time of approval. The facility shall remain free from trash, debris, litter, graffiti and other forms of vandalism. Any damage shall be repaired as soon as practicable, and in no instance more than 10 calendar days from the time of notification by the city or after discovery by the permittee. (Ord. 910 § 5, 2017)

18.67.370 Discontinuance of use.

Antennas, support structures and related equipment shall be removed within 90 calendar days of the discontinuance of the use of a wireless telecommunications facility operating under a use permit that has expired and the site shall be restored to its previous condition. The service provider shall provide the public works and community development department with a notice of intent to vacate the site a minimum of 30 calendar days before vacation. For facilities located on city property, this requirement shall be included in the terms of the lease. For facilities located on other sites, the property owner is responsible for removal of all antennas, structures and related equipment within 90 calendar days of the discontinuation of the use. (Ord. 934 § 10, 2019; Ord. 910 § 5, 2017)
18.67.380 Nonconforming facilities.

Any wireless telecommunications facility existing before the effective date of the ordinance codified in this section which is nonconforming to the provisions of this section may continue to be used. Such a facility may be operated, repaired and maintained but shall not be enlarged, expanded, relocated or modified to increase the discrepancy between the existing conditions and the requirements of this section, unless otherwise permitted by federal law. (Ord. 910 § 5, 2017)

18.67.390 Revocation.

A. Permittees shall fully comply with all conditions related to any permit or approval granted under this article or any predecessors to this article. Failure to comply with any condition of approval or maintenance of the WTF in a matter that creates a public nuisance or otherwise causes jeopardy to the public health, welfare or safety shall constitute grounds for revocation. If such a violation is not remedied within a reasonable period, following written notice and an opportunity to cure, the city may schedule a public hearing before the planning commission to consider revocation of the permit. The planning commission revocation action may be appealed to the city council pursuant to PHMC Chapter 18.130.

B. If the permit is revoked pursuant to this section, the permittee shall remove its WTF at its own expense and shall repair and restore the site to the condition that existed prior to the WTF’s installation or as required by the city within 90 days of revocation in accordance with applicable health and safety requirements. The permittee shall be responsible for obtaining all necessary permits for the WTF’s removal and site restoration.

C. At any time after 90 days following permit revocation, the city may require the WTF to be removed and restoration of the premises as the city deems appropriate. The city may, but shall not be required to, store the removed WTF (or any part thereof). The WTF permittee shall be liable for the entire cost of such removal, repair, restoration, and storage. The city may, in lieu of storing the removed WTF, convert it to the city’s use, sell it, or dispose of it in any manner deemed appropriate by the city. (Ord. 910 § 5, 2017)

18.67.400 Appeal.

A decision of the zoning administrator may be appealed to the planning commission, and a decision of the planning commission may be appealed to the city council, all in accordance with the appeal procedures of PHMC Chapter 18.130. A decision of the city engineer concerning an encroachment permit for a wireless telecommunications facility may be appealed per PHMC Chapter 1.10, subject to the following modifications: (A) the time for filing a notice of appeal is shortened to five days; (B) the hearing shall be held within 21 days of the date the notice of appeal is filed; and (C) the decision of the city manager is final upon issuance and not appealable to city council. (Ord. 928 § 15, 2019; Ord. 910 § 5, 2017)
Chapter 18.70

ADULT USES

Sections:
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18.70.020 Definitions.
18.70.030 Locational limitations.
18.70.040 Development and operating standards.
18.70.050 Adult use development permit – Requirements.
18.70.060 Permit – Contents of application.
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18.70.120 Permit – Revocation.
18.70.130 Permit – Expiration.
18.70.140 Violations.
18.70.150 Applicability to other regulations.
18.70.160 Conduct constituting a public nuisance.
18.70.170 Amortization of legal nonconforming uses.

18.70.010 Purpose.

The purpose of this chapter is to provide special design guidelines/standards and development regulations which regulate the time, place and manner of the operation of adult use facilities in order to minimize the negative secondary effects associated with such facilities. (Ord. 710 § 35-20.1, 1996; 1991 code § 35-20.1)

18.70.020 Definitions.

In addition to the definitions contained in the municipal code, the following words and phrases shall, for the purposes of this chapter, be defined as follows, unless it is clearly apparent from the context that another meaning is intended. Should any of the definitions be in conflict with the current provisions of the municipal code, these definitions shall prevail:

A. Adult arcade means any business establishment or concern to which the public is permitted or invited and where coin- or slug-operated or electronically, electrically or mechanically controlled amusement devices, still or motion picture machines, projectors, videos or other image-producing devices are maintained to show images on a regular or substantial basis, where the images so displayed are distinguished or characterized by an emphasis on matters depicting or describing specified sexual activities or specified anatomical areas.

B. Adult bookstore means any business establishment or concern having as a regular and substantial portion of its stock in trade material (as defined below) which is distinguished or characterized by its emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas.

C. Adult business or adult use means:
   1. Any business establishment or concern which as a regular and substantial course of conduct operates as an adult bookstore, adult theater, adult arcade, adult cabaret, adult figure modeling studio, adult motel or hotel; or
   2. Any business establishment or concern which as a regular and substantial course of conduct offers, sells or distributes adult-oriented merchandise or sexually oriented merchandise, or which offers to its patrons materials, products, merchandise, services or entertainment characterized by an emphasis on matters

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depicting, describing, or relating to specified sexual activities or specified anatomical parts, but not including those uses or activities which are preempted by state law.

D. Adult cabaret means a nightclub as defined in the municipal code, bar or other business establishment or concern (whether or not serving alcoholic beverages) which features live performances by topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, and where such performances are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

E. Adult dance studio means any business establishment or concern which provides for members of the public a partner for dance where the partner, or the dance, is distinguished or characterized by the emphasis on matter depicting, or describing or relating to specified sexual activities or specified anatomical areas.

F. Adult hotel/motel means a hotel or motel, as defined in the municipal code, which is used for presenting on a regular and substantial basis material which is distinguished or characterized by the emphasis on matter depicting or describing or relating to specified sexual activities or specified anatomical areas through closed circuit or cable television or through videotape recorder where videotapes are provided by the hotel/motel.

G. Adult-oriented merchandise means sexually oriented implements, paraphernalia, or novelty items, such as, but not limited to: dildos, auto sucks, sexually oriented vibrators, benwa balls, inflatable orifices, anatomical balloons with orifices, simulated and battery-operated vaginas, and similar sexually oriented devices which are designed or marketed primarily for the stimulation of human genital organs or sado-masochistic activity or distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

H. Adult theater means a theater or other commercial establishment with or without a stage or proscenium which is used for presenting, on a regular and substantial basis, material which is distinguished or characterized by an emphasis on matter depicting, or describing, or relating to specified sexual activities or specified anatomical areas.

I. Arcade booth means any enclosed or partially enclosed portion of an establishment in which an adult arcade is located, or where a live performance is presented, on a regular or substantial basis, where the material presented is distinguished or characterized by an emphasis on matter depicting, or describing, or relating to specified sexual activities or specified anatomical areas.

J. Commercial land use designation means any property within the city which is designated “commercial” on the most current City of Pleasant Hill general plan land use map, which is on file in the city clerk’s office (hereinafter referred to as the “general plan land use map”) including any property carrying the designation of “commercial and retail,” “mixed use” or “office.”

K. Figure modeling studio means any establishment or business which provides, for members of the public, the services of a live human model for the purpose of reproducing the human body, wholly or partially in the nude, by means of photograph, painting, sketching, drawing, or other pictorial form.

L. Industrial land use designation means any property within the city which is designated “industrial” on the general plan land use map including any property within the city carrying the designation of “light industrial.”

M. Material, relative to adult businesses, means and includes, but is not limited to, accessories, books, magazines, photographs, prints, drawings, paintings, motion pictures, pamphlets, videos, slides, tapes, or electronically generated images or devices including computer software, or any combination thereof.

N. Park land use designation means any property within the city which is designated “park” on the general plan land use map.
O. **Religious institution** means a facility used primarily for religious assembly or worship and related religious activities.

P. **Residential land use designation** means any property within the city which is designated “residential” on the general plan land use map including any property carrying the designation of “single-family – low density,” “single-family – medium density,” “single-family – high density,” “multiple-family – low density,” “multiple-family – medium density” and “multiple-family – high density” and “residential use in property zoned planned unit development” as defined in subsection Q of this section. However, this does not include designations where a residence is permitted pursuant to a conditional use permit or other special permit.

Q. **Residential use in property zoned planned unit development (“PUD”)** means a planned unit development which contains residential dwelling units in any property within the city’s zoned planned unit development as set forth on the city’s zoning map effective March 31, 1993, as may be amended from time to time. For purposes of applying distance locational limitations under PHMC § 18.70.030, only the portion of the PUD actually containing residential units shall be considered the “residential land use designation.”

R. **School** means any institution of learning for minors whether public or private, which offers instruction in those courses of study required by the California Education Code or which is maintained pursuant to standards set by the State Board of Education and has an approved use permit, if required, under the applicable jurisdiction. This definition includes a nursery school, kindergarten, elementary school, junior high school, senior high school, a special institution of learning under the jurisdiction of the State Department of Education, or an institution of higher education, including a community or junior college, college or university. The definition of school does not include a vocational institution.

S. **Specified anatomical areas** means:
   1. Less than completely and opaquely covered, and/or simulated to be reasonably anatomically correct, even if completely and opaquely covered:
      a. Human genitals, pubic region;
      b. Buttock; or
      c. Female breast below a point immediately above the top of the areola; or
   2. Human or simulated male genitals in a discernible turgid state, even if completely and opaquely covered.

T. **Specified sexual activities** means:
   1. Human genitals in a state of sexual stimulation or arousal; and/or
   2. Acts of human masturbation, sexual stimulation or arousal; and/or
   3. Use of human or animal ejaculation, sodomy, oral copulation, coitus or masturbation; and/or
   4. Masochism, erotic or sexually oriented torture, beating, or the infliction of pain; and/or
   5. Human excretion, urination, menstruation, vaginal or anal irrigation; and/or
   6. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast. (Amended during 2005 recodification; Ord. 710 § 35-20.2, 1996; 1991 code § 35-20.2)

**18.70.030 Locational limitations.**

A. Subject to the limitations of this chapter, adult businesses may be located in the commercial land use designation, mixed-use land use designation and the industrial land use designation of the city.

B. In those land use designations where the adult businesses regulated by this chapter would otherwise be permitted uses, it shall be unlawful to establish any such adult business if the location is:
   1. Within a 500-foot radius of a residential land use designation. The distance between a proposed use and a residential land use designation shall be measured from the nearest exterior wall of the facility housing the adult use or proposed adult use to the nearest property line included within the residential land use designation, along a straight line extended between the two points.
2. Within an 800-foot radius of a school or park land use designation. The distance between the proposed use and a school or park land use designation shall be measured from the nearest exterior wall of the facility housing the adult use or proposed adult use to the property line of the school site or to the nearest property line included within a park land use designation, along a straight line extended between the two points.

3. Within an 800-foot radius of a religious institution. The distance between the adult use or proposed adult use and a religious institution shall be measured from the nearest exterior wall housing the adult use or proposed adult use along a straight line extended to the nearest exterior wall of the facility housing the religious institution.

4. Within 1,000 feet of any other adult use defined by this chapter located either inside or outside the jurisdiction of the city. The distance between two adult uses shall be measured between the nearest exterior walls housing the adult uses along a straight line extended between the two uses.

5. The above distance limitations shall also apply to residential districts, parks and schools as designated on the general plan land use element of the adjacent jurisdictions or to religious institutions which are located in adjacent jurisdictions and are the subject of a validly approved land use entitlement.

6. The method for measuring the distance referenced in subsections B.1, B.2 and B.5 of this section shall not apply when the adult business location or proposed adult use is separated from a residential, school, or park land use designation by Interstate 680 (I-680). Where the I-680 separation exists, the distance shall first be measured along a straight line extended between two points from the nearest exterior wall of the facility housing the adult use or proposed adult use to the closest improved pedestrian connection above or beneath I-680 or roadways which are accessible by pedestrians or vehicles, whichever is less. The measurement shall continue under or over I-680 along the improved pedestrian connection or roadway and proceed along a straight line to the nearest property line included within the residential, school or park land use designation. An improved pedestrian connection is defined as an elevated overhead pedestrian access bridge or sidewalk or below street grade pedestrian access tunnel below finished grade of I-680.

7. The method for measuring the distance referenced in subsections B.3, B.4 and B.5 of this section shall not apply when the adult business location or proposed adult use is separated from a religious institution or other adult businesses by I-680. Where the I-680 separation exists, the distance shall first be measured along a straight line extended between two points from the nearest exterior wall housing the adult use or proposed adult use to the closest improved pedestrian connection above or beneath I-680 or roadways which are accessible by pedestrians or vehicles, whichever is less. The measurement shall continue under or over I-680 along the improved pedestrian connection or roadway and proceed along a straight line to the nearest exterior wall of the other adult business or religious institution. An improved pedestrian connection is defined as an elevated overhead pedestrian access bridge or sidewalk or below street grade pedestrian access tunnel below finished grade of I-680.

C. The establishment of any adult business shall include the opening of such a business as a new business, the relocation of the business, or the conversion of an existing business to any adult business use. (Ord. 784 §§ 1, 2, 2004; Ord. 710 § 35-20.4, 1996; 1991 code § 35-20.4)

18.70.040 Development and operating standards.

A. Hours of operation. It shall be unlawful for any operator or employee of an adult business to allow such adult business to remain open for business, or to permit any employee to engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service, or solicit a service, between the hours of 10:00 p.m. and 10:00 a.m. of any day.

B. Lighting requirements. All exterior areas of the adult business shall be illuminated at a minimum of 1.25 footcandles, minimally maintained and evenly distributed at ground level.

C. Access provisions.

1. The operator shall not permit any doors on the premises to be locked during business hours and, in addition, the operator shall be responsible to see that any room or area on the premises shall be readily accessible at all times and shall be open to view in its entirety for inspection by any law enforcement officer.
2. No adult business shall be operated in any manner that permits the observation of any material, adult-oriented merchandise or activities depicting, describing or relating to specified anatomical areas or specified sexual activities from any public way or from any location outside the building or area of such establishment. This provision shall apply to any display, decoration, sign, show window, door or other aperture or opening. No exterior door or window on the premises shall be propped open or kept open at any time while the business is open, and any exterior windows shall be covered with opaque covering at all times.

D. Signage. The adult business shall post in plain view inside the front portion of the business facility, in two-inch print, a sign referencing California Penal Code section 314 which shall read:

Every person who willfully and lewdly, either: (1) Exposes his or her person, or the private parts thereof, in any public place, or in any place where there are present other persons to be offended or annoyed thereby; or (2) Procures, counsels, or assists any person so as to expose himself or herself or take part in any model artist exhibition, or to make any other exhibition of himself or herself to public view, or the view of any number of persons, such as is offensive to decency, or is adapted to excite to vicious or lewd thoughts or acts, is guilty of a misdemeanor.

Upon the second and each subsequent conviction under subsection (1) above, or upon a first conviction under subsection (1) above after a previous conviction under [California Penal Code] Section 288, every person so convicted is guilty of a felony, and is punishable by imprisonment in state prison. California Penal Code Section 314.

E. Minors’ access.

1. X-rated movies. X-rated movies or videotapes shall be restricted to persons over 18 years of age. If an establishment that is not otherwise prohibited from providing access to persons under 18 years of age sells, rents, or displays videos that have been rated “X” or rated “NC-17” by the motion picture rating industry (“MPAA”), or which have not been submitted to the MPAA for a rating, and which consist of images which are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas, said videos shall be located in a specific section of the establishment where persons under the age of 18 shall be prohibited.

2. Other adult materials. Access to adult materials shall be restricted to persons over 18 years of age.

F. Regulation of closed booths. No one shall maintain any arcade booth or individual viewing area unless the entire interior of such premises wherein the picture or entertainment that is viewed is visible upon entering into such premises; and further, that the entire body of any viewing person is also visible immediately upon entrance to the premises without the assistance of mirrors or other viewing aids. No partially or fully enclosed booths/individual viewing areas or partially or fully concealed booths/individual viewing areas shall be maintained. No arcade booth shall be occupied by more than one patron at a time. No holes shall be permitted between arcade booths or individual viewing areas.

G. Regulation of viewing areas. All viewing areas within the adult business shall be visible from a continuous and accessible main aisle in a public portion of the establishment, and not obscured by any door, curtain, wall, two-way mirror or other device which would prohibit a person from seeing into the viewing area from the main aisle. A manager shall be stationed in the main aisle or video monitoring shall be established at a location from which the inside of all of the viewing areas are visible at all times in order to enforce all rules and regulations. All viewing areas shall be designed or operated to permit occupancy of either one person only or more than 10 persons. Viewing area means any area in which a person views performances, pictures, movies, videos, or other presentations.

H. Business license. A person shall not own, operate, manage, conduct or maintain an adult business without first having obtained a business license from the director of finance. The issuance or denial of the business license shall be made within 15 days of the applicant’s submitted application.
I. On-site manager – Security measures. All adult businesses shall have a responsible person who shall be at least 18 years of age and shall be on the premises to act as manager at all times during which the business is open. The individual designated as the on-site manager shall be registered with the city’s zoning administrator by the owner to receive all complaints and be responsible for all violations taking place on the premises.

The adult business shall provide a security system that visually records and monitors the exterior premises of the property including all parking lot areas or, in the alternative, uniformed security guards to patrol and monitor the exterior premises of the property, including the parking lot areas during all business hours. A sign indicating compliance with this provision shall be posted on the premises. The sign shall not exceed two by three feet and shall at a minimum be one foot by one and one-half feet.

J. Nude entertainment business – Operating requirements. No person, association, partnership, or corporation shall engage in, conduct or carry on, or permit to be engaged in, conducted or carried on the operation of a nude entertainment business unless each and all of the following requirements are met:

1. No employee, owner, operator, responsible managing employee, manager or permittee of a nude entertainment business shall allow any person below the age of 18 years upon the premises or within the confines of any nude entertainment business if no liquor is served, or under the age of 21 if liquor is served.
2. No nude entertainer shall dance with or otherwise be within four feet of a patron while performing for compensation or while on licensed premises. This four-foot separation shall be marked by a railing or other physical barrier designed to obstruct any contact between the entertainer and the patron(s).
3. No owner, operator, responsible managing employee, manager or permittee shall permit or allow at licensed premises any patron to approach within four feet of a nude entertainer, or permit or allow a nude entertainer to approach within four feet of a patron.
4. All employees of nude entertainment businesses, other than nude entertainers while performing, shall, at a minimum while on or about the licensed premises, wear an opaque covering which covers their specified anatomical areas.

K. Disposal of adult-oriented merchandise and materials. Any and all adult-oriented merchandise and materials discarded by an adult business shall be fully contained within a locked garbage receptacle at all times so that minors are not exposed to sexually explicit materials. (Ord. 710 § 35-20.6, 1996; 1991 code § 35-20.6)

18.70.050 Adult use development permit – Requirements.

A. No adult business may be established within the city by right. All persons wishing to establish an adult business within the city must apply for and receive an adult use development permit under this chapter.

B. It is the burden of the applicant to supply evidence to justify the grant of an adult use development permit.

C. Any person desiring to operate or establish an adult business within the city shall file with the public works and community development department an adult use development permit application on a standard application form supplied by the public works and community development department. (Ord. 710 § 35-20.8, 1996; 1991 code § 35-20.8)

18.70.060 Permit – Contents of application.

A. The application must be signed by the owner or lessee. If the application is signed by a lessee, a notarized statement signed by the owner shall accompany the application. Proof of status is required.

B. The city council, by resolution, shall set forth the contents required for such applications for an adult use development permit.

C. All applicants for an adult use development permit must also fill out the city’s environmental package for purposes of complying with the California Environmental Quality Act (“CEQA”). (Ord. 710 § 35-20.10, 1996; 1991 code § 35-20.10)
18.70.070 Permit – Application fee.

