ORDINANCE NO. 2025-01

AN ORDINANCE OF THE CITY OF PINOLE AMENDING CHAPTERS 17.10, 17.12, 17.24, 17.32, 17.48, AND 17.70 OF THE PINOLE MUNICIPAL CODE AND ADDING CHAPTER 17.71 TO THE PINOLE MUNICIPAL CODE

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

WHEREAS, the City of Pinole 2023-2031 Housing Element contains programs identifying various zoning ordinance amendments; and

WHEREAS, implementation of Housing Element programs requires amendments revising text in the PMC; and

WHEREAS, amendments to the municipal code are required for accessory dwelling unit and junior accessory dwelling unit regulations to reflect current State Law for these units under California Government Code Sections 66310 to 66342; and

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

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

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

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

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

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

WHEREAS, amendments to the municipal code are made to PMC Chapters 17.10, 17.32, and 17.48 regarding parking, affordable housing, general application processing to implement Housing

Element programs and to clarify requirements, reduce ambiguities, and improve internal consistency of the Zoning Code; and

WHEREAS, the proposed revisions to amend the Zoning Code are attached hereto as Attachment B; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PASSED AND ADOPTED at a regular meeting of the Pinole City Council held on March 18, 2025, the City Council passed this ordinance by the following vote:

AYES:	COUNCILMEMBERS:	**Martínez-Rubin, Murphy, Sasai, Tave, Toms**
NOES:	COUNCILMEMBERS:	**None**
ABSTAIN:	COUNCILMEMBERS:	**None**
ABSENT:	COUNCILMEMBERS:	**None**

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

Cameron Sasai, Mayor

ATTEST:

Heather Bell, City Clerk

APPROVED AS TO FORM:

Eric S. Casher, City Attorney

ATTACHMENT B. MUNICIPAL CODE AMENDMENTS

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

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

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

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

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

SET B. Accessory Dwelling Unit Amnesty Program

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

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

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

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

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

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

Section 17.12.150 included (excerpt of Chapter 17.12 Entitlements).

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

17.12.150 COMPREHENSIVE DESIGN REVIEW.

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

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

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

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

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

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

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

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

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

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

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

5. Installation of signs.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Full Chapter included.

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CHAPTER 17.24

DEVELOPMENT STANDARDS BY ZONING DISTRICT

Sections:

17.24.010 PURPOSE.

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

17.24.020 DEVELOPMENT STANDARDS.

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

LDR = Low Density Residential Zoning District

R-1 = Suburban Residential Zoning District

R-2 = Medium Density Zoning District

R-3 = High Density Zoning District

R-4 = Very High Density Zoning District

R = Rural Zoning District

RC = Regional Commercial Zoning District

RMU = Residential Mixed Use Zoning District

CMU = Commercial Mixed Use Zoning District

OPMU = Office Professional Mixed Use Zoning District

OIMU = Office Industrial Mixed Use Zoning District

OS = Open Space Zoning District

PR = Parks and Recreation Zoning District

PQI = Public Quasi-Public Institutional Zoning District

SPBCA = San Pablo Bay Conservation Zoning District

TABLE 17.24.020-1:

DEVELOPMENT STANDARDS FOR CITY OF PINOLE BASE ZONING DISTRICTS

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

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

Notes:

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

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

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

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

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

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

(Ord. 2010-02 § 1 (part), 2010)

17.24.030 ADDITIONAL STANDARDS FOR MULTI-FAMILY ZONING DISTRICTS.

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

A. Open Space Requirements for Multi-Family Residential.

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

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

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

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

17.24.040 OBJECTIVE DESIGN STANDARDS FOR SINGLE FAMILY ZONING DISTRICTS.

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

A. **Applicability**

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

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

B. **Design Standards**

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

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

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

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

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

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

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

Full Chapter included.