The city council, by resolution, shall set a reasonable nonrefundable application fee for persons applying for an adult use development permit. The fee shall not exceed the reasonable estimated costs of the city expended in processing the permit application. (Ord. 710 § 35-20.12, 1996; 1991 code § 35-20.12)

18.70.080 Permit – Decision to grant or deny.

A. The planning commission (“the commission”) shall grant, conditionally grant or deny an application for an adult use development permit. Any conditions imposed upon the permit shall be in keeping with the objective development standards of this chapter and the underlying zoning district in which the property is located.

B. The completeness of the application shall be determined by the zoning administrator (“administrator”) within 30 calendar days of its submittal to the zoning administrator.

C. Upon the filing of a completed application, the commission shall cause to be made by its own members, or members of its staff, an appropriate investigation, including consultation with the building, police, fire and health departments and inspection of the premises as needed. Consultation is not grounds for the city to unilaterally delay in reviewing a completed application.

D. In reaching a decision, the commission shall not be bound by the formal rules of evidence.

E. After the investigation has been completed, the commission shall notice and conduct a public hearing, as prescribed in PHMC Chapter 18.80, on the application for an adult use development permit. Public notice shall also be provided by publication in a newspaper of general circulation within the City of Pleasant Hill at least 10 days before the scheduled hearing.

F. The planning commission shall render a written decision on the application for an adult use development permit within 60 days of receiving a completed application. The failure of the commission to render such a decision within this time frame shall be deemed to constitute a denial.

G. The commission’s decision shall be hand delivered or mailed to the applicant, and shall be provided in accordance with the requirements of the municipal code. Any posted notices shall remain for at least 10 days and mailed to all property owners within 300 feet of the adult use. (Ord. 710 § 35-20.14, 1996; 1991 code § 35-20.14)

18.70.090 Permit – Appeal.

A. Any interested person may appeal the decision of the commission to the city council in writing within 10 days after the commission’s written decision. The city council within the same 10 days may also initiate such an appeal.

B. Consideration of an appeal of the commission’s decision shall be at a public hearing which shall be noticed as provided in PHMC Chapter 18.130 and shall occur within 45 days of the filing or initiation of the appeal. Public notice shall also be provided by publication in a newspaper of general circulation within the City of Pleasant Hill at least 10 days before the scheduled hearing.

C. The city council action on the appeal of the commission’s decision shall be by a majority vote of the quorum and, upon the conclusion of the de novo public hearing, the city council shall grant, conditionally grant or deny the application. The city council’s decision shall be final and conclusive.

D. In reaching its decision, the city council shall not be bound by the formal rules of evidence. (Ord. 846 § 10, 2010; Ord. 710 § 35-20.16, 1996; 1991 code § 35-20.16)
18.70.100 Permit – Judicial review of decision to grant or deny.

A. The time for court challenge to a decision by the city council is governed by California Code of Civil Procedures section 1094.6.

B. Notice of the city council’s decision and its findings shall be mailed to the applicant and shall include citation to California Code of Civil Procedures section 1094.6. (Ord. 710 § 35-20.18, 1996; 1991 code § 35-20.18)

18.70.110 Permit – Expiration.

Any adult use development permit approved pursuant to this chapter shall become null and void unless the proposed use is established within six months of the date from the approval. As to facilities that are a reuse of existing facilities, the adult use development permit shall become null and void unless the proposed use is established within six months from the date of approval, unless prior to said expiration date the permittee demonstrates to the satisfaction of the city’s planning commission that it has a good faith intent to presently commence the proposed use. Such extensions shall not exceed a total of two six-month extensions. (Ord. 710 § 35-20.20, 1996; 1991 code § 35-20.20)

18.70.120 Permit – Approval criteria.

A. The commission or city council shall approve or conditionally approve an application for an adult use development permit where the information submitted by the applicant substantiates the following findings:

1. That the proposed use complies with the development and design requirements of the underlying zoning district in which it is located and with the applicable standards of this chapter;
2. That the proposed use and its projected traffic generation is consistent with achieving or maintaining the established level of service set forth in the city’s circulation and growth management elements. If the city’s established level of service is already exceeded, then the proposed use and its projected traffic generation will not result in a net increase in the level of service;
3. That the proposed site is adequately served by other public and private service facilities consistent with the city’s established level of services as set forth in the city’s growth management element for the requested use;
4. That the proposed site is not located within a 500-foot radius of a residential land use designation. The distance between a proposed use and a residential land use designation shall be measured from the nearest exterior wall of the facility housing the adult use or proposed adult use to the nearest property line included within the residential land use designation, along a straight line extended between the two points;
5. That the proposed site is not located within an 800-foot radius of a school or park land use designation. The distance between the proposed use and a school or park land use designation shall be measured from the nearest exterior wall of the facility housing the adult use or proposed adult use to the property line of the school site or the nearest property line included within a park land use designation, along a straight line extended between the two points;
6. That the proposed site is not located within an 800-foot radius of a religious institution. The distance between the adult use or proposed adult use and a religious institution shall be measured from the nearest exterior wall of the facility housing the adult use or proposed adult uses along a straight line extended to the nearest exterior wall of the facility housing the religious institution;
7. That the proposed site is not located within 1,000 feet of any other adult use regulated under this chapter that is located either within or outside the jurisdiction of the city. The distance between two adult uses shall be measured between the nearest exterior walls housing the adult uses along a straight line extended between the two uses;
8. That the proposed site is not located within 500 feet of a residential district, 800 feet of a park or school as designated on the general plan land use element of an adjacent jurisdiction or 800 feet of a religious institution that is located in an adjacent jurisdiction and is the subject of a validly approved land use entitlement; and
9. That neither the applicant, if an individual, or any of the officers or general partners, if a corporation or partnership, have been found guilty or pleaded nolo contendere within the past four years of a misdemeanor or a felony classified by the state as a sex or sex-related offense.

B. Any conditions imposed upon the permit shall be in keeping with the objective development standards of this chapter as set forth in PHMC § 18.70.030 and the underlying zoning district in which the property is located. (Ord. 710 § 35-20.22, 1996; 1991 code § 35-20.22)

18.70.130 Permit – Revocation.

A. Any permit issued pursuant to the provisions of this chapter may be revoked by the city on the basis of any of the following:

1. That the business or activity has been conducted in a manner which violates one or more of the conditions imposed upon the issuance of the permit or which fails to conform to the plans and procedures described in the application, or which violates the occupant load limits set by the fire marshal;
2. That the permittee has failed to obtain or maintain all required city, county, and state licenses and permits;
3. That the permit is being used to conduct an activity different from that for which it was issued;
4. That the permittee has misrepresented a material fact in the application for permit or has not answered each question therein truthfully;
5. That due to changes in on-site conditions, the adult business lacks sufficient on-site parking area for employees and the public under the standards set forth in the city’s parking code, except for an existing use that is legal and nonconforming with respect to parking;
6. That the building or structure in which the adult business is conducted is hazardous to the health or safety of the employees or patrons of the business or of the general public under the standards set forth in the Uniform Building, Uniform Plumbing or Uniform Fire Code;
7. That the permitted business creates sound levels which violate the noise control ordinance of the city;
8. That the permittee, if an individual, or any of the officers or general partners, if a corporation or partnership, is found guilty or pleaded nolo contendere to a misdemeanor or felony classified by the state as a sex or sex-related offense during the period of the adult establishment’s operation; or
9. That the use for which the approval was granted has ceased to exist or has been suspended for six months or more.

B. Written notice of hearing on the proposed permit revocation, together with written notification of the specific grounds of complaint against the permittee shall be personally delivered or sent by certified mail to the permittee at least 10 days prior to the hearing.

C. The revocation hearing shall be heard by the commission. The commission shall not be bound by the formal rules of evidence at the hearing.

D. The commission shall notice and conduct a public hearing, as prescribed in the municipal code, on the proposed permit revocation.

E. The commission shall revoke, not revoke, or not revoke but add additional conditions to, the permittee’s adult use development permit. Any additional conditions imposed upon the permit shall be in keeping with the objective development standards of this chapter as set forth in PHMC § 18.70.030 and the underlying zoning district in which the property is located.

F. The commission’s decision shall be in writing, and shall be hand delivered or mailed to the applicant and mailed to all property owners within 300 feet of the use.

G. The commission shall make its decision within 30 days of the public hearing.
H. Any interested person may appeal the decision of the commission to the city council in writing within 10 days after the written decision of the commission in accordance with the provisions of PHMC Chapter 18.130.

I. In the event a permit is revoked pursuant to this chapter, another adult use development permit to operate an adult business shall not be granted to the permittee within 12 months after the date of such revocation. (Ord. 710 § 35-20.24, 1996; 1991 code § 35-20.24)

18.70.140 Violations.

Any person who violates any section of this chapter shall be guilty of a misdemeanor and is subject to a fine and/or imprisonment in accordance with the limits set forth in California Government Code section 36901, as it may be amended from time to time, or any other legal remedy available to the city. (Ord. 710 § 35-20.26, 1996; 1991 code § 35-20.26)

18.70.150 Applicability to other regulations.

The provisions of this chapter are not intended to provide exclusive regulation of the regulated adult uses. Such uses must comply with any and all applicable regulations imposed in other parts of the zoning ordinance, other city ordinances and state and federal law. (Ord. 710 § 35-20.28, 1996; 1991 code § 35-20.28)

18.70.160 Conduct constituting a public nuisance.

The conduct of any business within the city in violation of any of the terms of this chapter is hereby found and declared to be a public nuisance, and the city attorney or the district attorney may, in addition or in lieu of prosecuting a criminal action hereunder, commence an action or proceeding for the abatement, removal and enjoinder thereof, in the manner provided by law; and shall take other steps and shall apply to such courts as may have jurisdiction to grant such relief as will abate or remove such adult use establishment and restrain and enjoin any person from conducting, operating or maintaining an adult use establishment contrary to the provisions of this chapter. (Ord. 710 § 35-20.30, 1996; 1991 code § 35-20.30)

18.70.170 Amortization of legal nonconforming uses.

A. Any adult business or establishment regulated under the provisions of this chapter which is a nonconforming use on the effective date of the ordinance codified in this chapter shall be subject to an amortization period expiring one year from the effective date of the ordinance codified in this chapter.

B. An adult business or establishment operating as a conforming use with an approved adult use development permit from the city shall not be rendered a nonconforming use by the location of a religious institution or school, within the locational limitations of this section.

C. Amortization — Notice. The public works and community development department shall provide written notice to the owner (and lessee/operator, if known by reference to city’s business license records) at least 120 days prior to the expiration of this amortization period. This notice is not mandatory and lack of notice shall not be deemed to prevent the city from initiating an action seeking declaratory or injunctive relief against the owner and/or operator of such business. However, if notice of expiration of amortization period is not given, any application by the owner or lessee/operator of the business for an extension of the amortization period shall not be denied on the grounds that it is untimely.

D. Amortization — Application for extension.
   I. The owner may file an application with the public works and community development department for an extension of the amortization period. The applicant must state:
      a. Whether a previous extension has been requested and granted, as well as the date of the previous request; and
      b. The efforts that will be made to conform by the conclusion of the extended period.
2. The owner’s application shall be made in writing and shall be accompanied by the required fee as established by the city council.
3. Any application for an extension of the amortization period shall be made prior to the expiration of the amortization period unless the commission determines that good cause exists for the late filing of the application.

E. Amortization – Decision to grant or deny.
1. The commission shall hold a public hearing at which time it shall consider the evidence and testimony regarding the request for an extension of the amortization period. The commission shall grant or deny an application for extension of the amortization period. The commission shall make its decision within 45 days of the filing of the request.
2. In rendering its decision, the commission shall determine whether the adult business has been provided with a reasonable amortization period commensurate with the investment involved. If the commission determines that the amortization period is not reasonable, it shall prescribe an amortization period that is commensurate with the investment involved. The burden shall be on the applicant to establish that the extension should be granted.
3. The commission shall consider the following factors in making its determination:
   a. The adult business owner’s financial investment in the business;
   b. The present actual and depreciated value of business improvements;
   c. The applicable Internal Revenue Service depreciation schedules;
   d. The remaining useful life of the business improvements;
   e. The remaining lease term;
   f. The cost of relocating the business to a site conforming with the provisions of this chapter;
   g. The ability of the business and/or land owner to change the use to a conforming use; and
   h. The secondary effects of the adult business on the health, safety and welfare of surrounding businesses and uses if the adult business is permitted to extend the amortization period.
4. The commission’s decision shall be in writing, and shall be hand delivered or sent by certified mail to the applicant, and shall be posted at City Hall and on the outside of the adult business. Posted notices shall remain for at least 10 days and be mailed to all property owners within 300 feet of the use.

F. Amortization – Appeal. Any interested person may appeal the decision of the commission to the city council in writing within 10 days after the written decision of the commission in accordance with the provisions of PHMC Chapter 18.130.

G. Amortization – Public nuisance. The city council declares to be a public nuisance any parcel where an adult business is operating and where the amortization period as a legal nonconforming use has expired and (1) no application for an extension is on file or has been granted, or (2) no application for an adult use development permit is on file or has been granted. (Ord. 846 § 11, 2010; Ord. 710 § 35-20.32, 1996; 1991 code § 35-20.32)
Part 5. Administration

Chapter 18.75

GENERAL PROVISIONS

Sections:
18.75.010 General.
18.75.020 Approval authority.
18.75.030 Completeness of application.
18.75.040 Environmental review.
18.75.050 Fees and deposits.
18.75.060 City indemnification.

18.75.010 General.

This Part 5, Administration, sets forth the general administrative authority and procedures for decision making of this zoning ordinance. It includes general administrative provisions and notice and hearing requirements; procedure for obtaining a zoning permit; requirements for various discretionary approvals: development plans, use permits, temporary use permits, variances, development agreements and zoning ordinance amendments; and provisions for appeals and enforcement. (Ord. 710 § 35-25.1, 1996; 1991 code § 35-25.1)

18.75.020 Approval authority.

A. Zoning administrator. The zoning administrator has the authority to approve: zoning permits; minor use permits; minor variances; minor subdivisions (under the subdivision ordinance); temporary use permits, Section 6409(a) permits, and sign permits; home occupation permits; and certain architectural review permits. With the exception of Section 6409(a) permits, the zoning administrator may, in his or her discretion, refer any of these applications directly to the planning commission. The zoning administrator makes recommendations regarding zoning ordinance amendments, development agreements, and any other discretionary approval to be considered by another approval body.

B. Architectural review commission. The architectural review commission has the authority to approve architectural review permits, except for certain limited permits which may be approved by the zoning administrator.

C. Planning commission. The planning commission has the authority to approve applications for development plans, use permits and variances (except for minor use permits and minor variances which are considered by the zoning administrator) and to make recommendations to the city council regarding zoning ordinance amendments and development agreements. The planning commission also hears appeals from decisions of the zoning administrator. The planning commission has the authority to approve major subdivisions (under the subdivision ordinance).

D. City council. The city council has the authority to approve development agreements and zoning ordinance amendments. The city council hears appeals from the planning commission and the architectural review commission.

All actions taken in this section, except for subsection D, are subject to PHMC Chapter 18.130, Appeals and Calls for Review. (Ord. 910 § 6, 2017; Ord. 856 § 2 (Exh. A), 2011; Ord. 710 § 35-25.2, 1996; 1991 code § 35-25.2)

18.75.030 Completeness of application.

A. Initial application. Within 30 calendar days after the city has received an application for a development project, the city shall determine in writing whether the application is complete, and shall immediately transmit
the determination to the applicant. If the application is determined not to be complete, the city’s determination shall specify those parts of the application which are incomplete, and shall indicate the manner in which they can be made complete, including a list and thorough description of the specific information needed.

If the determination is not made within 30 calendar days, and the application includes a statement that it is an application for a development permit (as that term is used in Government Code sections 65927 and 65943), the application shall be deemed complete.

B. Resubmittal. Except as may otherwise be required by law, upon any resubmittal of an application determined not to be complete, a new 30-day period shall begin for determining whether the application is complete. The city shall determine in writing whether the resubmitted materials are complete and shall notify the applicant. If the written determination is not made within that 30-day period, the application together with the submitted materials shall be deemed complete. Applications for wireless telecommunications facilities shall be subject to the resubmittal requirements set forth in applicable federal and state law.

C. Time period extensions. Nothing in this section precludes an applicant and the city from mutually agreeing to extend any time period provided by this chapter. (Ord. 910 § 7, 2017; Ord. 710 § 35-25.4, 1996; 1991 code § 35-25.4)

18.75.040 Environmental review.

Each land use application for a discretionary approval by the city is subject to the requirements of the California Environmental Quality Act (CEQA), the state CEQA Guidelines, and the city’s CEQA Guidelines. (Ord. 710 § 35-25.6, 1996; 1991 code § 35-25.6)

18.75.050 Fees and deposits.

Each person submitting an application for a permit, or filing an appeal, under this chapter shall pay the required fees and deposits as established by city council resolution. (Ord. 710 § 35-25.8, 1996; 1991 code § 35-25.8)

18.75.060 City indemnification.

Each applicant shall defend (with counsel acceptable to the city), indemnify and hold harmless the city (including its agents, officers, and employees) from any claim, action, or proceeding to challenge an approval of the planning commission, city council, or any officer, department, commission, or committee of the city concerning a permit granted under this title. (Ord. 856 § 2 (Exh. A), 2011)
Chapter 18.80

NOTICE REQUIREMENTS

Sections:
18.80.010 Notice requirements – General.
18.80.020 Contents of notice.
18.80.030 Summary of notice requirements.

18.80.010 Notice requirements – General.

A. *General.* Whenever a public hearing is required to be held, notice of the public hearing shall be given in accordance with this chapter. These requirements are based on the statutory requirements found at Government Code sections 65090 and 65091. Unless stated otherwise, notice must be given at least 10 calendar days before the hearing.

In addition to the notices sent to the applicant and other property owners under PHMC § 18.80.030, notice shall also be mailed or delivered to any person who has filed a written request for notice with the city clerk. The city may charge a fee which is reasonably related to the cost of providing this service. Requests for notice must be renewed annually.

Notice shall also be sent to each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project, whose ability to provide those facilities and services may be significantly affected.

The failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the actions of the city for which the notice was given.

A public hearing conducted under this part may be continued from time to time to a specific date and time, without additional notice.

In addition to the notice requirements set forth here, the zoning administrator may give notice of a hearing in any other manner he or she deems necessary or desirable, or when the decision will constitute a substantial and significant deprivation of the property rights of other landowners. (Ord. 710 § 35-26.1, 1996; 1991 code § 35-26.1)

18.80.020 Contents of notice.

When a notice of a public hearing is required, the notice shall include the following information:

A. A general description (in text or by diagram) of the location of the property that is the subject of the hearing;

B. A general explanation of the matter to be considered;

C. The date, time and place of the public hearing;

D. The identity of the hearing officer or body;

E. A reference to application materials on file for detailed information;

F. A statement that any interested person may appear and be heard; and

G. Other information which is required by statute or specific provisions of this chapter or which the zoning administrator deems necessary or desirable. (Ord. 710 § 35-26.2, 1996; 1991 code § 35-26.2)
### 18.80.030 Summary of notice requirements.

Notice of a public hearing shall be given for a particular matter in accordance with the following schedule.

*Published notice* means that the notice shall be published at least once in a newspaper of general circulation, at least 10 calendar days before the hearing.

#### SCHEDULE 18.80.030

**SUMMARY OF NOTICE REQUIREMENTS**

<table>
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<tr>
<th>Permit/Review</th>
<th>Published Notice</th>
<th>Notice Mailed to Applicant</th>
<th>Notice Mailed to Owners Within 300 Feet&lt;sup&gt;(1)&lt;/sup&gt;</th>
<th>Notice Mailed to Residents Within 300 Feet&lt;sup&gt;(2)&lt;/sup&gt;</th>
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<td>Zoning Permit</td>
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<tr>
<td>Minor Exception</td>
<td>–</td>
<td>X&lt;sup&gt;(4)&lt;/sup&gt;</td>
<td>X&lt;sup&gt;(4)&lt;/sup&gt;</td>
<td>X&lt;sup&gt;(4)&lt;/sup&gt;</td>
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<td>Creek Setback Exception</td>
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<td>Use Permit/Variance</td>
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<td>Temporary Use Permit</td>
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<td>Home Occupation Permit</td>
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<td>Major Subdivision Review</td>
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<td>X</td>
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</table>

– Not required.
X Required.
O Optional; if deemed significant by zoning administrator.