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

CHAPTER 17.70

ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

Sections:

17.70.010 PURPOSE.

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

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

17.70.020 APPLICABILITY.

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

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

17.70.30 PERMIT REQUIREMENTS.

A. **Application Review**

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

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

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

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

1. A completed building permit application;

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

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

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

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

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

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

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

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

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

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

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

17.70.040 PERFORMANCE STANDARDS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

D. Development Standards and Requirements for Accessory Dwelling Units.

1. Maximum floor area for attached or detached ADUs.

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

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

2. **Setbacks.**

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

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

c4. Detached ADUs shall not be less than **six (6)**~~eight (8)~~ feet from the primary dwelling unit, except if this would prohibit the construction of an eight hundred (800) square foot ADU with four (4) foot rear and side setbacks;

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

3. **Height**

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

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

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

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

4. **Exterior Access and Design.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

a. A cooking facility with appliances.

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

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

residence.

F. Parking and Vehicle Access.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6. JADU Regulations Related to the Primary Residence

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

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

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

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

H. Operations

1. Separate Sales

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

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

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

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

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

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

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

~~**17.70.050 DECLARATION OF RESTRICTION.**~~

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

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

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

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

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

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

Full Chapter included.

All text is new text, shown in **bold and underline**.

CHAPTER 17.71

SB9 URBAN LOT SPLIT AND UNIT DEVELOPMENT

Sections:

17.71.010 PURPOSE

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

17.71.020 APPLICABILITY

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

17.71.030 DEFINITIONS

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

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

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

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

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

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

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

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

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

17.71.040 ELIGIBILITY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10. Conservation Easement. Lands under a conservation easement.

17.71.050 APPLICATION REVIEW PROCESS

A. Application Approval Consideration.

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

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

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

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

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

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

17.71.060 STANDARDS AND REQUIREMENTS FOR URBAN LOT SPLITS

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

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

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

D. Lot Sizes.

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

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

E. Setbacks

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

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

F. Access to Streets and Services

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

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

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

G. Parking.

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

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

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

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

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

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

H. Ongoing Requirements.

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

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

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

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

17.71.070 STANDARDS AND REQUIREMENTS FOR UNIT DEVELOPMENT

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

B. Total Units.

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

C. Setbacks.

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

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

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

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

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

E. Parking.

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

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

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

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

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

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

F. Ongoing Requirements.

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

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

17.71.080 DECLARATION OF RESTRICTION

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

17.71.090 INTERPRETATION

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

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

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

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

CHAPTER 17.70

ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

Sections:

17.70.010 PURPOSE.

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

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

17.70.020 APPLICABILITY.

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

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

…

17.70.060 AMNESTY AND ENFORCEMENT DELAY ORDINANCE FOR UNPERMITTED ADUS AND JADUS

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

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

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

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

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

C. Application Process.

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

a. Assessor's records;

b. Rental contracts and/or receipts;

c. Income tax records;

d. Utility bills;

e. Contractor's bills; and/or

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

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

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

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

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

1. Accessible public information regarding:

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

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

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

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

F. Enforcement Actions.

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

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

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

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

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

G. Sunset Provisions

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

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

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

Full Chapter included.

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

CHAPTER 17.10

GENERAL APPLICATION PROCESSING PROCEDURES

Sections:

17.10.010 PURPOSE.

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

17.10.020 APPLICATION AND FEE.

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

17.10.030 DETERMINATION OF COMPLETENESS.

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

1. All the submittal requirements have been satisfied and the application has been accepted as complete.

2. Specific information is still necessary to complete the application. The letter may also identify preliminary information regarding the areas in which the submitted plans are not in compliance with city standards and requirements.

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

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

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

E. Right to Appeal. The applicant may appeal the determination in accordance with Section17.10.070 (Appeals) and the Permit Streamlining Act (California Government Code Section 65943). (Ord. 2010-02 § 1 (part), 2010)

17.10.040 APPLICATION REVIEW AND REPORT.

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

17.10.050 PUBLIC HEARING AND PUBLIC NOTICE.

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

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

1. Notice of public hearing shall be published in at least one (1) newspaper of general circulation in the city.

2. Except as otherwise provided herein, notice of the public hearing shall be mailed, postage prepaid, to the owners of property within a radius of three hundred (300) feet of the exterior boundaries of the property involved in the application, using for this purpose the last known name and address of such owners as shown upon the current tax assessors records. If the number of owners exceeds one thousand (1,000), the city may, in lieu of mailed notice, provide notice by placing notice of at least one eighth (1/8) page in one (1) newspaper of general circulation within the city.