<sup>(1)</sup> Pursuant to Government Code section 65091, if the number of owners to whom notice would be mailed is greater than 1,000, the city may instead provide notice by placing a display advertisement of at least one-eighth page in a newspaper of general circulation in the city, at least 10 days before the hearing.

<sup>(2)</sup> Notice shall be given to each resident within 300 feet of the applicant’s property, and to the applicant’s homeowner’s association, if there is one. However, if an apartment, condominium or other multiple-family housing complex exists within the 300-foot radius, notice may be given only to the resident manager, management firm or owner, in lieu of sending notice to each resident of the complex.

<sup>(3)</sup> Pursuant to Health and Safety Code section 1597.46(a)(3), the notice shall be sent only to owners within 100 feet of the exterior boundaries of the proposed use.
(4) The zoning administrator shall, within 20 calendar days after the application is deemed complete, notify all residents and property owners within 300 feet of the project site, and the planning commission and city council, that a decision will be made by the zoning administrator to approve or disapprove the minor exception application on a date specified in the notice, and that a public hearing will be held only if requested in writing by any interested person before the specified date for the decision. When a hearing is requested, notice of the hearing shall be provided in accordance with this chapter. When multiple applications are submitted for a single site in conjunction with a request for a minor exception, and when any of these applications require planning commission review, the zoning administrator shall schedule a combined public hearing for all of the applications before the planning commission.

Chapter 18.85

ZONING PERMITS

Sections:
18.85.010 Purpose and applicability.
18.85.020 Zoning administrator authority.
18.85.030 Procedures – Application, decision, effective date, appeal, site plan changes, revocation.
18.85.040 Lapse of approval – Changes to plans – Revocation.

18.85.010 Purpose and applicability.

A zoning permit is required before issuance of a building or grading permit, before a change in use of a property, issuance of a Section 6409(a) permit, or before modifying, replacing or constructing a fence or wall within a residential front or street side yard. The purpose is to ensure that each new or expanded use of a site and each new or expanded structure complies with this chapter. (Ord. 910 § 8, 2017; Ord. 903 § 4, 2016; Ord. 745 § 6, 2000; Ord. 710 § 35-27.1, 1996; 1991 code § 35-27.1)

18.85.020 Zoning administrator authority.

The zoning administrator shall issue a zoning permit if: (A) the proposed structure, use or fence complies with this chapter; and (B) no further environmental review is required under the California Environmental Quality Act (CEQA). (Ord. 745 § 7, 2000; Ord. 710 § 35-27.2, 1996; 1991 code § 35-27.2)

18.85.030 Procedures – Application, decision, effective date, appeal, site plan changes, revocation.

A. Application. The applicant shall file a completed zoning permit application with the zoning administrator. The application shall include the signature of the property owner.

B. Decision. The zoning administrator shall grant or deny the application within five working days. If an application for a zoning permit is denied, no new application for the same, or substantially the same, zoning permit shall be filed within one year of the date of denial of the initial application, unless the denial is made without prejudice.

C. Effective date. A zoning permit is effective upon issuance.

D. Appeal. Any interested person may appeal the zoning administrator’s decision in accordance with PHMC Chapter 18.130.

E. Site plan changes – Revocation. A new zoning permit is required if the site plans are changed in a manner that affects compliance with this chapter or with the conditions of the zoning permit. The zoning administrator may revoke a zoning permit, after notice and hearing, for failure to comply with a condition of the permit. (Ord. 710 § 35-27.4, 1996; 1991 code § 35-27.4)

18.85.040 Lapse of approval – Changes to plans – Revocation.

A. Lapse of approval. A zoning permit lapses one year after its date of approval, or at an alternative time specified as a condition of approval, unless one of the following has occurred:
   1. A building permit has been issued, substantial money has been expended, and construction diligently pursued; or
   2. A certificate of occupancy has been issued; or
   3. The use is established; or
   4. The zoning permit is renewed by the hearing body which originally approved it. No new notice or public hearing is required for a renewal if the findings required for approval remain valid.
A zoning permit automatically lapses if there is a discontinuance of the exercise of the entitlement granted by the permit for six consecutive months or more.

B. Changes to plans. A request for a change in the zoning permit or a condition of approval requires a new application for modification of the condition.

C. Revocation. A zoning permit exercised in violation of this chapter or a condition of approval may be revoked, as provided in PHMC § 18.135.040. (Ord. 910 § 9, 2017)
Chapter 18.90

DEVELOPMENT PLANS

Sections:
18.90.010 Requirement.
18.90.020 Approval authority.
18.90.030 Procedures – Application, notice and public hearing, decision, effective date, appeal.
18.90.040 Required findings.
18.90.050 Conditions of approval.
18.90.060 Lapse of approval – Changes to plans.
18.90.070 Resubmittal of application.

18.90.010 Requirement.

A development plan is required for (1) all new stores, motels, offices, restaurants and similar structures designed for an occupancy load of 30 persons or more, (2) property zoned PUD, or (3) an addition of 7,000 square feet or more to an existing store, motel, office, restaurant or similar structure. A development plan is not required for the construction or alteration of a single-family residence. Development plan approval is required in addition to architectural review under PHMC Chapter 18.115. (Ord. 710 § 35-28.1, 1996; 1991 code § 35-28.1)

18.90.020 Approval authority.

The planning commission has the authority to approve applications for development plans. (Ord. 710 § 35-28.2, 1996; 1991 code § 35-28.2)

18.90.030 Procedures – Application, notice and public hearing, decision, effective date, appeal.

A. Application. The applicant shall submit a request for a development plan to the zoning administrator on a form provided by the city. An application is considered to be complete if it is in accordance with PHMC § 18.75.030.

B. Notice and public hearing. The planning commission shall hold a public hearing on an application for a development plan, and shall hear testimony for and against the application.

The zoning administrator shall set the time and date for the public hearing. The hearing shall be scheduled within 20 calendar days, and held within 60 calendar days, after the application is deemed complete. When applications for multiple development plans, use permits or variances on a single site are filed at the same time, the zoning administrator may schedule a combined public hearing.

Notice of the hearing shall be given in accordance with PHMC Chapter 18.80. A public hearing may be continued to a definite date and time without additional public notice.

C. Decision. The planning commission shall approve, conditionally approve or deny an application within 20 working days after the close of the public hearing. The zoning administrator shall mail notice of the decision to the applicant and any other party requesting notice within 10 calendar days of the decision. The date of the decision is the date the commission (or council, on appeal) adopts the resolution.

D. Effective date. A decision under this chapter takes effect at the end of the time allowed for an appeal, which is 10 calendar days after notice of the decision is mailed.

E. Appeal. A decision of the planning commission may be appealed to the city council, all in accordance with the appeal procedures of PHMC Chapter 18.130. (Ord. 710 § 35-28.4, 1996; 1991 code § 35-28.4)
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18.90.040  Required findings.

The planning commission may approve a development plan if it finds that all of the following are true, based on the application, plans, materials and testimony submitted at the public hearing:

A. The proposed development will not be detrimental to the health, safety and general welfare of persons residing or working in the vicinity of the proposed development;

B. The proposed development will not be injurious or detrimental to adjacent properties or to property in the neighborhood or in the city;

C. The proposed development is consistent with the policies and goals established by the general plan; and

D. The proposed development is architecturally compatible with other developments in the vicinity, both inside and outside the district. (Ord. 710 § 35-28.6, 1996; 1991 code § 35-28.6)

18.90.050  Conditions of approval.

In approving a development plan, the planning commission may impose reasonable conditions necessary to:

A. Achieve the general purposes of this chapter or the specific purposes of the zoning district in which the site is located, or to make it consistent with the general plan;

B. Protect the public health, safety, and general welfare; or

C. Ensure operation and maintenance of the use in a manner compatible with existing and potential uses on adjoining properties or in the surrounding area. (Ord. 710 § 35-28.8, 1996; 1991 code § 35-28.8)

18.90.060  Lapse of approval – Changes to plans.

A. Lapse of approval. A development plan lapses one year after its date of approval, or at an alternative time specified as a condition of approval, unless one of the following has occurred:

1. A building permit has been issued, substantial money has been expended, and construction diligently pursued; or
2. A certificate of occupancy has been issued; or
3. The development plan is renewed by the planning commission or other hearing body which originally approved it. No new notice or public hearing is required for a renewal if the findings required for approval remain valid.

B. Changes to plans. A request for a change in a condition of approval, or a change in the development plan which affects a condition of approval, requires a new application for modification of the condition. If the zoning administrator determines that the modification is minor, the zoning administrator may approve that minor modification administratively, and that decision may be appealed to the planning commission. If the zoning administrator determines that the modification is major, then the modification shall be referred for consideration to the final decision-making body that approved the original development plan. (Ord. 856 § 2 (Exh. A), 2011; Ord. 710 § 35-28.10, 1996; 1991 code § 35-28.10)

18.90.070  Resubmittal of application.

Following denial of development plan applications, no new application for the same, or substantially the same, plan shall be accepted within one year of the date of denial, unless the denial was made without prejudice. (Ord. 710 § 35-28.12, 1996; 1991 code § 35-28.12)
Chapter 18.95

USE PERMITS

Sections:
18.95.010 Requirement.
18.95.020 Approval authority.
18.95.030 Procedures – Application, notice and public hearing, decision, effective date, appeal.
18.95.040 Required findings.
18.95.050 Conditions of approval.
18.95.060 Lapse of approval – Changes to plans – Revocation.
18.95.070 Resubmittal of application.

18.95.010 Requirement.

A use permit is required for certain uses to be located within a zoning district. Generally, a use permit is required because the use classification has unusual site development features or operating characteristics which require special consideration to be compatible with the surrounding area.

An application for a temporary use permit is governed by PHMC Chapter 18.100. (Ord. 710 § 35-29.1, 1996; 1991 code § 35-29.1)

18.95.020 Approval authority.

The planning commission has the authority to approve use permits, except that the zoning administrator has the authority to approve an application for a minor use permit or any use permit in PHMC Title 18 granting the approval authority to the zoning administrator. A minor use permit is a use permit pertaining to an existing structure or portion of a structure located in any zoning district. The zoning administrator, in his or her discretion, may refer a minor use permit application directly to the planning commission. (Ord. 934 § 11, 2019; Ord. 757 § 4, 2001; Ord. 710 § 35-29.2, 1996; 1991 code § 35-29.2)

18.95.030 Procedures – Application, notice and public hearing, decision, effective date, appeal.

A. Application. The applicant shall submit a request for a use permit to the zoning administrator on forms provided by the city. An application is considered to be complete if it is in accordance with PHMC § 18.75.030. A use permit application for certain uses in a residential zoning district is subject to pre-application review by other agencies, pursuant to PHMC § 18.20.075.

B. Notice and public hearing. The planning commission, or the zoning administrator for a minor use permit, shall hold a public hearing on an application for a use permit, and shall hear testimony for and against the application.

The zoning administrator shall set the time and date for the public hearing. The hearing shall be scheduled within 20 calendar days, and held within 60 calendar days, after the application is deemed complete. When applications for multiple development plans, use permits or variances on a single site are filed at the same time, the zoning administrator may schedule a combined public hearing.

Notice of the hearing shall be given in accordance with PHMC Chapter 18.80. A public hearing may be continued to a definite date and time without additional public notice.

C. Decision. The hearing body shall approve, conditionally approve or deny an application within 20 working days after the close of the public hearing. The zoning administrator shall mail notice of the decision to the applicant and any other party requesting notice within 10 calendar days of the decision. In the case of the planning commission, or city council on appeal, the date of the decision is the date the commission or council adopts the resolution.

(Revised 7/20)
D. **Effective date.** A decision under this chapter takes effect at the end of the time allowed for an appeal, which is 10 calendar days after notice of the decision is mailed.

E. **Appeal.** A decision of the zoning administrator may be appealed to the planning commission, and a decision of the planning commission may be appealed to the city council, all in accordance with the appeal procedures of PHMC Chapter 18.130. (Ord. 867 § 12, 2012; Ord. 727 § 16, 1998; Ord. 710 § 35-29.4, 1996; 1991 code § 35-29.4)

18.95.040 **Required findings.**

The planning commission (or zoning administrator, for a minor use permit) may approve an application for a use permit if it finds all of the following to be true, based on the application, plans, materials and testimony submitted at the public hearing:

A. The proposed use will not be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of the proposed use;

B. The proposed use will not be injurious or detrimental to adjacent properties or to property in the neighborhood or to the general welfare of the city; and

C. The proposed use is consistent with the policies and goals established by the general plan.

D. In addition, if the use permit is for a residential use in a residential zoning district pursuant to PHMC § 18.20.075, the following additional findings are required:
   1. The proposed use is consistent with the purposes of the residential zoning districts, as specified in PHMC § 18.20.010.
   2. The proposed use complies with the development and operational standards of PHMC § 18.20.075.
   3. The property and existing structures are physically suited to accommodate the use.
   4. The proposed use will be compatible with the character of the surrounding neighborhood and the use will not contribute to changing the residential character of the neighborhood. In evaluating this factor, the hearing body must at a minimum consider factors such as: the relative size of the facility; the proximity of the use to schools, parks, and other residential care facilities; proximity to outlets for alcoholic beverages; and the existence of substandard physical characteristics in the area (such as lot widths, setbacks, street width, limited available parking, short blocks, etc.).

The planning commission or zoning administrator may approve an application for a minor use permit if all of the above are found to be true, and the proposal is consistent with: (a) the general plan; (b) the general purposes of this chapter; (c) the specific purposes of the applicable base or overlay district; and (d) this chapter. (Ord. 867 § 13, 2012; Ord. 710 § 35-29.6, 1996; 1991 code § 35-29.6)

18.95.050 **Conditions of approval.**

In approving a use permit, the planning commission or the zoning administrator may impose reasonable conditions necessary to:

A. Achieve the general purposes of this chapter or the specific purposes of the zoning district in which the site is located, or to make it consistent with the general plan;

B. Protect the public health, safety, and general welfare; or

C. Ensure operation and maintenance of the use in a manner compatible with existing and potential uses on adjoining properties or in the surrounding area. (Ord. 710 § 35-29.8, 1996; 1991 code § 35-29.8)
18.95.060  Lapse of approval – Changes to plans – Revocation.

A. Lapse of approval. A use permit lapses one year after its date of approval, or at an alternative time specified as a condition of approval, unless one of the following has occurred:

1. A building permit has been issued, substantial money has been expended, and construction diligently pursued; or
2. A certificate of occupancy has been issued; or
3. The use is established; or
4. The use permit is renewed by the hearing body which originally approved it. No new notice or public hearing is required for a renewal if the findings required for approval remain valid.

A use permit automatically lapses if there is a discontinuance of the exercise of the entitlement granted by the permit for six consecutive months or more. A lapsed use permit for a residential use is not a binding precedent for future applications.

B. Changes to plans. A request for a change in the use permit or a condition of approval requires a new application for modification of the condition. If the zoning administrator determines that the modification is minor, the zoning administrator may approve that minor modification administratively, and that decision may be appealed to the planning commission. If the zoning administrator determines that a modification is major, the modification shall be referred for consideration to the final decision-making body that reviewed and approved the original use permit.

C. Revocation. A use permit exercised in violation of this chapter or a condition of approval may be revoked, as provided in PHMC § 18.135.040. (Ord. 867 § 14, 2012; Ord. 856 § 2 (Exh. A), 2011; Ord. 710 § 35-29.10, 1996; 1991 code § 35-29.10)

18.95.070  Resubmittal of application.

Following denial of a use permit application, no new application for the same, or substantially the same, use permit shall be accepted within one year of the date of denial, unless the denial was made without prejudice. (Ord. 710 § 35-29.12, 1996; 1991 code § 35-29.12)
Chapter 18.100

TEMPORARY USE PERMIT

Sections:
18.100.010 Requirement.
18.100.020 Approval authority.
18.100.030 Procedures – Application, decision, effective date, appeal, duration, revocation.
18.100.040 Findings.
18.100.050 Conditions of approval.

18.100.010 Requirement.

A temporary use permit is required to authorize certain temporary use classifications, as defined in PHMC § 18.15.070. A temporary use permit may not be issued more than six times during any calendar year or for any longer than 14 days for each event.

A temporary use permit is not required for a special event held on both private and public property if the sponsor or property owner obtains a special event permit under PHMC Chapter 6.20. (Ord. 865 § 7, 2012; Ord. 856 § 2 (Exh. A), 2011; Ord. 710 § 35-30.1, 1996; 1991 code § 35-30.1)

18.100.020 Approval authority.

The zoning administrator has the authority to approve temporary use permits. The zoning administrator may, in his or her discretion, refer a temporary use permit directly to the planning commission. (Ord. 710 § 35-30.2, 1996; 1991 code § 35-30.2)

18.100.030 Procedures – Application, decision, effective date, appeal, duration, revocation.

A. Application. The applicant shall submit a request for a temporary use permit to the zoning administrator, on forms provided by the city. An application is considered to be complete if it is in accordance with PHMC § 18.75.030. Within five working days of receiving a complete application, the zoning administrator may request additional plans and materials necessary to assess the potential impacts of the proposed temporary use. No notice or public hearing is required.

B. Decision. The zoning administrator shall approve, conditionally approve or deny an application within five working days after receiving a complete application, and shall promptly notify the applicant.

C. Effective date – Appeals – Duration – Revocation. A temporary use permit is effective on the date of approval. Any interested person may appeal a denial of the application to the planning commission, in accordance with PHMC Chapter 18.130.

The permit is valid for the time period specified in the permit, not to exceed 14 calendar days. The permit lapses if not used within the dates approved.

The zoning administrator may revoke the permit for a violation of the terms of the permit. The revocation is effective immediately upon verbal or written notice to the permit holder. The zoning administrator shall confirm any verbal notice in writing within two working days. (Ord. 727 § 7, 1998; Ord. 710 § 35-30.4, 1996; 1991 code § 35-30.4)
18.100.040 Findings.

The zoning administrator shall approve the application as submitted, or in modified form, if the zoning administrator finds that:

A. The proposed temporary use will be located, operated and maintained in a manner consistent with the general plan and this chapter; and

B. Approval of the application will not be detrimental to adjacent properties or to property in the surrounding area or to the public health, safety or general welfare. (Ord. 710 § 35-30.6, 1996; 1991 code § 35-30.6)

18.100.050 Conditions of approval.

In approving a temporary use permit, the zoning administrator may impose reasonable conditions necessary to:

A. Ensure consistency with the general purposes of this chapter, the specific purposes of the zoning district in which the site is located, and the general plan;

B. Protect the public health, safety and general welfare. This may include, but is not limited to, conditions regarding: traffic, parking, noise, waste and litter; and

C. Ensure operation and maintenance of the use in a manner compatible with existing and potential uses on adjoining properties or in the surrounding area. (Ord. 865 § 8, 2012; Ord. 710 § 35-30.8, 1996; 1991 code § 35-30.8)
Chapter 18.105

SIGN PERMITS

Sections:
18.105.010 Requirement.
18.105.020 Approval authority.
18.105.030 Procedures – Application, decision, effective date, appeal.
18.105.040 Findings.
18.105.050 Conditions of approval.
18.105.060 Lapse of approval – Changes to plans – Revocation.
18.105.070 Resubmittal of application.

18.105.010 Requirement.

No sign shall be erected or displayed without a sign permit or temporary sign permit, unless the sign is exempt under PHMC § 18.60.020.

A temporary sign permit is required to authorize certain temporary signs under PHMC § 18.60.030.C.

A master sign program, under PHMC § 18.60.080, is required for a site having four or more nonresidential occupants. (Ord. 856 § 2 (Exh. A), 2011; Ord. 854 § 3, 2011; Ord. 738 § 1 (Exh. B), 1999; Ord. 710 § 35-30A.1, 1996; 1991 code § 35-30A.1)

18.105.020 Approval authority.

The architectural review commission has the authority to approve a master sign program and an amendment to a master sign program, to prepare sign design criteria under PHMC § 18.60.090, and to approve a sign permit for a theater or marquee sign under PHMC § 18.60.050.F.

The zoning administrator has the authority to approve a sign permit, whether a master sign program exists or not, or a temporary sign permit under PHMC § 18.60.030. The zoning administrator may, in his or her discretion, refer a sign permit or temporary sign permit directly to the architectural review commission.

The planning commission has the authority to approve a variance under PHMC Chapter 18.110 and a use permit under PHMC Chapter 18.95. (Ord. 854 § 3, 2011; Ord. 738 § 1 (Exh. B), 1999; Ord. 710 § 35-30A.2, 1996; 1991 code § 35-30A.2)

18.105.030 Procedures – Application, decision, effective date, appeal.

A. Application. The applicant shall submit a request for a sign permit, master sign program or temporary sign permit to the zoning administrator on forms provided by the city. An application is determined to be complete in accordance with PHMC § 18.75.030.

The application for a master sign program shall include all of the following:
1. A master sign program, drawn to scale, delineating the site proposed to be included within the sign program and the general location of all signs;
2. Drawings and/or sketches indicating the exterior surface details of all buildings on the site on which wall signs, directory signs, ground signs or projecting signs are proposed;
3. A statement of the reasons for any requested modification to the regulations or standards of PHMC Chapter 18.60; and
4. A written program specifying sign standards, including color, size, construction details, placement, and necessity for city review, for distribution to future tenants.

No notice or public hearing is required.

B. Decision. The zoning administrator shall approve, conditionally approve or deny an application within 10 working days. The architectural review commission shall approve, conditionally approve or deny an application within 30 working days. The zoning administrator shall mail notice of the decision to the applicant within 10 calendar days of the decision. In the case of an appeal, the date of decision is the date of the adoption of a resolution of decision.

C. Effective date – Appeal. A sign permit or master sign program approval or temporary sign permit is effective on the date of approval. Any interested person may appeal a decision of the application by the zoning administrator to the architectural review commission and of the architectural review commission to the city council, in accordance with PHMC Chapter 18.130.

D. Projects with multiple discretionary applications. Notwithstanding subsections B and C of this section, for projects requiring a discretionary permit approval from the planning commission and/or city council in conjunction with approval of a sign permit and/or master sign program, the planning commission and/or city council shall be the final decision-maker for the sign permit and/or master sign program and any action of the zoning administrator and/or architectural review commission shall be considered advisory to the planning commission and/or city council. (Ord. 921 § 2, 2018; Ord. 856 § 2 (Exh. A), 2011; Ord. 854 § 3, 2011; Ord. 738 § 1 (Exh. B), 1999; Ord. 710 § 35-30A.4, 1996; 1991 code § 35-30A.4)

18.105.040 Findings.

A. Sign permit. The zoning administrator or architectural review commission shall consider the following elements in evaluating a sign permit application:
   1. Visibility and legibility, including letter height and legibility, contrast-background relationship, placement and location, and the impact of other signs in the vicinity, and the average travel speed on adjacent streets.
   2. Intensity of illumination of both the proposed sign and other signs in the vicinity, and other light sources such as street lights or canopy lights.
   3. The relation to the architectural design of the building. An attractive scale between the sign, the building and the immediate surroundings shall be maintained. A sign which covers a window or which spills over natural boundaries or architectural features and obliterates parts of an upper floor of a building may not be permitted.
   4. The graphic design, including emphasis on simplicity, style, trademarks or business identification and use of symbols.
   5. The sign proposal conforms to the city-wide sign design guidelines and/or other applicable adopted design guidelines.

B. Master sign program. Before approving a master sign program, the architectural review commission must find that:
   1. The program’s contribution to the design quality of the site and surrounding area will be superior to the quality that would result under the regulations and standards of PHMC § 18.60.050, Specific sign standards;
   2. The proposed signs are compatible with the style or character of existing improvements on the site and are well-related to each other; and
   3. Future tenants will not be denied adequate opportunities for identification if transfers of sign area from one building frontage to another are proposed by the master sign program.
   4. The master sign program conforms to the city-wide sign design guidelines and/or other applicable adopted design guidelines.
C. **Temporary sign permit.** Before approving a temporary sign permit, the zoning administrator must find that:
   1. The proposed temporary sign will be located, operated and maintained in a manner consistent with the general plan and this chapter;
   2. Approval of the application will not be detrimental to adjacent properties or to property in the surrounding area or to the public health, safety or general welfare; and
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18.105.050 Conditions of approval.

In approving a sign permit, master sign program or temporary sign permit, the zoning administrator or architectural review commission may impose reasonable conditions necessary to:

A. Achieve the general purposes of this chapter or the specific purposes of the zoning district in which the site is located, or to make it consistent with the general plan;

B. Protect the public health, safety, and general welfare; or

C. Ensure operation and maintenance of the use in a manner compatible with existing and potential uses on adjoining properties or in the surrounding area. (Ord. 854 § 3, 2011; Ord. 738 § 1 (Exh. B), 1999; Ord. 710 § 35-30A.8, 1996; 1991 code § 35-30A.8)

18.105.060 Lapse of approval – Changes to plans – Revocation.

A. Sign permit. A sign permit lapses one year after its date of approval, or at an alternative time specified as a condition of approval, unless the sign is placed within that time. A request for a change in the sign permit or a condition of approval requires a new application, for modification of the condition. If the zoning administrator determines that the modification is major, then the modification shall be referred for consideration to the final decision-making body that approved the original sign permit. If the zoning administrator determines that the proposed modification is minor, the zoning administrator may approve the minor modification administratively.

B. Master sign program. The approval of a master sign program does not lapse, but remains in effect to regulate future signs. A request for a change in the master sign program or a condition of approval requires a new application. If the zoning administrator determines that the modification is major, then the modification shall be referred for consideration to the final decision-making body that approved the original master sign program. If the zoning administrator determines that the proposed modification is minor, the zoning administrator may approve the minor modification administratively.

C. Temporary sign permit. A temporary sign permit is valid for the time period specified in the permit. The permit lapses if not used within the dates approved.

D. Revocation. A sign permit, master sign program or temporary sign permit exercised in violation of this chapter or a condition of approval may be revoked as provided in PHMC § 18.135.040. (Ord. 856 § 2 (Exh. A), 2011; Ord. 854 § 3, 2011; Ord. 738 § 1 (Exh. B), 1999; Ord. 710 § 35-30A.10, 1996; 1991 code § 35-30A.10)

18.105.070 Resubmittal of application.

Following denial of a sign permit or master sign program, no new application for the same, or substantially the same, permit or program shall be accepted within one year of the date of denial, unless the denial was made without prejudice. (Ord. 854 § 3, 2011; Ord. 738 § 1 (Exh. B), 1999; Ord. 710 § 35-30A.12, 1996; 1991 code § 35-30A.12)
Chapter 18.110

VARIANCES

Sections:
18.110.010 Requirement.
18.110.020 Approval authority.
18.110.030 Procedures – Application, notice and public hearing, decision, effective date, appeal.
18.110.040 Findings.
18.110.050 Conditions of approval.
18.110.060 Lapse of approval – Changes to plans.
18.110.070 Resubmittal of application.

18.110.010 Requirement.

A variance is required when a property owner seeks relief from zoning requirements because of special physical conditions applicable to the property. A variance may not be granted regarding use classifications or density. A request for a reasonable accommodation in the application of zoning regulations for a disabled person is not a variance, but is covered under PHMC Chapter 18.112. (Ord. 838 § 3, 2009; Ord. 710 § 35-31.1, 1996; 1991 code § 35-31.1)

18.110.020 Approval authority.

The planning commission has the authority to approve variances, except that the zoning administrator has the authority to approve a minor variance. A minor variance means a variance in connection with property in a single-family zoning district. The zoning administrator may, in his or her discretion, refer a minor variance application directly to the planning commission. (Ord. 710 § 35-31.2, 1996; 1991 code § 35-31.2)

18.110.030 Procedures – Application, notice and public hearing, decision, effective date, appeal.

A. Application. The applicant shall submit a request for a variance to the zoning administrator, on forms provided by the city. An application is considered to be complete if it is in accordance with PHMC § 18.75.030.

B. Notice and public hearing. The planning commission, or the zoning administrator in the case of a minor variance, shall hold a public hearing on an application for a variance and shall hear testimony for and against the application.

The zoning administrator shall set the time and date for the public hearing. The hearing shall be scheduled within 20 calendar days, and held within 60 calendar days, after the application is deemed complete. When applications for multiple development plans, use permits or variances on a single site are filed at the same time, the zoning administrator shall schedule a combined public hearing.

Notice of the hearing shall be given in accordance with PHMC Chapter 18.80. A public hearing may be continued to a definite date and time without additional public notice.

C. Decision. The hearing body shall approve, conditionally approve or deny an application within 20 working days after the close of the public hearing. The zoning administrator shall mail notice of the decision to the applicant and any other party requesting notice within 10 calendar days of the decision. In the case of the planning commission, or city council on appeal, the date of the decision is the date the commission or council adopts the resolution.

D. Effective date. A decision under this section takes effect at the end of the time allowed for an appeal, which is 10 calendar days after notice of the decision is mailed.
E. **Appeal.** A decision of the zoning administrator may be appealed to the planning commission, and a decision of the planning commission may be appealed to the city council, all in accordance with the appeal procedures of PHMC Chapter 18.130. (Ord. 710 § 35-31.4, 1996; 1991 code § 35-31.4)

**18.110.040** **Findings.**

The planning commission, or the zoning administrator in the case of a minor variance, may approve an application for a variance if it finds all of the following to be true, based on the application, plans, materials and testimony submitted at the public hearing:

A. The variance is based on the existence of special circumstances applicable to the property, including size, shape, topography, location or surroundings, such that the strict application of the zoning regulations deprives the property of privileges enjoyed by other properties in the vicinity under the identical zoning classification;

B. The variance does not constitute a grant of special privileges inconsistent with the limitations on other properties in the vicinity and zoning district in which the property is located; and

C. The variance substantially meets the intent and purpose of the zoning district in which the property is located. (Ord. 710 § 35-31.6, 1996; 1991 code § 35-31.6)

**18.110.050** **Conditions of approval.**

In approving a variance, the planning commission or zoning administrator may impose reasonable conditions necessary to:

A. Achieve the general purposes of this chapter or the specific purposes of the zoning district in which the site is located, or to make it consistent with the general plan;

B. Protect the public health, safety, and general welfare; or

C. Ensure operation and maintenance of the use in a manner compatible with existing and potential uses on adjoining properties or in the surrounding area. (Ord. 710 § 35-31.8, 1996; 1991 code § 35-31.8)

**18.110.060** **Lapse of approval – Changes to plans.**

A. **Lapse of approval.** A variance lapses one year after its date of approval, or at an alternative time specified as a condition of approval, unless one of the following has occurred:
   1. A building permit has been issued, substantial money has been expended, and construction diligently pursued; or
   2. A certificate of occupancy has been issued; or
   3. The variance is renewed by the hearing body which originally approved it. No new notice or public hearing is required for a renewal if the findings required for approval remain valid.

B. **Changes to plans.** A request for a change in the variance or a condition of approval requires a new application, for modification of the condition. If the zoning administrator determines that the modification is major, then the modification shall be referred for consideration to the final decision-making body that approved the original variance. If the zoning administrator determines that the modification is minor, the zoning administrator may approve that minor modification administratively, and that decision may be appealed to the planning commission. (Ord. 856 § 2 (Exh. A), 2011; Ord. 710 § 35-31.10, 1996; 1991 code § 35-31.10)
18.110.070 Resubmittal of application.

Following denial of a variance, no new application for the same, or substantially the same, variance shall be accepted within one year of the date of denial, unless the denial was made without prejudice. (Ord. 710 § 35-31.12, 1996; 1991 code § 35-31.12)
Chapter 18.111

MINOR EXCEPTIONS

Sections:
18.111.010 Specific purposes.
18.111.020 Applicability.
18.111.030 Procedures – Authority, application, notice and public hearing, decision, effective date, appeal.
18.111.040 Findings.
18.111.050 Conditions of approval.
18.111.060 Lapse of approval.
18.111.070 Changes to plans.
18.111.080 Resubmittal of application.

18.111.010 Specific purposes.

The purposes of this chapter are to:

A. Allow the zoning administrator to grant a minor exception from specified development standards required by this zoning ordinance.

B. Provide an appropriate process to enable the zoning administrator to grant a requested minor exception.

C. Provide appropriate and reasonable findings to allow the zoning administrator to grant a requested minor exception.

D. Ensure that any exceptions granted will be consistent with the purpose and intent of this title. (Ord. 857 § 2, 2011)

18.111.020 Applicability.

A minor exception may be requested for any item identified below:

A. Fence or wall height. An increase in the maximum allowable height of a fence or wall of not more than one foot (see PHMC § 18.20.040.H).

B. Floor area ratio (FAR). A maximum increase of 10% of the existing FAR standard (e.g., if the FAR is 30%, the maximum potential increase would be 3%).

C. Landscaping area. A decrease in minimum landscaping or planting area or dimensional requirements of not more than 20% of the applicable standard (see PHMC §§ 18.20.040.G and 18.25.030).

D. Loading. A decrease in the number of required loading spaces; provided, that it can be demonstrated that the spaces are not needed for the proposed use and the area that was to be used for the loading space(s) shall be used as additional landscaping, parking or open space in addition to minimum ordinance requirements (see PHMC §§ 18.55.020 and 18.55.030).

E. Lot coverage. An increase of not more than 10% of the applicable lot coverage standard (e.g., 30% x 0.10 = 3%) (see PHMC § 18.20.030).

F. Lot depth and/or width. A decrease of not more than 10% of a minimum depth and/or width dimension, only when the minimum required lot area and density requirements are met (e.g., a lot depth requirement of 90 feet may be reduced to 81 feet) (see PHMC § 18.20.030).
G. Open space. A decrease of not more than 10% of the minimum required amount of usable open space on the site (private and/or shared), or open space dimensional requirements (see PHMC §§ 18.20.030 and 18.20.040.E).

H. Projections. An increase of not more than 20% in the allowable projection of cornices, eaves, fireplaces, masonry chimneys, overhangs, and steps into a required setback area (provided, that the projection shall not be closer than three feet to any property line). Projections shall be measured from the required setback (i.e., not from an existing legal nonconforming setback or from a reduced setback that may be granted through a variance or minor exception) (see also PHMC § 18.50.020).

I. Screening of mechanical equipment. Approval of alternative methods of screening, including use of painting or other stealthing or camouflaging techniques, if the zoning administrator determines that other screening methods are not feasible and the alternative methods will provide substantial screening consistent with the intent and purpose of this title (see PHMC § 18.50.090).

J. Minimum yards. A decrease of not more than 20% of the applicable yard setback standard, if consistent with the character of existing development in the surrounding area. In no circumstance shall a minor exception be granted for a main building or accessory structure that reduces yard setbacks to less than the following (see PHMC §§ 18.20.030 and 18.25.030):
1. Front yard: 16 feet (a minimum of 20 feet shall be maintained for any garage facing the street).
2. Side yards: three feet.
3. Rear yard: five feet.

K. Accessory structures.
1. Accessory structures on parcels with existing and ongoing agricultural/horticultural uses that are two acres or larger may exceed the maximum floor area and/or height standards specified in PHMC § 18.20.050.A through 18.20.050.D, provided the accessory structures comply with all other applicable development standards;
2. Any other type of decorative landscape structure/feature(s), not identified in PHMC § 18.20.050.G (e.g., trellis, fountain, column or similar) exceeding three feet in height, and occupying not more than 10% of the required yard area (either individually or cumulatively).

L. Other required dimensions. The zoning administrator may approve minor adjustments in other required dimensions, up to a change of 20% of the required dimension, excluding any increase in maximum building height (see PHMC §§ 18.20.030 and 18.25.030).

M. Other minor adjustments. The zoning administrator may approve other minor adjustments to zoning ordinance standards in addition to those specified above; provided, that all of the findings specified in PHMC § 18.111.040 are satisfied and the planning commission is notified of the proposed minor exception and provided with an opportunity to call the proposed minor exception up for review pursuant to PHMC § 18.130.010.

N. Required variance. A request for an exception that exceeds the limitations identified in this chapter requires the approval of a variance under PHMC Chapter 18.110. Approval of a minor exception and/or eligibility for consideration of approval of a minor exception does not constitute a basis for future approval of a variance. (Ord. 857 § 2, 2011)

18.111.030 Procedures – Authority, application, notice and public hearing, decision, effective date, appeal.

A. Authority. The zoning administrator has the authority to approve minor exceptions. The zoning administrator may, at his or her discretion, refer a minor exception application directly to the planning commission for consideration; except that whenever more than one minor exception is requested for a property (either concurrently or sequentially over time), the minor exception request shall be referred to the planning commission for consideration at a public hearing.
B. **Application.** The applicant shall submit a request for a minor exception to the zoning administrator, on forms provided by the city. An application is considered to be complete if it is in accordance with PHMC § 18.75.030.

C. **Notice and public hearing.** The zoning administrator shall, within 20 calendar days after the application is deemed complete, notify all residents and property owners within 300 feet of the project site, and provide notice to the planning commission and city council that a decision will be made by the zoning administrator to approve or disapprove the minor exception application on a date specified in the notice, and that a public hearing will be held only if requested in writing by any interested person before the specified date for the decision. When a hearing is requested, notice of the hearing shall be provided in accordance with PHMC Chapter 18.80. When multiple applications are submitted for a single site in conjunction with a request for a minor exception, and when any of these applications require planning commission review, the zoning administrator shall schedule a combined public hearing for all of the applications before the planning commission. A public hearing may be continued to a definite date and time without additional public notice.

D. **Decision.** The zoning administrator shall approve, conditionally approve or deny an application within 20 working days after issuance of a public notice as specified in subsection C of this section or within 20 working days after the close of the public hearing, whichever is applicable. The zoning administrator shall mail notice of the decision, including a description of the appeal process as specified in PHMC Chapter 18.130, to the applicant and any other party requesting notice and shall provide electronic mail (email) notice of the decision to the planning commission and city council within 10 calendar days of the decision. In the case of the planning commission, or city council on appeal, the date of the decision is the date the commission or council adopts the resolution approving or denying the application(s).

E. **Effective date.** A decision under this section takes effect at the end of the time allowed for an appeal, which is 10 calendar days after notice of the decision is mailed.

F. **Appeal.** A decision of the zoning administrator may be appealed to the planning commission, and a decision of the planning commission may be appealed to the city council, all in accordance with the appeal procedures of PHMC Chapter 18.130.

G. **Call for review.** A decision of the zoning administrator may be called for review by any member of the planning commission, architectural review commission and/or city council pursuant to the provisions of PHMC Chapter 18.130. (Ord. 857 § 2, 2011)

**18.111.040 Findings.**

The zoning administrator may approve an application for a minor exception if the following findings can be made, based on the application, plans, materials and any public testimony submitted:

A. No practical alternative exists to the proposed exception;

B. The purpose and intent of the subject zone district will not be substantially compromised;

C. There will be no detrimental impact (aesthetically or otherwise) to the site, adjacent properties or neighborhood;

D. The project will be in substantial conformance with the city-wide design guidelines;

E. The proposed project will otherwise be in compliance with all applicable zoning ordinance standards and requirements, including any applicable specific plan or planned unit development. (Ord. 857 § 2, 2011)
18.111.050 Conditions of approval.