3. Notice of the public hearing shall be mailed, postage prepaid, to the owner of the subject real property or the owner's authorized agent and to each local agency expected to provide water, sewerage, streets, roads, schools, or other essential facilities or services to the proposed project.

4. Notice of the public hearing shall be posted at City Hall.

5. Notice of the public hearing shall be mailed to any person who has filed a written request for notice.

6. In addition to the notice required by this section, the city may give notice of the hearing in any other manner it deems necessary or desirable.

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

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

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

17.10.060 APPROVING AUTHORITY.

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

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

TABLE 17.10.060-1

APPROVING AUTHORITY FOR LAND USE ENTITLEMENTS

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

Notes:

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

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

B. Referral.

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

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

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

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

17.10.070 APPEALS.

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

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

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

TABLE 17.10.070-1

APPEAL AUTHORITY

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

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

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

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

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

17.10.080 EFFECTIVE DATE.

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

17.10.090 PERMIT TO RUN WITH LAND.

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

17.10.100 PERMIT TIME LIMITS, EXTENSIONS, AND EXPIRATION.

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

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

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

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

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

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

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

17.10.110 MODIFICATION.

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

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

17.10.120 REVOCATION.

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

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

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

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

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

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

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

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

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

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

17.10.130 REAPPLICATIONS.

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

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

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

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

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

Full Chapter included.

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

CHAPTER 17.32

AFFORDABLE HOUSING REQUIREMENTS

Sections:

17.32.010 PURPOSE.

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

17.32.020 GENERAL REQUIREMENTS FOR AFFORDABLE HOUSING.

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

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

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

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

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

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

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

prices as identified in Table 17.32.020-1 below:

TABLE 17.32.020-1

PRICE LIMITS FOR AFFORDABLE HOUSING UNITS

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

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

(Ord. 2010-02 § 1 (part), 2010)

17.32.030 EXEMPTIONS.

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

A. Manufactured Homes.

B. Pending Complete Applications. A project which has submitted an application for approval, which application was deemed complete by the Community Development Director prior to the effective date of this title.

C. Casualty Reconstruction Projects. The reconstruction of any residential units or structures which have been destroyed by fire, flood, earthquake, or other act of nature, which are being reconstructed in a manner consistent with the requirements of Chapter 17.14 (Nonconforming Uses and Structures). (Ord. 2010-02 § 1 (part), 2010)

17.32.040 INCENTIVES FOR ON-SITE HOUSING.

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

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

1. Density Bonus. Consistent with California Government Code Sections 65915 through 65918, qualifying projects can receive a density bonus by right. Density bonus requirements are outlined in Chapter 17.38 (Density Bonus) of this code.

2. Fee Subsidy or Deferral. The City Council, by resolution, may subsidize or defer payment of city development impact fees and/or building permit fees applicable to the affordable housing units or the project of which they are a part. The affordability control covenant shall include the terms of the fee subsidy or deferral.

3. Design Modifications. The granting of design modifications relative to affordable housing requirements **shall be the approving authority of the project. Projects qualifying for a density bonus shall be consistent with the applicable provisions under Chapter 17.38 Density Bonus and Government Code Sections 65915 through 65918, and** ~~shall require approval of the City Council and shall meet all applicable zoning requirements of the city. Modifications to typical development standards~~ may include**, but are not limited to,** the following:

a. Reduced minimum setbacks;

b. Reduced minimum building separation requirements;

c. Reduced square footage requirements;

d. Reduced parking requirements;

e. Reduced minimum lot sizes and/or dimensions;

f. Reduced street standards (e.g., reduced minimum street widths);

g. Reduced on-site open space requirements;

h. Increased height limitations;

i. Increased maximum lot coverage;

j. Increased floor area ratio;

k. Allowance for live-work units within multi-family residential zoning districts;

l. In lieu of reduced setbacks, allowance for attached dwelling units, if shown to be necessary to make the project feasible; or

m. Other regulatory incentives or concessions proposed by the developer or the city that result in identifiable, financially sufficient, and actual cost reductions.

n. Priority Processing. After receiving the required discretionary approvals, the residential development that provides affordable housing units may be entitled to priority processing of building and engineering approvals, subject to the approval of the City Manager. (Ord. 2010-02 § 1 (part), 2010)

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

17.32.050 AFFORDABLE HOUSING DEVELOPMENT REQUIREMENTS.

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

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

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

A. Affordable units shall have the same exterior appearance and quality of construction as the market-rate units. Appliances and finishes in the affordable units shall be the same as in the market rate units with the same number of bedrooms.

B. Size. The size of affordable units shall be the same size as the market rate units in the development. For the purposes of this section, "same size" shall mean that the affordable units shall satisfy all of the following requirements:

1. The number of bedrooms in an affordable units shall be the same as the number of bedrooms in the market rate units. If the market rate units have varied numbers of bedrooms, the distribution of the number of bedrooms in the affordable units shall be the same percentages as in the market rate units.

2. The square footage of an affordable unit shall be no less than ninety percent (90%) of the median square footage of the market rate units with the same number of bedrooms. The square footage of the bedrooms in an affordable unit shall be no less than ninety percent (90%) of the median square footage of the bedrooms in the market rate units

3. If the affordable unit is alienable separate from the title to any other dwelling unit, the parcel on which the affordable unit is located shall be no less than ninety percent (90%) of the median square footage of the parcels on which market rate units with the same number of bedrooms are located.

C. Distribution. In a mixed-income development, affordable units shall be dispersed throughout the development. Without limiting the foregoing, in no event shall an affordable unit be adjacent to more than one other affordable unit (unless the adjacent affordable unit is located on a different floor in a multi-floor building). Residents of affordable units shall be entitled to use all of the same amenities and facilities of the residential development as residents of market rate units within the residential development.

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

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

F. ~~E.~~ Duration of Affordability Requirement. Affordable housing units produced under this chapter must be legally restricted to occupancy by households of the income levels for which the units were designated pursuant to and in conformance with the requirements of this title, any other applicable city regulation, and state law. (Ord. 2010-02 § 1 (part), 2010)

17.32.060 ALTERNATIVE METHODS OF COMPLIANCE.

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

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

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

17.32.070 AFFORDABLE HOUSING PLAN PROCESSING.

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

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

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

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

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

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

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

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

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

7. A description of any incentives or modifications as listed in Section17.32.040 (Incentives for On-Site Housing) including a description of exceptional circumstances that necessitate assistance from the city, as well as documentation of how such incentives increase the feasibility of providing affordable housing.

8. Any alternative means, as designated in Section17.32.060.A, proposed for the development along with information necessary to support the findings required by Section 17.32.060.B for approval of such alternatives.

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

10. ~~9.~~ Any other information reasonably requested by the Community Development Director to assist with evaluation of the

affordable housing plan under the requirements of this chapter.

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

17.32.080 ELIGIBILITY.

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

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

17.32.090 ADJUSTMENTS.

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

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

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

1. That the applicant is subject to the affordable housing requirements of Chapter 17.32 (Affordable Housing Requirements);

2. The extent to which the applicant will benefit from affordable housing incentives under Section 17.32.040 (Incentives for On-Site Housing); and

3. That the applicant will be obligated to provide the most economical affordable housing units feasible in terms of construction, design, location, and tenure, and subject to the requirements of Chapter 17.32 (Affordable Housing Requirements). (Ord. 2010-02 § 1 (part), 2010)

17.32.100 SEVERABILITY.

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

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

Full Chapter included.