In approving a minor exception, the zoning administrator may impose reasonable conditions necessary to:

A. Achieve the general purposes of this chapter or the specific purposes of the zoning district in which the site is located, and/or to ensure that the request is consistent with the general plan;

B. Protect the public health, safety, and general welfare;

C. Ensure operation and maintenance of the use in a manner compatible with existing and potential uses on adjoining properties or in the surrounding area;

D. Ensure substantial conformance with city-wide design guidelines. (Ord. 857 § 2, 2011)

18.111.060 Lapse of approval.

An exception lapses one year after its date of approval, or at an alternative time specified as a condition of approval, unless one of the following has occurred:

A. A building permit has been issued, substantial money has been expended, and construction diligently pursued; or

B. A certificate of occupancy has been issued; or

C. The exception is renewed by the hearing body which originally approved it. No new notice or public hearing is required for a renewal if the findings required for approval remain valid. (Ord. 857 § 2, 2011)

18.111.070 Changes to plans.

A request for a change in the minor exception or a condition of approval requires a new application for modification of the condition. If the zoning administrator determines that the modification is minor, the zoning administrator may approve that minor modification administratively, and that decision may be appealed to the planning commission. If the zoning administrator determines that the modification is major, then the modification shall be referred for consideration to the final decision-making body that approved the original minor exception. (Ord. 857 § 2, 2011)

18.111.080 Resubmittal of application.

Following denial of a minor exception, no new application for the same, or substantially the same, minor exception shall be accepted within one year of the date of denial, unless the denial was made without prejudice. Upon denial of a minor exception, the applicant may apply for a variance under PHMC Chapter 18.110. (Ord. 857 § 2, 2011)
Chapter 18.112

REASONABLE ACCOMMODATION

Sections:
18.112.010 Purpose.
18.112.020 Definitions.
18.112.030 Requesting reasonable accommodation.
18.112.040 Application requirements.
18.112.050 Approval authority – Notice – Decision.
18.112.060 Findings – Other requirements.
18.112.070 Appeal.

18.112.010 Purpose.

It is the city’s policy to provide individuals with disabilities reasonable accommodation in regulations and procedures to ensure equal access to housing, and to facilitate the development of housing. The purpose of this chapter is to provide a procedure under which a disabled person may request a reasonable accommodation in the application of zoning requirements.

This chapter is based on requirements of the federal and state fair housing laws, and implements the housing element of the city’s general plan. It is distinct from the requirements for a variance set forth in Government Code section 65906 and PHMC Chapter 18.110, Variances. (Ord. 838 § 1, 2009)

18.112.020 Definitions.

In this chapter:

**Disabled person** means a person who has a medical, physical or mental condition that limits a major life activity, as those terms are defined in California Government Code section 12926, anyone who is regarded as having such a condition or anyone who has a record of having such a condition. It includes a person or persons, or an authorized representative of a disabled person. The term “disabled person” does not include a person who is currently using illegal substances, unless he or she has a separate disability. (42 U.S.C. § 3602(h).)

**Fair housing laws** means (1) the Federal Fair Housing Act (42 U.S.C. § 3601 and following) and (2) the California Fair Employment and Housing Act (Govt. Code § 12955 and following), including amendments to them.

**Reasonable accommodation** means providing disabled persons flexibility in the application of land use and zoning regulations and procedures, or even waiving certain requirements, when necessary to eliminate barriers to housing opportunities. It may include such things as yard area modifications for ramps, handrails or other such accessibility improvements; hardscape additions, such as widened driveways, parking area or walkways; building additions for accessibility; tree removal; or reduced off-street parking where the disability clearly limits the number of people operating vehicles. Reasonable accommodation does not include an accommodation which would (1) impose an undue financial or administrative burden on the city or (2) require a fundamental alteration in the nature of the city’s land use and zoning program.¹ (Ord. 838 § 1, 2009)

18.112.030 Requesting reasonable accommodation.

A. Request. A disabled person may request a reasonable accommodation in the application of the city’s land use and zoning regulations. Such a request may include a modification or exception to the requirements for the

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¹ Govt. Code § 12927(c)(1), (l) and § 12955(l); 42 U.S.C. § 3604(f)(3)(B); 28 C.F.R. § 35.150 (a)(3).
siting, development and use of housing or housing-related facilities that would eliminate regulatory barriers. A reasonable accommodation cannot waive a requirement for a conditional use permit when otherwise required or result in approval of uses otherwise prohibited by the city’s land use and zoning regulations.

B. Availability of information. Information regarding this reasonable accommodation procedure shall be prominently displayed at the public information counters in the planning division, advising the public of the availability of the procedure for eligible applicants, and be made available in any other manner as determined by the director.

C. Assistance. If an applicant needs assistance in making the request, the planning division will endeavor to provide the assistance necessary to ensure that the process is available to the applicant.

D. Balancing rights and requirements. The city will attempt to balance (1) the privacy rights and reasonable request of an applicant for confidentiality, with (2) the land use requirements for notice and public hearing, factual findings and rights to appeal, in the city’s requests for information, considering an application, preparing written findings and maintaining records for a request for reasonable accommodation. (Ord. 838 § 1, 2009)

18.112.040 Application requirements.

A. Application. The applicant shall submit a request for reasonable accommodation on a form provided by the planning division. The application shall include the following information:

1. The applicant's name, address and telephone number;
2. Address of the property for which the request is being made;
3. The name and address of the property owner, and the owner’s written consent to the application;
4. The current actual use of the property;
5. The basis for the claim that the individual is considered disabled under the fair housing laws: identification and description of the disability which is the basis for the request for accommodation, including current, written medical certification and description of disability and its effects on the person’s medical, physical or mental limitations;
6. The rule, policy, practice and/or procedure of the city for which the request for accommodation is being made, including the zoning code regulation from which reasonable accommodation is being requested;
7. The type of accommodation sought;
8. The reason(s) why the accommodation is reasonable and necessary for the needs of the disabled person(s). Where appropriate, include a summary of any potential means and alternatives considered in evaluating the need for the accommodation;
9. Copies of memoranda, correspondence, pictures, plans or background information reasonably necessary to reach a decision regarding the need for the accommodation; and
10. Other supportive information deemed necessary by the department to facilitate proper consideration of the request, consistent with fair housing laws.

B. Review with other land use applications. If the project for which the reasonable accommodation is being requested also requires some other discretionary approval (such as conditional use permit, architectural review, general plan amendment, zoning amendment, subdivision map), then the applicant shall submit the reasonable accommodation application first for a determination by the zoning administrator, before proceeding with the other applications.

C. Fee. The fee for an application for reasonable accommodation shall be established by resolution of the city council. (Ord. 838 § 1, 2009)

18.112.050 Approval authority – Notice – Decision.

A. Approval authority.

1. Zoning administrator. The zoning administrator has the authority to review and decide upon requests for reasonable accommodation, including whether the applicant is a disabled person within the meaning of this
chapter, except as noted in subsection A.2 of this section. The zoning administrator may refer the matter to the planning commission or architectural review commission, as appropriate.

2. **Planning commission.** The planning commission has the authority to review and decide upon requests for reasonable accommodation, including whether the applicant is a disabled person within the meaning of this chapter, when referred by the zoning administrator or when a reasonable accommodation request includes any encroachment into the front yard setback area, results in a building size increase above what is allowed in the applicable zoning district with respect to height, lot coverage and floor area ratio maximums, or whenever a reduction in required parking is requested.

3. **Architectural review commission.** The architectural review commission has the authority to review and decide upon requests for reasonable accommodation, including whether the applicant is a disabled person within the meaning of this chapter, when referred by the zoning administrator.

**B. Notice.** No advance notice or public hearing is required for consideration of reasonable accommodation requests by the zoning administrator. Requests for reasonable accommodation subject to review by the planning commission or architectural review commission shall require advance notice and a public hearing pursuant to the requirements of PHMC § 18.80.030.

**C. Decision.** The zoning administrator shall render a decision or refer the matter to the planning commission or architectural review commission within 30 days after the application is complete, and shall approve, approve with conditions or deny the application, based on the findings set forth in PHMC § 18.112.060. The decision shall be in writing and mailed to the applicant and to all residents and property owners within 300 feet of the project site.

If the application for reasonable accommodation involves another discretionary decision, the reviewing body for that decision shall accept as final the determination regarding reasonable accommodation by the zoning administrator, unless the reasonable accommodation request has been referred by the zoning administrator to the planning commission or architectural review commission for consideration.

If the application for reasonable accommodation is referred to, or reviewed by, the planning commission or architectural review commission, a decision to approve, approve with conditions or deny the application shall be rendered within 20 working days after the close of the public hearing, based on the findings set forth in PHMC § 18.112.060. (Ord. 838 § 1, 2009)

### 18.112.060 Findings – Other requirements.

**A. Findings.** The reviewing authority shall approve the application, with or without conditions, if it can make the following findings:

1. The housing will be used by a disabled person;
2. The requested accommodation is necessary to make specific housing available to a disabled person;
3. The requested accommodation would not impose an undue financial or administrative burden on the city; and
4. The requested accommodation would not require a fundamental alteration in the nature of a city program or law, including land use and zoning.

**B. Other requirements.**

1. An approved request for reasonable accommodation is subject to the applicant’s compliance with all other applicable zoning regulations.
2. A modification approved under this chapter is considered a personal accommodation for the individual applicant and does not run with the land.
3. Where appropriate, the reviewing authority may condition its approval on any or all of the following:
   a. Inspection of the property periodically, as specified, to verify compliance with this section and any conditions of approval;
   b. Removal of the improvements, where removal would not constitute an unreasonable financial burden, when the need for which the accommodation was granted no longer exists;
c. Time limits and/or expiration of the approval if the need for which the accommodation was granted no longer exists;

d. Recordation of a deed restriction requiring removal of the accommodating feature once the need for it no longer exists;

e. Measures to reduce the impact on surrounding uses;

f. Measures in consideration of the physical attributes of the property and structures;

g. Other reasonable accommodations that may provide an equivalent level of benefit and/or that will not result in an encroachment into required setbacks, exceedance of maximum height, lot coverage or floor area ratio requirements specified for the zone district; and

h. Other conditions necessary to protect the public health, safety and welfare. (Ord. 838 § 1, 2009)

18.112.070 Appeal.

A decision by the zoning administrator may be appealed to the planning commission and a decision of the planning commission and/or architectural review commission may be appealed to the city council in accordance with the appeal procedures of PHMC Chapter 18.130. (Ord. 838 § 1, 2009)
Chapter 18.115

ARCHITECTURAL REVIEW PERMITS

Sections:
18.115.010 Requirement – Purpose.
18.115.020 Approval authority.
18.115.030 Procedures – Application, notice and hearing, decision, effective date, appeal.
18.115.040 Scope of review.
18.115.050 Conditions of approval.
18.115.060 Lapse and renewal – Changes to plans.
18.115.070 Resubmittal of application.

18.115.010 Requirement – Purpose.

A. Requirement. An architectural review permit is required before issuance of a building permit for each building elevation, landscape plan and site plan relating to the following:
  1. Any project other than a single-family residence;
  2. A single-family residence at the time of initial construction, but not for remodeling, additions, or accessory structures; however, staff level review of such structures for substantial conformance with the city-wide design guidelines shall occur as part of the building permit plan review and approval process.

No improvement subject to architectural review under this chapter shall be constructed, located, repaired, altered, repainted a different color or maintained except in accordance with a design approved under this chapter. The term improvement as used in this chapter shall be interpreted by the zoning administrator to include but not be limited to the construction, alteration, and repair of all buildings, structures, and facilities permanently affixed to real property and appurtenances thereto.

B. Purpose. The purpose of architectural review is to evaluate the interdependence of property values and aesthetics, and to provide a method to promote sound land use development. More specifically, architectural review is intended to:
  1. Ensure excellence of architectural design;
  2. Ensure that siting and architectural design of structures, including their materials and colors, are visually harmonious with surrounding development and with the natural landforms and vegetation of the areas in which they are proposed to be located;
  3. Ensure that plans for the landscaping of open spaces conform with the requirements of this chapter and that they provide visually pleasing settings for structures on the site and on adjoining and nearby sites, and blend harmoniously with the natural landscape;
  4. Prevent excessive and unsightly grading of hillsides, and preserve natural landforms and existing vegetation; and

18.115.020 Approval authority.

A. Architectural review commission. Except as provided in subsection B of this section, the architectural review commission has the authority to approve architectural review permits. The architectural review commission is established under PHMC Chapter 3.10.

B. Zoning administrator. The zoning administrator has the authority to approve an architectural review permit for any of the following improvements if the zoning administrator finds that such improvements will not have a significant visual impact.
  1. A minor alteration to an existing structure in a PUD, PPD or HPUD development that is consistent with the original approval and has the approval of the homeowners association, if one exists;
2. A minor alteration to an existing structure in the RB, NB, C, PAO or LI district that is consistent with the original approval. Minor alterations include improvements such as repainting, landscape modification, and window replacements;
3. An addition or repair to an existing structure if the exterior is not altered.

The zoning administrator may, in his or her discretion, refer an application directly to the architectural review commission. (Ord. 738 § 1 (Exh. C), 1999; Ord. 710 § 35-32.2, 1996; 1991 code § 35-32.2)

18.115.030 Procedural – Application, notice and hearing, decision, effective date, appeal.

A. Application. An applicant for an architectural review permit shall submit a complete application accompanied by plans and materials in the form approved by the department. The zoning administrator may waive submission of items deemed unnecessary to determine compliance with applicable requirements of this chapter. An application is considered to be complete if it is in accordance with PHMC § 18.75.030.

B. Notice and hearing. The architectural review commission shall hold a hearing on the application. The hearing is open to the public, but no notice is required except to the applicant. No notice or hearing is required for an application to be considered by the zoning administrator under this section.

C. Decision. Within 20 working days following completion of the hearing, the commission shall approve, conditionally approve, or deny the application. The zoning administrator shall mail notice of the decision to the applicant and any other party requesting notice within 10 calendar days of the decision.

D. Effective date. A decision under this chapter takes effect at the end of the time allowed for an appeal, which is 10 calendar days after notice of the decision is mailed. If the decision is appealed, the decision is not final until the appeal process under PHMC Chapter 18.130 has been exhausted.

E. Appeal. A decision of the zoning administrator under this chapter may be appealed to the architectural review commission, and a decision of the architectural review commission may be appealed to the city council, all in accordance with the appeal procedures of PHMC Chapter 18.130.

F. Projects with multiple discretionary applications. Notwithstanding subsections C through E of this section, for projects requiring a discretionary permit approval from the planning commission and/or city council in addition to approval of an architectural review permit, the planning commission and/or city council shall be the final decision-maker for the architectural review permit and any action of the architectural review commission shall be considered advisory to the planning commission and/or city council. (Ord. 921 § 3, 2018; Ord. 738 § 1 (Exh. C), 1999; Ord. 710 § 35-32.4, 1996; 1991 code § 35-32.4)

18.115.040 Scope of review.

In approving an architectural review permit, the architectural review commission shall review the site plan and physical design of a project; the sign designs and locations; and lighting.

In its review, the architectural review commission shall consider the following factors:

A. Excellence of design;
B. Height, bulk and coverage of buildings;
C. Colors, building materials, and types of building and installations;
D. Physical and architectural relation with existing and proposed structures in the area and to the site’s location within the city;
E. Site layout, orientation and location of buildings, and relationship with property boundaries and open areas;

F. Height, materials, colors and variations in boundary walls, fences, or screen planting;

G. Location and type of landscaping, including but not limited to setback areas and off-street parking areas;
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H. Appropriateness of sign design and exterior lighting standards and devices and other building graphics, pursuant to criteria established in PHMC § 18.60.050 and the sign design guidelines adopted under PHMC § 18.60.090; and

I. The extent of grading and its relationship to topography, as related to visual impacts. (Ord. 738 § 1 (Exh. C), 1999; Ord. 710 § 35-32.6, 1996; 1991 code § 35-32.6)

18.115.050 Conditions of approval.

The architectural review commission or zoning administrator may impose conditions reasonably related to the application and consistent with this chapter. They may not impose requirements pertaining to use, density, floor area ratio (FAR), open space, yard setbacks, ridgeline and creek setbacks, parking or loading or signs more restrictive than those prescribed by the planning commission and the district regulations or a valid use permit or variance. (Ord. 738 § 1 (Exh. C), 1999; Ord. 710 § 35-32.8, 1996; 1991 code § 35-32.8)

18.115.060 Lapse and renewal – Changes to plans.

A. Lapse of approval. An architectural review permit lapses one year from its effective date unless:
   1. A building permit has been issued, substantial money has been expended, and construction diligently pursued; or
   2. An occupancy permit has been issued; or
   3. The approval is renewed by the architectural review commission.

B. Changed plans. The zoning administrator may approve a change to the approved plans or to the conditions of approval upon a written determination that the change is minor and consistent with the intent of the original approval. A revision involving a substantial change in project design or a condition of approval requires a new application and approval, for modification of the condition. If the zoning administrator determines that the modification is major, then the modification shall be referred for consideration to the final decision-making body that approved the original architectural review permit. (Ord. 856 § 2 (Exh. A), 2011; Ord. 738 § 1 (Exh. C), 1999; Ord. 710 § 35-32.10, 1996; 1991 code § 35-32.10)

18.115.070 Resubmittal of application.

Following denial of an application for architectural review, no new application for the same, or substantially the same, architectural review plan shall be accepted within one year of the date of denial, unless the denial was made without prejudice. (Ord. 738 § 1 (Exh. C), 1999; Ord. 710 § 35-32.12, 1996; 1991 code § 35-32.12)
Chapter 18.120

DEVELOPMENT AGREEMENTS

Sections:
18.120.010 Purpose.
18.120.020 Application requirements.
18.120.030 Contents of development agreement.
18.120.040 Review process.
18.120.050 Department review and recommendation – Notice and public hearing.
18.120.060 Planning commission action.
18.120.070 City council action.
18.120.080 Annual review.
18.120.090 Amendment or cancellation.
18.120.100 Administration.

18.120.010 Purpose.

In order to strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic cost of development, the Legislature of the State of California adopted provisions in the Government Code authorizing local governments to enter into development agreements with applicants for development projects. The objective of such an agreement is to provide for vesting of certain development rights in the property by granting assurances that, upon approval of the project, the applicant may proceed with the project in accordance with existing policies, rules and regulations, subject to the conditions of approval. The purpose of this chapter is to establish procedures and requirements for consideration of development agreements by the city consistent with state law. (Reference: Govt. Code §§ 65864 – 65869.5) (Ord. 710 § 35-33.1, 1996; 1991 code § 35-33.1)

18.120.020 Application requirements.

An applicant may propose that the city consider entering into a development agreement by filing a complete application with the public works and community development department accompanied by plans and materials in the form approved by the department. (Ord. 710 § 35-33.2, 1996; 1991 code § 35-33.2)

18.120.030 Contents of development agreement.

A. A development agreement shall specify all of the following: the duration of the agreement; the permitted uses of the property, including mix and type of uses; the density or intensity of use; the maximum height and size of proposed buildings; and provisions for reservation or dedication of land for public purposes.

B. A development agreement may:
   1. Include conditions, terms, restrictions, and requirements for subsequent discretionary actions; provided, that such conditions, terms, restrictions, and requirements shall not prevent development of the land for the uses and to the density or intensity of development set forth in the agreement;
   2. Provide that construction shall be commenced within a specified time and that the project or any phase be completed within a specified time;
   3. Include terms and conditions relating to applicant financing of necessary public facilities and subsequent reimbursement over time;
   4. Provide that a particular rule, regulation or policy will apply as it exists at the time of building permit issuance (for example, building code standards and development processing and impact fees);
   5. Provide for specific penalties for failure to perform.

C. Unless otherwise provided by the development agreement, the rules, regulations, and official policies applicable to development of the property subject to a development agreement shall be those rules, regulations,
and official policies in effect at the time of agreement execution. In subsequent actions applicable to the
project, the city may apply new rules, regulations, and policies which do not conflict with those rules, regula-
tions, and policies in effect at the time of the agreement, and may deny or conditionally approve the project on
that basis. No rights shall be deemed to vest in the applicant or any other person under any development agree-
ment, except as set forth in the development agreement.

D. Development agreements shall be limited to a period not to exceed a maximum of 10 years from the effective
date of the adopting ordinance. (Ord. 710 § 35-33.4, 1996; 1991 code § 35-33.4)

18.120.040 Review process.

City staff shall not begin to negotiate with the applicant until the city council has so authorized staff, following
completion of the review process as set forth below.

A. The zoning administrator shall review the proposal, consult with all city departments, and obtain such addi-
tional information from the applicant as may be deemed necessary by the zoning administrator. Within 45 cal-
endar days of receipt of the application, the zoning administrator shall prepare a report to the city council
containing the zoning administrator’s recommendation. The recommendation shall consist of the following:
1. A statement of potential public benefits and costs accruing to the city if the agreement were entered into;
2. A recommendation as to whether the city should negotiate further with the applicant;
3. A statement whether the application meets the minimum statutory requirements for a development
   agreement, as set forth in PHMC § 18.120.030.A;
4. A statement of issues for further research and investigation, and issues that should be addressed in the
development agreement;
5. A statement of those documents, applications and other items required by the zoning administrator in
   order to further process the application or negotiate with the applicant.

B. Upon completion of the report, the matter shall be set for a public hearing before the city council at its next
regularly scheduled meeting. Notice of the hearing shall be given in accordance with PHMC Chapter 18.80.
The city council shall consider at the hearing whether to authorize city staff to negotiate with the applicant con-
cerning the development agreement.

C. Upon the close of the hearing, the city council shall by resolution either:
   1. Direct city staff to continue negotiating with the applicant, and to prepare a proposed development
      agreement for planning commission review; or
   2. Determine that no further negotiations are desirable and reject the application. (Ord. 710 § 35-33.6,
      1996; 1991 code § 35-33.6)

18.120.050 Department review and recommendation – Notice and public hearing.

A. Department review and recommendation. If the city council has directed the staff to proceed with the appli-
cation under PHMC § 18.120.030, the department shall, at the applicant’s expense, undertake environmental
review in accord with city guidelines for CEQA implementation (unless the project is categorically exempt).
Upon completion of the review, the department shall transmit the application, together with its recommenda-
tions and appropriate environmental review documents, to the planning commission.

B. Notice and public hearing. Within six months following council authorization to staff to negotiate with the
applicant, a public hearing shall be scheduled before the planning commission. The city and the applicant may
agree to a later date. Notice of intention to consider the application shall be given as provided in PHMC Chap-
ter 18.80. If the application is being processed together with a development project, notice of the public hearing
shall also be given as required for consideration of the development project. (Ord. 710 § 35-33.8, 1996; 1991
code § 35-33.8)
18.120.060 Planning commission action.

After the public hearing is closed, the commission shall recommend either approval, modification, or disapproval of the proposed development agreement. The commission shall transmit its recommendation to the city council within 30 calendar days.

In making its recommendation, the commission shall consider whether the proposal conforms to the general plan and any applicable specific plan, and whether the proposal contains the minimum statutory requirements of Government Code section 65865.2, as set forth in PHMC § 18.120.030.A. (Ord. 710 § 35-33.10, 1996; 1991 code § 35-33.10)

18.120.070 City council action.

A. Upon receipt of the application, the results of the environmental review, and the recommendations of the department and the planning commission, the city council shall schedule a public hearing on the application. Notice of intention to consider the application shall be given in the manner set forth in PHMC Chapter 18.80.

B. If the application is being processed together with the development project, the public hearing on the application may be held concurrently with the hearing on the project.

C. After the public hearing is closed, the city council shall approve, modify, or disapprove the proposed development agreement. An agreement shall not be approved unless the city council finds that:
   1. The agreement is consistent with the general plan and with any specific plan;
   2. The agreement is consistent with this title, the city code, and the State Subdivision Map Act;
   3. The agreement will not be detrimental to the health, safety and general welfare; and will not adversely affect the orderly development of property or the preservation of property values;
   4. The city council has considered the effect of the development agreement on the housing needs of the region in which the city is situated and has balanced these needs against the public service needs of its residents and available fiscal and environmental resources;
   5. The city council has considered the statement of potential public benefits and costs accruing to the city.

Any approval of a proposed agreement shall be made by ordinance, which shall authorize the city manager to sign the agreement on behalf of the city, and shall become effective 30 calendar days after adoption, unless a referendum is filed within that time.

D. No agreement shall be signed by the city manager until it has been duly signed by the applicant and owner, if the applicant is not the owner. If the applicant has not signed and returned the approved agreement to the city manager for signing within 30 calendar days of council approval, the application is deemed withdrawn by applicant.

E. Within 10 calendar days after the city manager signs a development agreement and the ordinance becomes effective, the city clerk shall cause a copy to be recorded in the office of the county recorder.

F. Following denial of an application for a development agreement, no new application for the same, or substantially the same, development agreement shall be accepted within one year of the date of denial, unless the denial was made without prejudice. (Ord. 710 § 35-33.12, 1996; 1991 code § 35-33.12)

18.120.080 Annual review.

A. A development agreement shall be reviewed at least once every 12 months, or more often at the request of the city council, zoning administrator or applicant.

B. The purpose of the review is to inquire into the good faith compliance of the applicant with the terms of the agreement and for any other purpose specified in the agreement.
C. Before each review, the public works and community development department shall prepare a report on all development that has occurred under the agreement since the last review and any other matters the department wishes to bring to the council’s attention.

D. If the department review determines that all terms of the agreement have been met, and the council concurs, no further review is required.

E. If, as the result of the review, the city council finds and determines that the applicant or successor in interest has not complied in good faith with the terms of the agreement, the city may terminate or modify the agreement or impose penalties as provided in the agreement. (Reference: Govt. Code § 65865.1.)

F. If the department recommends modification or termination of the agreement, a public hearing shall be scheduled before the planning commission on the agreement. Notice of intention to modify or terminate the agreement shall be given in the same manner as the initial consideration under PHMC Chapter 18.80. At the hearing, the applicant has the burden of demonstrating good faith compliance with the terms of the agreement. After closing the public hearing, the planning commission shall determine whether to recommend that the agreement be terminated, modified, or confirmed as is.

G. Upon receipt of the zoning administrator’s or planning commission’s recommendation, the city council shall schedule a public hearing. Notice of intention to modify or terminate the agreement shall be given in the same manner as the initial consideration under PHMC Chapter 18.80. If, after the public hearing is closed, the city council finds and determines on the basis of substantial evidence that the applicant or its successor in interest has not complied in good faith with the terms of the agreement, the city council may modify or terminate the agreement. Any modification or termination must be done by ordinance, and is subject to Government Code section 65867.5. (Ord. 710 § 35-33.14, 1996; 1991 code § 35-33.14)

18.120.090 Amendment or cancellation.

The agreement may be amended or canceled: (A) to comply with later enacted federal or state laws or regulations, under Government Code section 65869.5; or (B) by mutual consent, under Government Code section 65868; or (C) following city’s periodic review, under Government Code section 65865.1. Notice of intention to take any such action shall be given in the manner provided for the initial consideration, under PHMC Chapter 18.80, except that the parties may set forth an alternative procedure in the agreement for processing insubstantial amendments. Any significant amendment is subject to Government Code section 65867.5, which provides that the decision be adopted by ordinance. (Ord. 710 § 35-33.16, 1996; 1991 code § 35-33.16)

18.120.100 Administration.

The zoning administrator shall prepare and adopt such application forms, checklists, and other documents as considered necessary to implement these procedures and requirements. (Ord. 710 § 35-33.18, 1996; 1991 code § 35-33.18)
Chapter 18.125

ZONING ORDINANCE AMENDMENTS

Sections:
18.125.010 Applicability.
18.125.020 Initiation of amendments.
18.125.030 Application.
18.125.050 Planning commission action.
18.125.060 City council action.
18.125.070 Limitations on residential rezoning.
18.125.080 Revisions of proposed amendments.
18.125.090 Resubmittal of application.

18.125.010 Applicability.

The zoning designations may be changed by amending the zoning map, and the zoning regulations may be changed by amending this title. (Ord. 710 § 35-34.1, 1996; 1991 code § 35-34.1)

18.125.020 Initiation of amendments.

A. Zoning map. An amendment to the zoning map may be initiated by motion of the city council or planning commission, action of the zoning administrator, or by request of all owners of property for which the change is sought.

B. Zoning regulations. An amendment to the zoning regulations may be initiated by motion of the city council or the planning commission, action of the zoning administrator, or by request of any resident, property owner or business owner in the city. (Ord. 710 § 35-34.2, 1996; 1991 code § 35-34.2)

18.125.030 Application.

A. Zoning map. A property owner may initiate a zoning map amendment by filing an application in the form approved by the zoning administrator.

B. Zoning regulation. A property owner, resident or business owner shall initiate an amendment to the zoning regulations by submitting an application in the form approved by the zoning administrator. (Ord. 710 § 35-34.4, 1996; 1991 code § 35-34.4)


A. Report. The zoning administrator shall set a date, time and place for a public hearing and prepare a report to the planning commission on the proposed zoning map or zoning regulation amendment. The report shall describe the area or subject to be considered for change and, if warranted, propose alternative amendments.

B. Notice and public hearing. Notice of the public hearing on the proposed amendment shall be given in accord with PHMC Chapter 18.80. The planning commission may schedule a combined public hearing on multiple applications for zoning map or text amendments. (Ord. 710 § 35-34.6, 1996; 1991 code § 35-34.6)

18.125.050 Planning commission action.

A. Public hearing. At the public hearing, the planning commission shall consider the report from the zoning administrator and shall hear evidence for and against the proposed amendment. The planning commission may continue the public hearing to a definite date and time without additional notice.
B. Recommendation to city council. Following the public hearing, the commission shall make specific findings as to whether the proposed zoning regulation or zoning map amendment is consistent with the policies of the general plan, the purposes of this title, and the limitations on residential rezoning prescribed in PHMC § 18.125.070, and shall recommend approval, conditional approval, or denial of the proposal as submitted or in modified form.

C. Result of planning commission denial. A planning commission recommendation of denial of an application for a zoning map or zoning regulation amendment submitted by request terminates the proceedings, unless appealed. All other planning commission actions on proposed zoning map or zoning regulation amendments are automatically referred to the city council. (Ord. 710 § 35-34.8, 1996; 1991 code § 35-34.8)

18.125.060 City council action.

A. Hearing date and notice. The zoning administrator shall set a public hearing before the city council within 60 calendar days after the date of the planning commission recommendation. Notice of the hearing shall be provided as set forth in PHMC Chapter 18.80.

B. Public hearing. At the public hearing, the council shall hear evidence for and against the proposed amendment. The council may continue the public hearing to a definite date and time without additional notice.

C. Council decision. After the public hearing, the council shall approve, modify, or reject the commission recommendation; provided, that a modification not previously considered by the commission shall be referred to the commission for a report before adoption of an ordinance amending the zoning regulations or map. Failure of the planning commission to report within 40 calendar days after referral, or such longer period as may be designated by the council, shall be deemed approval of the proposed modification. Before adopting an ordinance, the council shall make findings that the proposed regulation or map amendment is consistent with the policies of the general plan. (Ord. 710 § 35-34.10, 1996; 1991 code § 35-34.10)

18.125.070 Limitations on residential rezoning. 1

The city of Pleasant Hill shall not rezone any area or property zoned for residential use to increase density or change land use unless the following conditions are met:

A. Development of the area or property to be rezoned shall not have growth-inducing impacts on existing residential neighborhoods;

B. Development of the area or property to be rezoned shall not have a significant traffic impact on existing residential neighborhoods; and

C. Development of the area or property to be rezoned shall not have a significant noise impact on existing residential neighborhoods. (Ord. 938 § 10, 2020; Ord. 710 § 35-34.12, 1996; 1991 code § 35-34.12)

18.125.080 Revisions of proposed amendments.

A. Revisions. Before approving an amendment, the commission or the council may consider revisions which were not in the original proposal, such as: (1) revising the boundaries of an area proposed for a zoning map amendment; (2) considering revised zoning map designations; or (3) considering revised zoning regulation amendments.

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1. Editor's note: This provision was adopted by an initiative measure passed by the voters of the City of Pleasant Hill on June 3, 1986, and was reaffirmed by the city council by the adoption of Ordinance 710, adopted on October 21, 1996.
B. Supplemental notice. Notice shall be given before a hearing on a revised amendment, unless the commission or council finds that the revised amendment will not have impacts greater than those that would result from the amendment in its original form. (Ord. 710 § 35-34.14, 1996; 1991 code § 35-34.14)

18.125.090 Resubmittal of application.

Following denial of an application or request for an amendment to the zoning regulations or the zoning map, no new application or request for the same, or substantially the same, amendment shall be accepted within one year of the date of denial, unless the denial was made without prejudice. (Ord. 710 § 35-34.16, 1996; 1991 code § 35-34.16)
Chapter 18.130

APPEALS AND CALLS FOR REVIEW

Sections:
18.130.010 Right to appeal – Call for review – Time limits.
18.130.020 Initiation of appeal or call for review.
18.130.030 Procedures for appeals and calls for review.
18.130.040 Effective date.

18.130.010 Right to appeal – Call for review – Time limits.
A. Appeal. A decision of the zoning administrator may be appealed to the planning commission. A decision of the zoning administrator regarding a temporary sign permit or conformance to master sign program may be appealed to the architectural review commission. A decision of the planning commission or architectural review commission may be appealed to the city council. Any interested person may appeal a decision.

B. Call for review. Any decision of the zoning administrator may be called up for review by a planning commissioner, architectural review commissioner, or city council member. Any decision of the planning commission or architectural review commission may be called up for review by a member of the city council.

C. Time limits. An appeal or call for review must be submitted in writing to the zoning administrator within 10 calendar days of the mailed notice of decision. (Ord. 710 § 35-35.1, 1996; 1991 code § 35-35.1)

18.130.020 Initiation of appeal or call for review.
A. Appeal. An appeal shall be filed with the zoning administrator on a form provided and shall state specific reasons for the appeal.

B. Call for review. A call for review shall be filed with the zoning administrator and shall state the reasons for such review.

C. Effect on decisions. A decision that is appealed or called up for review does not become effective until the appeal or review is resolved. (Ord. 710 § 35-35.2, 1996; 1991 code § 35-35.2)

18.130.030 Procedures for appeals and calls for review.
A. Hearing date. An appeal or call for review shall be scheduled for a hearing before the appellate body within 45 calendar days of the city’s receipt of the appeal or call, unless both applicant and appellant consent to a later date.

B. Notice and public hearing. An appeal or review hearing shall be a public hearing if the decision being appealed or reviewed requires a public hearing. Notice of the public hearing shall be given in the manner required for the initial decision.

C. Plans and materials. At an appeal or review hearing the appellate body shall consider only the same application, plans, and related project materials that were the subject of the original decision.

D. Hearing. At the hearing, the appellate body shall review the record of the decision and hear testimony of the appellant, the applicant, and any other interested party.

E. Decision and notice. After the hearing, the appellate body shall affirm, modify, or reverse the original decision. When a decision is modified or reversed, the appellate body shall state the specific reasons for modification or reversal.
A decision on appeal or review shall be rendered within 30 calendar days of the close of the hearing. The zoning administrator shall mail notice of a planning commission decision or architectural review commission decision. The city clerk shall mail notice of a city council decision. Such notice shall be mailed within five working days after the date of the decision to the applicant, the appellant, and any other party requesting such notice.

F. Failure to act. Failure to act within the time limits prescribed in subsections A and E of this section shall be deemed affirmation of the original decision. (Ord. 846 § 12, 2010; Ord. 710 § 35-35.4, 1996; 1991 code § 35-35.4)

18.130.040 Effective date.

A decision by the city council regarding an appeal or review becomes final on the date of the decision. A decision by the planning commission or architectural review commission regarding an appeal or review becomes final 10 calendar days after the date the notice of decision is mailed, unless appealed to the city council. (Ord. 710 § 35-35.6, 1996; 1991 code § 35-35.6)
Chapter 18.135

ENFORCEMENT

Sections:
18.135.010 Public nuisance.
18.135.020 Permits, licenses, certificates, and approvals.
18.135.030 Enforcement responsibilities.
18.135.040 Revocation or modification of discretionary permits.
18.135.050 Hearing for other violations.
18.135.060 Prosecution of violations – Penalties.
18.135.070 Recording notice of violation.

18.135.010 Public nuisance.

A violation of any provision of this title is a public nuisance and may be abated pursuant to the provisions of PHMC Chapter 7.05 or any other remedy available by law. (Ord. 710 § 35-36.1, 1996; 1991 code § 35-36.1)

18.135.020 Permits, licenses, certificates, and approvals.

A permit, license, certificate, or approval granted in conflict with a provision of this title is void. (Ord. 710 § 35-36.2, 1996; 1991 code § 35-36.2)

18.135.030 Enforcement responsibilities.

The zoning administrator is responsible for enforcing the terms of discretionary permits and their conditions under this title. The chief building official is responsible for enforcing this title pertaining to the erection, construction, reconstruction, moving, conversion, alteration, or addition to any building or structure. All other officers of the city are responsible for enforcing provisions related to their areas of responsibility. (Ord. 710 § 35-36.3, 1996; 1991 code § 35-36.3)

18.135.040 Revocation or modification of discretionary permits.

A. Duties of zoning administrator. If the zoning administrator determines there are grounds for revocation or modification of a zoning permit, home occupation permit, use permit, variance, development plan approval, architectural review permit, or other discretionary approval authorized by this title, the zoning administrator shall schedule a revocation hearing before whichever person or body took final action on the permit.

B. Notice and public hearing. Notice shall be given in the same manner required for a public hearing to consider approval. If no notice is required for the permit, then none is required for the revocation or modification hearing, except that notice shall be mailed to the permittee at least 10 calendar days before the hearing. The contents of the notice shall be as prescribed by PHMC Chapter 18.80.

C. Hearing. The person or body conducting the hearing shall hear testimony of city staff, the permittee, and any other interested person. A public hearing may be continued to a specific date and time without additional public notice.

D. Required findings. The person or body conducting the hearing may revoke or modify the permit upon making one or more of the following findings:

1. The permit was issued on the basis of erroneous or misleading information or misrepresentation;
2. The use or the user is in violation of a condition of approval of the permit, or other laws or regulations, including but not limited to the municipal code; or
3. The use is being conducted contrary to the public health, safety, and welfare.
E. Decision and notice. Within 10 calendar days of the conclusion of the hearing, the person or body that conducted the hearing shall render a decision and shall mail notice of the decision to the permittee and to any other person who has filed a written request for such notice.

F. Effective date – Appeals. A decision to revoke a discretionary permit becomes final 10 calendar days after the notice of the decision is mailed, unless appealed.

G. Other remedies. The city’s right to revoke a discretionary permit is in addition to any other remedy allowed by law. (Ord. 856 § 2 (Exh. A), 2011; Ord. 727 § 8, 1998; Ord. 710 § 35-36.4, 1996; 1991 code § 35-36.4)

18.135.050 Hearing for other violations.

If the zoning administrator has reason to believe a violation of this title exists, the zoning administrator may direct the violator or property owner or both to appear before the zoning administrator to show cause why the city should not proceed with enforcement action. Notice of the possible violation and the time and place of the hearing shall be mailed to the property owner and any other interested person at least 10 calendar days before the hearing. The contents of the notice shall be as set forth in PHMC Chapter 18.80.

At the hearing, the zoning administrator shall consider the testimony of the city staff, the property owner and any other interested person. The zoning administrator may make a finding as to whether or not a violation of this title exists, and may recommend to the staff and to the property owner one or more courses of action. The zoning administrator may, in his or her discretion, refer the matter directly to the planning commission. (Ord. 710 § 35-36.6, 1996; 1991 code § 35-36.6)

18.135.060 Prosecution of violations – Penalties.

A person who violates a provision of this title, including the failure to secure a zoning permit or comply with a condition of approval, is subject to the criminal penalties set forth in PHMC Chapter 1.30. Payment of a fine or penalty does not relieve a person from the responsibility of correcting the violation. (Amended during 2005 recodification; Ord. 710 § 35-36.8, 1996; 1991 code § 35-36.8)

18.135.070 Recording notice of violation.

A. If property in the city exists in violation of this title, and the owner fails or refuses to correct the violation, the city may record a notice of violation against the affected property.