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

CHAPTER 17.48

PARKING AND LOADING REQUIREMENTS

Sections:

17.48.010 PURPOSE.

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

17.48.020 APPLICABILITY.

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

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

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

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

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

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

17.48.030 PERMIT AND PLAN CHECK REQUIREMENTS AND EXEMPTIONS.

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

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

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

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

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

1. Repair of any defects in the surface of the parking area, including repairs of holes and cracks;

2. Resurfacing, slurry coating, and restriping of a parking area with identical delineation of parking spaces;

3. Repair or replacement in the same location of damaged planters and curbs; and

4. Work in landscape areas, including sprinkler line repair, or replacement of landscape materials. (Ord. 2010-02 § 1 (part), 2010)

17.48.040 GENERAL PARKING AND LOADING BERTH REQUIREMENTS.

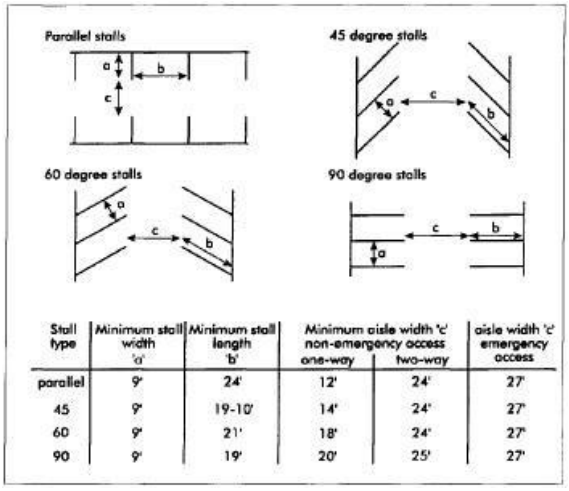
The layout of parking spaces, loading berths, and parking aisles shall comply with all the requirements listed below. These parking requirements apply to both on-street and off-street parking spaces, unless specifically stated otherwise.

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

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

FIGURE 17.48.040-1

PARKING SPACE AND DRIVE AISLE DIMENSIONS



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

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

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

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

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

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

17.48.050 NUMBER OF PARKING SPACES REQUIRED.

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

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

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

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

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

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

TABLE 17.48.050-1

PARKING REQUIREMENTS BY LAND USE

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

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

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

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

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

17.48.060 REDUCTIONS IN PARKING REQUIREMENTS.

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

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

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

a. The peak hours of parking demand from all uses do not coincide so that peak demand will not be greater than the parking provided;

b. The efficiency of parking provided will equal or exceed the level that can be expected if parking for each use were provided separately.

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

a. A guarantee that there will be no substantial alteration in the uses that will create a greater demand for parking without application for approval of an amended use permit;

b. A reciprocal grant of nonexclusive license among the business operator(s) and the landowner(s) for access to and use of the shared parking facilities; and

c. Evidence that the agreement has been recorded in the County Recorder's office.

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

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

a. The use will be adequately served by the proposed parking due to the nature of the proposed operation; proximity to frequent transit service; transportation characteristics of persons residing, working, or visiting the site; or because the applicant has undertaken a travel demand management program that will reduce parking demand at the site.

b. Parking demand generated by the project will not exceed the capacity of or have a detrimental impact on the supply of on-street parking in the surrounding area.

c. The site plan is consistent with the objectives of the zoning district and incorporates features such as unobtrusive off-street parking placed below the ground level of the project with commercial uses above or enclosed parking on the ground floor.

d. The applicant has provided on-site parking for car share vehicles via a recorded written agreement between the landowner and the city that runs with the land. Agreement shall provide for proof of a perpetual agreement with a car share agency to provide at least one (1) car share vehicle on-site.