B. Before recording such a notice, the city shall do all of the following:
   1. The zoning administrator shall send written notice to the current owner that a violation exists and request that the owner correct the violation within a specific, reasonable period of time. The zoning administrator may, in his or her discretion, send more than one notice and conduct an informal show cause hearing to discuss the violation with the owner.
   2. If the owner fails or refuses to correct the violation within the time specified, the zoning administrator shall mail to the current owner by regular first class and by certified mail a notice of intention to record a notice of violation, describing the real property in detail, naming the owners, describing the violation in detail (including relevant municipal code sections), and stating that an opportunity will be given to the owner to present evidence. The notice shall specify a time, date and place for a planning commission hearing at which the owner may present evidence to the planning commission why the notice should not be recorded. The hearing shall take place no sooner than 30 calendar days and no later than 60 calendar days from the date of mailing.
   3. The planning commission shall hear the matter on the date scheduled. If, after the owner and the city staff have presented evidence, the commission determines that there is no violation, the zoning administrator shall mail a clearance letter to the current owner. If the owner fails to appear, or the commission determines that there is a violation, the commission may, by resolution, direct the zoning administrator to record the notice of violation with the county recorder.
4. The notice of violation, when recorded, shall be deemed to be constructive notice of the violation to all successors in interest in the property, under California Civil Code sections 1213 and 1215.

5. If the owner corrects the violation after the notice has been recorded, and has notified the city in writing and consented to an inspection to confirm the correction, the zoning administrator shall record a release or cancellation of the notice of violation. (Ord. 710 § 35-36.10, 1996; 1991 code § 35-36.10)
Part 6. General Terms

Chapter 18.140

DEFINITIONS

Sections:
18.140.010 Definitions.

18.140.010 Definitions.

Acre, gross. A measure of total land area of any lot including future streets, parks, and other land dedications.

Acre, net. The gross area of a site excluding:

1. Land to be dedicated for required easements for vehicles and rights-of-way, either public or private;
2. Land determined to be hazardous and unbuildable;
3. Land to be dedicated for schools and parks or other facilities dedicated for public use.

Affordable housing cost. The cost to rent or purchase a house as defined in Section 50052.5 of the Health and Safety Code. (Gov’t Code § 65915(d)(1).)

Affordable unit, for rent. Affordable rent (including a reasonable utility allowance) shall not exceed the following:

1. For very low-income households, the product of 30% times 50% of the area median income adjusted for family size appropriate for the unit;
2. For low-income households whose gross incomes exceed the maximum income for very low-income households, the product of 30% times 60% of the area median income adjusted for family size appropriate for the unit;
3. For moderate-income households, the product of 30% times 110% of the area median income adjusted for family size appropriate for the unit. (Health and Saf. Code § 50053.)

Affordable unit, for sale. Affordable housing cost may not exceed the following:

1. For very low-income households, the product of 30% times 50% of the area median income adjusted for family size appropriate for the unit;
2. For low-income households whose gross incomes exceed the maximum income for very low-income households and do not exceed 70% of the area median income adjusted for family size, the product of 30% times 70% of the area median income adjusted for family size appropriate for the unit;
3. For moderate-income households, not less than 28% of the gross income of the household, not exceeding the product of 35% times 110% of area median income adjusted for family size appropriate for the unit. (Health and Saf. Code § 50052.5(b).)

Affordable units. Living units that are required to be rented at affordable rents or available at affordable housing costs to specified households.
**Animal, domestic.** A small animal of the type generally accepted as a pet, including dog, cat, rabbit, songbird, fish, and the like, but not including chicken, duck, goose, pea fowl, goat, sheep, pig, hog or the like.

**Animal, exotic.** A wild animal not customarily confined or cultivated by man for domestic or commercial purposes but kept as a pet or for display.

**Animal, large.** An adult animal larger than two and one-half feet in height or 150 pounds. This term includes horse, cow, and any other mammal customarily kept in a pen, corral or stable.

**Animal, small.** An animal no larger than two and one-half feet in height or 150 pounds. This term includes fish, bird, and any mammal customarily kept as a domestic pet within a dwelling unit.

**Antenna.** Any system of wires, poles, rods, panels, reflecting discs or similar devices used for the transmission or reception of radio frequency electromagnetic waves when such system is external and attached to the exterior of a structure or a pole.

**Antenna, building- or structure-mounted.** Any antenna, other than an antenna with its supports resting on the ground, directly attached or affixed to a building, tank or structure, other than a telecommunication tower.

**Antenna, ground-mounted.** An antenna with its support structure placed directly on the ground.

**Antenna, satellite.** An antenna incorporating a reflective surface that may be solid, open mesh or bar-configuration, that is a dish or cone shaped and used to transmit or receive radio transmission.

**Antenna structure, monopole.** A ground-mounted antenna structure, often tubular in shape, made of metal, reinforced concrete or wood, which is at least 17 feet in height. A retractable monopole is a monopole antenna structure which is capable of being lowered, either manually or electronically, a vertical distance of at least 30% of its fully extended height.

**Area median income.** The area median income for Contra Costa County as published at Title 25, California Code of Regulations, section 6932.

**Average percent of slope.** The ratio between vertical and horizontal distances expressed in percent; the mathematical expression of which is based upon the formula described below:

\[
S = \frac{(I \times L \times 100)}{A}
\]

- \( S \) = Average slope of ground in percent
- \( I \) = Contoured interval in feet
- \( L \) = Combined length in feet of all contours on parcel
- \( A \) = Area of lot in square feet

**Balcony.** A platform that projects from the wall of a building, typically above the first level, and is surrounded by a rail, balustrade or parapet.

**Base density.** The lowest number of dwelling units on a particular parcel of land which is in conformance with the general plan and zoning.

**Basement.** The portion of a building that is completely below grade, or the portion of a building between the floor and ceiling which is partly below and partly above grade, but so located that the vertical distance from grade to floor below is less than the vertical distance from grade to ceiling.
**Blockface.** The properties abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting street, unsubdivided land, watercourse, or city boundary.

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**Boarder.** A person who rents a room within a living unit from a landlord.

**Boardinghouse.** A building where sleeping rooms are rented to three or more individuals where meals may or may not be provided. **Boardinghouse** includes the term **rooming house.**

**Breezeway.** A roofed, open-sided passageway connecting two structures, such as a house and a garage.

**Building.** Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, chattel, or property of any kind.

**Building height.** The vertical distance from the finished grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or from average grade to the highest gable of a pitch or hip roof.

**Caretaker’s quarters.** A dwelling unit on the site of a commercial, industrial, public, or semipublic use, occupied by a guard or caretaker.

**Child care facility.** A child day care facility other than a family day care home, including but not limited to infant centers, preschools, extended day care facilities, and school age child care centers. (Gov’t Code §§ 65915(i)(4), 65017.5(a)(1).)

**Collection buildings.** Buildings with a gross floor area of 225 square feet or less used for the deposit and storage of recyclables.

**Commercial cannabis use.** Commercial cannabis use means and includes the commercial cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, wholesale or retail delivery, wholesale or retail sale of cannabis and cannabis products, or any combination of such activities, whether or not carried out for profit, and any other activity that requires a license, or may require a license in the future, pursuant to the Medicinal and Adult-Use Cannabis Regulation and Safety Act, California Business and Professions Code, Division 10, section 26000 et seq. Without limiting the foregoing, the term “commercial cannabis use” also includes a medical marijuana dispensary, a patient collective or patient cooperative operating under the Compassionate Use Act (Health & Safety Code § 11362.5) and/or the Medical Marijuana Program Act (Health & Safety Code § 11362.7 et seq.), as each may be amended; a nonprofit licensee under Business and Professions Code section 26070.5; and a cannabis cooperative association under Business and Professions Code section 26220 et seq.

**Conditioned/habitable space for accessory structures.** Areas of a structure that include living areas or areas including, but not limited to, heating, air conditioning, power, and plumbing. This area does not include areas such as garages, storage areas, patio covers and other landscape structures.
Condominium project. A housing development of two or more units, the interior space of which are individually owned, with the balance of the property owned by the owners of the individual units. See also Civil Code section 1351(f). (Gov’t Code § 65915(b)(4).)

Construction cost index. The Engineering News Record San Francisco Building Cost Index. If the index ceases to exist, the city manager shall submit another cost index which is in his or her judgment is the nearly equivalent to the original index as possible.

Consumer price index. The U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index for all Urban Consumers for the San Francisco, Oakland, San Jose Metropolitan Statistical Area or, if the index is discontinued, a successor index selected by the city manager.

Container or storage unit. A container or storage unit includes, but is not limited to, any of the following if 15 cubic yards or larger: a debris or trash box, a cargo or storage container, a construction or transport trailer (when detached from the truck trailer). A container or storage unit is not permanently attached to the ground.

A container or storage unit does not include an accessory structure as defined in this chapter, or a trash container storage unit placed by the disposal company licensed by the city, when that container is used for regular, weekly garbage pick-up.

Coverage, lot or site. The percentage of a site covered by a roof, soffit, trellis, eave or overhang extending more than two and one-half feet from a wall and by a deck more than 36 inches in height.

LOT COVERAGE

Cultural resource. Improvements, buildings, structures, signs, features, sites, landscapes, trees or other objects of scientific, aesthetic, educational, cultural, architectural or historical significance to the citizens of the city, the Diablo Valley, the Northern California region or the nation which may be eligible for designation or designated and determined to be appropriate for historic preservation by the architectural review commission, or by the city council on appeal, pursuant to the provisions of this chapter.

Daylight plane. An inclined plane, beginning at a stated height above grade at a side or rear property line, and extending into the site at a stated upward angle to the horizontal, which may limit the height or horizontal extent of structures at any specific point on the site where the daylight plane is more restrictive than the height limit or the minimum yard applicable at such point on the site.
Deck. A platform, either freestanding or attached to a building, that is supported by pillars or posts (see also Balcony).

Density bonus. A density increase of at least 20%, unless a lesser percentage is elected by the applicant, over the otherwise maximum allowable residential density. (See PHMC § 18.20.150. See 2003 General Plan Glossary. (Gov’t Code §§ 65915(g)(1) and (d)(1), 65917.5(a)(2).)

Density bonus housing agreement. A recorded agreement between a developer and the city as described in PHMC § 18.20.150 to ensure that the requirements of that subsection are satisfied. The agreement, among other things, shall establish the number of target units, their size, location, terms and conditions of affordability, and production schedule. (See PHMC § 18.20.150.)

Density bonus units. Those residential units granted pursuant to the provisions of this title which exceed the otherwise allowable maximum residential density for the development site.

Development standard. Any site or construction condition that applies to a residential development pursuant to any ordinance, general plan element, specific plan, or other local condition, law, policy, resolution or regulation.
**Driveway.** A paved area on a lot necessary to provide direct access for vehicles between a street and either:

1. An area on a residential lot containing four or fewer parking spaces;
2. An aisle between spaces in a parking lot;
3. A loading berth; or
4. A refuse storage area.

**Exterior architectural feature.** The architectural element embodying style, design, general arrangement and components of all of the outer surfaces of an improvement including, but not limited to, the kind, color and texture of the building materials and the type and style of all windows, doors, lights, signs and other fixtures appurtenant to such improvement.

**Family.** One or more persons occupying premises and living as a single nonprofit housekeeping unit, as distinguished from a group occupying a boarding or lodging house, hotel, club, or similar dwelling for group use. A family shall not include a fraternal, religious, social, or business group. A family shall be deemed to include domestic employees.

**Fence.** A barrier made of wire, wood, metal, masonry, or other material used as a screen or enclosure for a yard, equipment or open space. It includes a wall, gate, or structure used as a fence. A retaining wall, freestanding (monument) sign, or landscape structure is not considered a fence except for that portion which is used as a fence.

**Floor area, gross.** The total area of all floors in a building as measured to the outside surface of exterior walls or to the centerline of common walls. It excludes any crawl space, area used exclusively for vehicle parking or loading, breezeway, attic without floor, and any open porch, deck, balcony or terrace.

**Floor area, net.** The total area of all floors in a building as measured to the outside surface of exterior walls or to the centerline of common walls. It excludes any crawl space, area used exclusively for vehicle parking or loading, breezeway, attic without floor, and an open porch, deck, balcony or terrace. It also excludes any corridors, hallways, stairways, elevator shafts at each floor level, service and mechanical equipment rooms, and basement or attic areas having a height of more than seven feet, and, in industrial areas, storage sheds with less than 150 square feet of space, bunkers, electrical substations, smoking shelters, instrument shelters and similar enclosures.

**Floor area ratio (FAR).** The gross floor area of a building or buildings on a lot divided by the lot area or site area.
For-sale project. A residential project, or portion thereof, which is intended to be sold to an owner-occupant upon completion.

Frontage, building. The frontage of a building is the maximum horizontal dimension of that side of a building abutting on or generally parallel to the front lot line or, in the case of a corner building, the combined maximum horizontal dimensions of the sides of the building abutting or generally parallel to the front lot line and the corner side line.

Frontage, street. The street frontage is the length of the front lot line or, in the case of a corner lot, the front lot line plus the corner side lot line.

General plan. The city of Pleasant Hill general plan, as amended.

Grade, average. The average level on the surface defined as the shortest distance between finished grade at the highest and lowest sides of a structure.

Grade, existing. The level of the ground or pavement at a stated location as it exists prior to disturbance in preparation for a project regulated by this chapter.

Grade, finished. The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five feet from the building, between the building and a line five feet from the building.
**Grade, street.** The top of the curb, or the top of the edge of the pavement or traveled way where no curb exists.

**Height.** The vertical dimension measured from finished grade, unless otherwise specified.

**Historic district.** Any area containing a concentration of improvements which have a special character, historical interest or aesthetic value, which possess integrity of location, design, setting, materials, workmanship, feeling and association, or which represent one or more architectural periods or styles typical of the history of the city, and that has been designated an historic district.

**Housing development.** Construction projects consisting of five or more residential units, including single-family and multifamily units, for sale or for rent. For the purposes of PHMC § 18.20.150, housing development also includes a subdivision, planned unit development, or condominium project consisting of five or more residential units or unimproved residential lots, the substantial rehabilitation and conversion of an existing commercial building to residential use, and the substantial rehabilitation of an existing multifamily dwelling, where the rehabilitation or conversion would create a net increase of at least five residential units. (Gov’t Code § 65915(j) and (g)(1).)

**Illumination, direct.** Illumination by means of light that travels directly from its source to the viewer’s eye.

**Illumination, indirect.** Illumination by means only of light cast upon an opaque surface from a concealed source.

**Incentive or concession.** Such regulatory incentives or concessions as listed in PHMC § 18.20.150.B.11. (Gov’t Code § 65915(1).)

**Inclusionary unit.** A dwelling unit reserved for occupancy by a low- or very low-income household (as defined by Health and Saf. Code §§ 50079.5 and 50105) with a new residential development.

**Kitchen.** Any room or part of a room which is designed, built, used, or intended to be used for food preparation and dishwashing; but not including a bar, butler’s pantry or similar room adjacent to or connected with a kitchen.

**Landscape.** To plant and maintain some combination of trees, ground cover, shrubs, vines, flowers or lawn. Required landscaping may include natural features such as existing or imported rock and structural features including fountains, pools, art work, screens, walls, fences or benches. A landscaped area may also include a walkway or concrete plaza if it is an integral part of the elements of landscaping described above. Plants on rooftops, porches, or in boxes attached to buildings are not considered landscaping.

**Lanscaping, interior.** A landscaped area or areas within the shortest circumferential line defining the perimeter or exterior boundary of the parking or loading area, or similar paved area, excluding driveways or walkways providing access to the facility (as applied to parking and loading facilities or to similar paved areas).

**Lanscaping, perimeter.** A landscaped area adjoining and outside the shortest circumferential line defining the exterior boundary of a parking or loading area, or similar paved area, excluding driveways or walkways providing access to the facility (as applied to parking and loading facilities or to similar paved areas).
LANDSCAPING: INTERIOR/EXTERIOR

**Limited inclusionary unit.** An additional dwelling unit constructed on a single-family residential lot, which meets the standards for accessory dwelling units.

**Living unit.** One or more rooms designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and bathroom facilities.

**Lot.** A site or parcel of land.

**Lot area.** The horizontal area within the property lines excluding public-access corridors, vehicular easements, and areas to be included in future street rights-of-way as established by easement, dedication, or ordinance.

**Lot depth.** The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line, or to the most distant point on any other lot line where there is no rear lot line.

**Lot line types.**

- **Front lot line.** A lot line that adjoins the front yard of a lot. The front lot line of a corner lot is the shortest street line. If the street lines are the same length, any one may be considered the front lot line. (Reference: PHMC § 18.20.040.B.)

- **Interior lot line.** A lot line not abutting a street.

- **Rear lot line.** A lot line, not a front lot line, that is parallel or approximately parallel to the front lot line. Where no lot line is within 45 degrees of being parallel to the front lot line, a line 10 feet in length within the lot, parallel to and at the maximum possible distance from the front lot line shall be deemed the rear lot line for the purpose of measuring rear yard depth.

- **Side lot line.** A lot line that is not a front lot line or a rear lot line.

- **Street lot line.** A lot line abutting a street.

**Lot types.**

- **Corner lot.** A lot bounded by two or more adjacent street lines that have an angle of intersection of not more than 135 degrees on a street or private driveway serving two or more additional properties or dwelling units (not counting accessory dwelling units). The front yard of a corner lot shall adjoin the shortest street prop-
property line; provided, that where street property lines are substantially the same length, the zoning administrator shall determine the location of the front yard based on existing or proposed access to the principal building on the lot. (Reference: PHMC § 18.20.040.C.)

**Double-frontage lot.** An interior lot having frontage on more than one street. Each frontage from which access is permitted shall be deemed a front lot line.

**Interior lot.** A lot other than a corner lot.

**Key lot.** A key lot is an interior lot whose front yard abuts the rear yard of a corner lot.

**Lot width.** The average horizontal distance between the side lot lines measured at right angles to the lot depth from the required front yard setback and from the required rear yard setback or from the rearmost point of the lot depth in cases where there is no rear lot line. (See lot depth, lot width diagram.)

![LOT DEPTH AND WIDTH](LOTDEPTHANDWIDTHDIAGRAM.png)

**Lot Depth and Width**
*(The diagram is illustrative)*

**Low-income household.** A household whose income does not exceed the low-income limits applicable to Contra Costa County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Health and Safety Code section 50079.5.

**Lower income household.** A lower income household as defined in Civil Code sections 51.3 and 51.12. (Gov’t Code §§ 65915(b)(1) and (c)(1) and Health and Saf. Code § 50079.5.)

**Market rate units.** New living units in residential projects which are not affordable units under PHMC § 18.20.150.

**Maximum allowable residential density.** The maximum number of residential units permitted by the city’s zoning ordinance on the date the application is deemed complete. (Gov’t Code § 65915(o)(2).)

**Medical marijuana dispensary.** As used herein the term medical marijuana dispensary or dispensary means any facility or location where medical marijuana is made available to and/or distributed by or to two or more persons in the following categories: a primary caregiver, a qualified patient, or a person with an identification card, in strict accordance with California Health and Safety Code section 11362.5 et seq. A medical
marijuana dispensary shall not include the following uses, as long as the location of such uses are otherwise regulated by this code or applicable law: a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code, a health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code, a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code, a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code, a residential hospice, or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code, as long as any such use complies strictly with applicable law including, but not limited to, Health and Safety Code section 11362.5 et seq. and the Pleasant Hill Municipal Code, including but not limited to the city’s zoning ordinance.

Mobile recycling unit. An automobile, truck, trailer, or van, licensed by the State Department of Motor Vehicles, which is used for the collection of recyclable materials, including the bins, boxes or containers transported by trucks, vans or trailers and used for the collection of recyclable materials.

Moderate-income household. A household with an annual income between the lower income eligibility limit (usually 80% of the area median family income) and 120% of area median income limits applicable to Contra Costa County, as published and periodically updated by the State Department of Housing and Community Development pursuant to section 50079.5 of the California Health and Safety Code. (Gov’t Code § 65915(c)(2), Health and Saf. Code § 50093.)

Natural feature. Any tree, plant life, water feature, or rock outcropping.

Nonconforming sign, legal. A sign, outdoor advertising structure, or display of any character that was lawfully erected or displayed, but that does not conform with currently applicable requirements prescribed for the district in which it is located.

Nonconforming structure, legal. A structure that was lawfully erected but which does not conform with the currently applicable requirements and standards for yard spaces, height of structures, or distances between structures prescribed in the regulations for the district in which the structure is located.

Nonconforming use, legal. A use of a structure of land that was lawfully established and maintained, but which does not conform with currently applicable use regulations for the district in which it is located.

Nonrestricted unit. All units within a housing development excluding the target units.

Off-street loading facilities. A site or portion of a site devoted to the loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives, and landscaped areas.

Open space types.

Private open space. An open area outside of a building adjoining and directly accessible to a dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests.

Shared open space. An open area within a residential development reserved for the exclusive use of residents of the development and their guests.

Yard. An open space on the same site as a structure, unoccupied and unobstructed by structures from the ground upward except as otherwise provided in this chapter, including a front yard, side yard, corner side yard, or rear yard.
Ordinary maintenance and repair. Any work, for which a building permit is not required by law, where the purpose and effect of such work is to correct any deterioration of or damage to a structure or any part thereof and to restore the same to its condition prior to the occurrence of such deterioration or damage.

Outdoor storage. Storage outside of a building of material not intended for immediate sale or exhibition.

Penthouse equipment. Any structure located on the roof of a building which encloses mechanical equipment.

Permitted. Allowed without a requirement for approval of a conditional use permit or temporary use permit.

Planned development. A development (other than a community apartment project, a condominium project, or a stock cooperative) having either or both of the following features:

1. The common area is owned either by an association or in common by the owners of the separate interests who possess appurtenant rights to the beneficial use and enjoyment of the common area.

2. A power exists in the association to enforce an obligation of an owner of a separate interest with respect to the beneficial use and enjoyment of the common area by means of an assessment which may become a lien upon the separate interests in accordance with Civil Code section 1367 or 1367.1. (Gov’t Code § 65915(b)(4); Civil Code § 1351(k).)

Porch. A covered platform at an entrance to a dwelling, or an open or enclosed gallery or room, which is not heated or cooled and is attached to the outside of a building.

Preexisting. In existence prior to the effective date of this chapter.

Processing facility. A building or enclosed space used for the collection and processing of recyclable material, and/or used motor oil, by such means as flattening, mechanical sorting, compacting, baling, shredding, grinding, crushing and cleaning.

1. A light-processing facility occupies less than 45,000 square feet and includes equipment for baling, briquetting, crushing, compacting, grinding, shredding and sorting of source-separated recyclable materials, except ferrous metals other than food and beverage containers, and repairing of reusable materials.

2. A heavy-processing facility is any processing facility other than a light-processing facility.

Project. Any proposal for new or changed use, or for new construction, alteration, or enlargement of any structure, that is subject to the provisions of this chapter.

Published standards. The standards for specific income levels for Contra Costa County, as published under Title 25, California Code of Regulations, section 6932.

Qualifying resident. Senior citizens or other persons eligible to reside in a senior citizen housing development. (Civil Code §§ 51.3 and 51.12.)

Recyclable material. Reusable material including, but not limited to, metals, glass, plastic and paper which are intended for reuse, remanufacture, or reconstitution for the purpose of using the altered form. Recyclable material does not include refuse or hazardous materials, but may include used motor oil.

Recycling facility. A center for the collection and/or processing of recyclable materials.

Rehabilitation. The act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural and cultural values.
Rental projects. A residential project, or portion of it, which is intended to be rented to tenants upon completion.

Resale control. A resale restriction placed on inclusionary units by which the price of such units and income of the purchaser will be restricted in order to assure affordability and occupancy by lower and very low-income households.

Residential project. Any planned district, subdivision map, conditional use permit or other discretionary city land use approval which authorizes five or more living units or residential lots, or living units and residential lots which total five or more in combination. In order to prevent evasion of the provisions of this chapter, contemporaneous construction of five or more living units on a lot, or on contiguous lots for which there is evidence of common ownership or control, even though not covered by the same city land use approval, shall also be considered a residential project. Construction shall be considered contemporaneous for all units which do not have completed final inspections for occupancy and which have outstanding, at any one time, any one or more of the following: planned district, subdivision map, conditional use permit or other discretionary city land use approvals, or building permits, or applications for such an approval or permits.

Residential structure types.

Accessory dwelling unit. An attached or detached dwelling unit that is located on a single lot with another, primary dwelling unit and provides complete facilities for independent living for one or more persons. These facilities include permanent provisions for living, sleeping, cooking and sanitation.

Attached single-family dwelling. A dwelling unit on an individual lot that has at least one common wall with one or more other dwelling units on separate lots.

Dwelling. A building designed exclusively for residential occupancy, including single-family, duplex, and multifamily, but not including a hotel, motel, or boardinghouse.

Dwelling unit. One or more habitable rooms designed for occupancy by only one family for living and sleeping purposes, and having a kitchen.

Multifamily dwelling. A building used and designed as a residence for two or more families living independently of each other with individual entrances, bathrooms, kitchens and living areas.

Single-family dwelling. A building designed exclusively for occupancy by one family.

Reverse vending machine. An automated mechanical device that accepts at least one or more types of empty beverage containers including aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip. A reverse vending machine may sort and process containers mechanically; provided, that the entire process is enclosed within the machine.

1. A single-feed revenue vending machine is designed to accept individual containers one at a time.

2. A bulk reverse vending machine is designed to accept more than one container at a time and to compute the refund or credit due on the basis of weight.

Room, habitable. A room meeting the requirements of the Uniform Building Code and Uniform Housing Code for its intended use (e.g., sleeping, living, cooking, or dining), excluding such enclosed spaces as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, unfinished attics, foyers, storage spaces, cellars, utility rooms, garages, and similar spaces.
Senior citizen housing development. A housing development as defined in California Civil Code section 51.3(b)(4). (Gov’t Code § 65915(b)(3).)

Setback line. A line within a lot parallel to a corresponding lot line, which is the boundary of any specified front, side, corner side or rear yard, or a line otherwise established to govern the location of buildings, structures or uses. Where no minimum front, side, corner side or rear yards are specified, the setback line shall be coterminous with the corresponding lot line.

Shopping center. A unified group of retail businesses and service uses on a single site with common parking facilities. A shopping center may include pads for future buildings.

Sign. Any identification, description, illustration, or device, illuminated or nonilluminated, which is visible to the general public and directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, flag, banner, pennant, or placard designed to advertise, identify, or convey information.

Sign types.

Animated sign. Any sign which uses mechanical or electrical movement or change of lighting, either natural or artificial, to depict action or to create a special effect or scene.

Banner. Any sign of lightweight fabric or similar material that is mounted to a pole or a building at one or more edges.

Business identification sign. A sign that serves to identify only the name and address of the premises, business, building or portion of building upon which it is located and includes no other advertising such as product lists, phone numbers and hours of operation. Such a sign may include a logo or business symbol.

Commercial sign. A sign that is intended to attract attention to a commercial or industrial business, occupancy, product, good, service or other commercial or industrial activity for a commercial or industrial purpose.

Directional or informational sign. Any sign erected for the sole purpose of indicating the route to, direction of or location of a given goal, or which provides regulatory or service information of a nonadvertising character. Directional and informational signs include but are not limited to: signs that denote the route to any city, community facility, historic place, or hospital; signs directing and regulating traffic; signs directing visitors to tourist-oriented businesses; notices of any utility or transmission company necessary for the direction or safety of the public; and signs, notices or symbols as to the time and place of civic meetings.

Directory sign. A pedestrian-oriented sign which identifies or lists the names and locations of tenants at a multi-tenant site.

Electronic readerboard. A changeable, moving message sign consisting of a matrix of lamps, light emitting diodes (LEDs), or similar devices which are computer-controlled.

Flag. Any fabric, banner, or bunting containing distinctive colors, patterns, or design, used as a symbol.

Flashing sign. An illuminated sign which exhibits changing light or color effect by blinking or any other such means so as to provide a nonconstant illumination.

Freestanding sign. A sign which is self-supporting in a fixed location and not attached to a building. It includes a sign connected or attached to a sign structure, fence, pole, wall, tree or other vegetation and which is not an integral part of a building.
Grand opening sign. A sign used by newly established businesses to inform the public of their location and services.

Incidental sign. A small sign less than one square foot pertaining to goods, products, services or facilities that are available on the premises where the sign occurs and intended primarily for the convenience of the public.

Logo. A trademark or company name symbol.

Master sign program. A coordinated sign plan which includes details of all signs (not including exempt or temporary signs) which are or will be placed on a site, including master identification, individual business and directory signs.

Multiple-story office sign. A wall sign used to identify an office building with three or more above-ground levels.

Neon or other gas tube illumination. Illumination affected by a light source consisting of a neon or other gas tube which is bent to form letters, symbols or other shapes.

Noncommercial sign. A sign that does not name, advertise or call attention to a commercial or industrial business, commodity, product, good, service or other commercial or industrial activity for a commercial or industrial purpose.

Off-premises sign. An outdoor advertising sign advertising a business, product or service not offered on the premises where the sign is located.

Open house sign. A temporary portable sign providing direction to residential real property during the period it is on public display for purposes of sale or lease.

Panel sign. A wall sign with a background panel integrated into the sign. The background panel is typically treated with paint, tile, metal, wood, mosaic, decorative stone or similar materials to complement the sign design.

Portable sign. A sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs with wheels, A-frames, H-frames, menu and sandwich board signs, balloons used as signs, and umbrellas used for advertising.

Projecting sign. A sign which is either suspended from an overhang, canopy, or awning, or is suspended from a mounting attached directly to the building wall, and hangs perpendicular to the building wall (also known as a blade sign or shingle sign).

Real estate sign. Any temporary sign pertaining to the sale, exchange, lease or rental of buildings or real property.

Roof sign. A sign installed on a roof or projecting above the eave of a building or mounted on an arcade or parapet.

Subdivision directional sign. A sign providing direction to a land development project within the county pursuant to this chapter.

Temporary sign. A sign with commercial or noncommercial text which is intended to be displayed for a limited time. Temporary signs shall include banners or light, rigid material which is not affixed in a permanent manner to the ground or to any structure. Awning signs shall not be considered temporary signs.
Theater/cinema sign. A sign, such as a marquee, designed for a theater or cinema, with changeable letters, brighter lights, or other attention-getting features.

Time/temperature sign. An electronic or mechanical device which shows time and/or temperature, but contains no business identification or advertising. The surface area of the time/temperature display shall be included in the total aggregate sign area of the business.

Wall sign. A sign attached directly to an exterior wall of a building or dependent upon a building for support with the exposed face of the sign located in a place substantially parallel to such exterior building wall to which the sign is attached or supported by. An overhang, attached framework, or other substantial architectural appurtenance may be considered an extension of the building wall.

Window sign. A sign attached to, suspended or placed within five feet behind, placed or painted upon, the window or glass door of a building which is intended for viewing from the exterior of such building.

Site. A lot, or group of contiguous lots not divided by a street, other right-of-way, or city limit, and under single ownership or unified control.

Specific plan. A plan for a defined area that is consistent with the general plan and with the provisions of the California Government Code authorizing specific plans.

Story. The portion of a building included between the upper surface of a floor and the upper surface of the floor next above. The topmost story is that portion of a building included between the upper surface of the topmost floor and the ceiling of the roof above.

Story, half. A half-story is one-half the portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a useable or unused underfloor space is more than six feet above grade as defined herein for more than 50% of the total perimeter or is more than 12 feet above grade as defined herein at any point, such useable or unused underfloor space shall be considered a story.

Structure. Anything constructed or erected that requires a location on the ground, including a building, a deck, or a swimming pool, but not including a fence or a wall used as a fence, if the height does not exceed eight feet, or access drives or walks.

Structure, accessory. An accessory structure is a structure placed on a site, other than the principal, permanent residential structure. Temporary containers or storage units regulated by PHMC § 18.20.140, fences or walls eight feet or less in height, decks attached to the principal permanent residential structure, free-standing decks 18 inches or less in height above ground, in-ground pools, and permanent basketball hoops shall not be considered accessory structures.

Swimming pools and hot tubs. Water-filled enclosures having a depth of 18 inches or more used for swimming or recreation.

Target unit. A dwelling unit within a housing development which will be reserved for sale or rent to, and is made available at an affordable rent or affordable ownership cost to, very low-, low-, or moderate-income households, or is a unit in a senior citizen housing development.

Very low-income household. A household whose income does not exceed the very low-income limits applicable to Contra Costa County, as published and periodically updated by the State Department of Housing and Community Development pursuant to California Health and Safety Code section 50105. (Gov’t Code §§ 65915(b)(2) and (c)(1).
Yard types.

**Corner side yard.** A side yard on the street side of a corner lot. The depth of the corner side yard is the minimum horizontal distance between the corner side property line and a line parallel to it on the site. If a public or private vehicular easement exists, the measurement is from the edge of the easement closest to the structure.

**Front yard.** A yard extending across the full width of a site, the depth of which is the minimum horizontal distance between the front property line and a line parallel to it on the site. If a public or private vehicular easement exists, the measurement is from the edge of the easement closest to the structure.

**Rear yard.** A yard extending across the full width of a site, the depth of which is the minimum horizontal distance between the rear property line and a line parallel to it on the site. On a corner lot, the rear yard extends only to the corner side yard. If a public or private vehicular easement exists, the measurement is from the edge of the easement closest to the structure.

**Side yard.** A yard extending from the rear line of the required front yard, or the front property line of the site where no front yard is required, to the front line of the required rear yard, or the rear property line of the site where no rear yard is required, the width of which is the horizontal distance between the side property line and a line parallel thereto on the site, except that the corner side yard shall extend to the rear lot line.

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**YARD TYPES**

Chapter 18.145

MEASUREMENTS

Sections:
18.145.010 Purpose.
18.145.020 Fractions.
18.145.030 Measuring distances.
18.145.040 Measuring distances on maps.
18.145.050 Measuring height.
18.145.060 Measuring a radius.

18.145.010 Purpose.

This chapter explains how various measurements referenced in this zoning ordinance are to be calculated. (Ord. 710 § 35-42.1, 1996; 1991 code § 35-42.1)

18.145.020 Fractions.

When calculations result in fractions the results will be rounded as follows:

A. Minimum requirements. When a regulation is expressed in terms of a minimum requirement, any fractional result will be rounded up to the next consecutive whole number. For example, if a minimum requirement of one tree for every 30 feet is applied to a 50-foot strip, the resulting fraction of 1.37 is rounded up to two required trees.

B. Maximum limits. When a regulation is expressed in terms of maximum limits, any fractional result will be rounded down to the next lower whole number. For example, if a maximum limit of one dwelling unit for every 2,500 square feet in the MRL district is applied to a 12,000 square foot site, the resulting fraction of 4.8 is rounded down to four allowed dwelling units. (Ord. 710 § 35-42.2, 1996; 1991 code § 35-42.2)

18.145.030 Measuring distances.

A. Distances are measured horizontally. When determining distances for setbacks and structure dimensions, all distances are measured along a horizontal plane from the appropriate line, edge of building, structure, storage area, parking area, or other object. These distances are not measured by following the topography of the land. See Figure M-1.
B. Measurements are shortest distance. When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement is made at the closest or shortest distance between the two objects. See Figure M-2. Exceptions are stated in subsections C, D and E of this section.

![CLOSEST DISTANCE](image1.png)

**CLOSEST DISTANCE**

Figure M-2

C. Measurement of vehicle stacking or travel areas. Measurement of a minimum travel distance for vehicles, such as garage entrance setbacks and stacking lane distances, are measured down the center of the vehicle travel area. For example, curving driveways and travel lanes are measured along the arc of the driveway or traffic lane. See Figure M-3.

![MEASURING VEHICLE STACKING AREAS](image2.png)

**MEASURING VEHICLE STACKING AREAS**

Figure M-3

D. Measurements involving a structure. Measurements involving a structure are made to the closest wall of the structure. Chimneys, eaves, and bay windows (except in a side yard) up to 12 feet in length are not included in the measurement. Other features, such as covered porches and entrances, are included in the measurement. See PHMC § 18.50.020, Building projections into yards and courts, and the base zoning district regulations in Part 2.
E. **Underground structures.** Structures or portions of structures that are entirely underground are not included in measuring required distances. See Figure M-4.

![Diagram of Underground Structures](image)

**UNDERGROUND STRUCTURES**
Figure M-4

(Ord. 710 § 35-42.4, 1996; 1991 code § 35-42.4)

18.145.040 **Measuring distances on maps.**

Zone boundaries that are shown crossing lots are usually based on a topographic feature or a set measurement from a property line or topographic feature, such as the top of slope, middle of stream, 25 feet from top of bank, or 340 feet from property line. When zone boundaries are shown crossing properties with no clear indication of the basis for the line, exact distances are to be determined by scaling the distances from the zoning map, using the center of the zoning line on the map. (Ord. 710 § 35-42.6, 1996; 1991 code § 35-42.6)

18.145.050 **Measuring height.**

A. **Measuring building height.** Height of buildings is measured as provided in the Uniform Building Code as adopted by the city. The height of buildings is the vertical distance above the base point described in subsection A.1 or A.2 of this section. The base point used is the method that yields the greater height of building. For a flat roof, the measurement is made to the top of the parapet, or if there is no parapet, to the highest point of the roof (see Schedules 18.20.030 and 18.25.030 for allowed number of stories).

The measurement is made to the deck line of a mansard roof, or to the average height of the highest gable of a pitched or hipped roof that has a roof pitch of 12 in 12 or less. For pitched or hipped roofs with a pitch steeper than 12 in 12, the measurement is to the highest point. For other roof shapes such as domed, vaulted, or pyramidal shapes, the measurement is to the highest point. See Figure M-5. The height of a stepped or terraced building is the maximum height of any segment of the building.
MEASURING HEIGHT – ROOF TYPES

Figure M-5

1. **Base point 1.** Base point 1 is the elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than five feet above lowest grade. See Figure M-6.

![Base Point 1 and Base Point 2](image)

MEASURING HEIGHT

Figure M-6

2. **Base point 2.** Base point 2 is the elevation that is five feet higher than the lowest grade when the sidewalk or ground surface described in subsection A.1 of this section is more than five feet above lowest grade.

B. **Measuring height of other structures.** The height of other structures such as fences is the vertical distance from the ground level immediately under the structure to the top of a structure. Special measurement provisions are also provided below.

1. **Measuring height of wall or fences on slopes.** Walls or fences located on sloping ground are measured from the ground level on the higher side of the wall or fence for the purpose of determining compliance with maximum allowable height requirements.
2. **Measuring height of retaining walls and fences.** Retaining walls, and fences on top of retaining walls, are measured as a combined height of a retaining wall, fence, wall or screen from the ground level on the higher side of the combined wall, fence or screen for the purpose of determining compliance with maximum allowable height requirements.
3. **Measuring height of decks.** Deck height is determined by measuring from the ground to the top of the floor of the deck.
4. **Measuring height of accessory structures.** The height of accessory structures such as sheds, detached garages, pergolas and trellises is the vertical distance from the ground level immediately under the structure to the highest point at the top of a structure. (Ord. 856 § 2 (Exh. A), 2011; Ord. 710 § 35-42.8, 1996; 1991 code § 35-42.8)

18.145.060 Measuring a radius.

The measured specified distance from a particular project shall be the required distance in a straight line, without regard to intervening structures or objects, from all points along the lot line of the subject project. (Ord. 710 § 35-42.12, 1996; 1991 code § 35-42.12)