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

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

17.48.070 SPECIAL PARKING STANDARDS FOR OLD TOWN.

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

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

2. Manage the growth of old town by limiting the number of businesses, offices, lodges, clubs and associations in the

core of old town which may generate traffic or parking demands in excess of commercial, office and public assembly parking availability, causing the overflow of traffic and parking to spill over onto adjacent residential streets;

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

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

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

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

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

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

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

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

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

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

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

17.48.080 PARKING REQUIREMENTS FOR THE DISABLED.

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

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

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

17.48.090 COMPACT CAR REQUIREMENTS.

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

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

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

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

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

17.48.100 PARKING AND DRIVEWAY DESIGN AND DEVELOPMENT REQUIREMENTS.

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

1. Each parking space and aisle, except those accessory to one (1)-family and two (2) -family dwellings, shall be graded, drained, and surfaced so as to prevent dust, mud, or standing water, and shall be identified by pavement markings, wheel stops, entrance and exit signing, and directional signs, to the satisfaction of the City Engineer.

2. Lighting, giving a ground-level illumination of one (1) to five (5) foot-candles, shall be provided in the parking area during the time it is accessible to the public after daylight. Lighting shall be shielded to prevent glare on contiguous residential properties.

3. Where such parking area abuts a street, it shall be separated by an ornamental fence, wall, or compact evergreen hedge having a height of not less than two (2) feet and maintained at a height of not more than four (4) feet. Such fence, wall, or hedge shall be maintained in good condition.

4. Parking spaces shall be marked and access lanes clearly defined. Bumpers and wheel stops shall be installed as necessary.

5. Landscape materials are permitted to overhang the curb/wheel stop creating a reduction in impervious surface material.

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

1. Driveways to access parcels located at the intersection of two (2) streets shall be gained through driveways from the lesser street. Determination of which street is lesser shall be made based on total paving width, amount of traffic, adjacent traffic controls, and likely destinations along each street in question.

2. Driveways serving parcels located at the intersection of two (2) streets shall be situated at the maximum practical distance from the intersection.

3. Where a proposed driveway is located at least seventy-five (75) feet from the nearest cross street, the requirements of subsection **17.48.100.B.1 and 17.48.100.B.2** ~~17.48.090.B.1 and 17.48.090.B.2~~ may be waived.

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

17.48.110 LOADING AREA REQUIREMENTS.

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

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

C. Requirements for Off-street Loading Spaces.

1. Minimum size. Each off-street loading space required by this section must be not less than twelve (12) feet wide, thirty (30) feet long, and fifteen (15) feet high, exclusive of driveways for ingress and egress and maneuvering areas. Loading spaces for customers may be twelve (12) feet wide, twenty-six (26) feet long and twelve (12) feet high.

2. Driveways for ingress and egress and maneuvering areas. Each off-street loading space required by this section must be provided with driveways for ingress and egress and maneuvering space adequate for trucks, per city standards.

3. Location of loading areas. An off-street loading space (excluding loading spaces for customers) required by this section must not be located closer than thirty (30) feet to any lot or parcel of land in a residential district, unless such off-street loading space is wholly enclosed within a building or on all sides by a wall not less than eight (8) feet in height. Except in industrial zoning districts, a loading door or loading dock that is visible from a public street must be screened with an eight (8)-foot-high, solid masonry or other sound-absorbing wall, with landscaping planted between the wall and the right-of-way. (Ord. 2010-02 § 1 (part), 2010)

17.48.120 BICYCLE PARKING REQUIREMENTS.

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

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

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

TABLE 17.48.120-1

REQUIRED BICYCLE PARKING

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

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

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

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

1. The bicycle frame and one (1) wheel can be locked to the rack with a high-security U-shaped shackle lock if both wheels are left on the bicycle;

2. A bicycle six (6) feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheels or components; and

3. The rack must be securely anchored.

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

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

1. In a locked room.

2. In an area that is enclosed by a fence with a locked gate. The fence must be either eight (8) feet high or be floor to ceiling.

3. Within view of an attendant, security guard or employee work area.

4. In an area that is monitored by a security camera.

5. Within a dwelling unit, dormitory, or other group housing unit, live/work unit, or artists' studio. If provided within a unit, racks or lockers are not required.

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

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

17.48.130 MAINTENANCE.

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