



Title 17 – Zoning

Article I

Zoning Code Establishment, Administration, and Entitlements

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Revisions:

The following revisions have been made to Article I of Title 17:

Date of Adoption	Ordinance Number	Subject	Section	Page Number

Chapter 17.04 Zoning Code Authority and Purpose

Sections:

17.04.010 Title and Authority 17.04-1
 17.04.020 Purpose and Intent of the Zoning Code 17.04-1
 17.04.030 Applicability 17.04-2

Draft Zoning Code Changes:

This chapter reorganizes and clarifies zoning authority and purpose.

Text explaining the applicability of the Zoning Code is expanded. Specifically, the following changes have been made:

- *Added a new Authority section;*
- *Expanded the Purpose and Intent section;*
- *Added an explanation of relationship to the prior Ordinance;*
- *Added new rules about impact to existing uses and structures, pending applications;*
- *Added legal reference to other permit requirements; and*
- *Established rules for conflicting requirements.*

17.04.010 Title and Authority

- A. **Title.** This Title shall be known as the Pinole Zoning Code, hereafter referred to as the Zoning Code.
- B. **Authority.** This Zoning Code is enacted based on the authority vested in the City of Pinole by the State of California, including, but not limited to, the Constitution of the State of California; the Planning and Zoning Law (California Government Code Section 65000 et seq.); the Subdivision Map Act (California Government Code Section 66410 et seq.); and the California Environmental Quality Act (California Public Resources Code Section 21000 et seq.).

17.04.020 Purpose and Intent of the Zoning Code

- A. **Purpose.** The purpose of this Zoning Code is to set forth and coordinate City regulations governing the development and use of land in accordance with the City of Pinole General Plan. The Zoning Code is intended to accomplish the following:
 - 1. Serve as the principal tool for implementing the City's General Plan in a manner that protects the public health, safety, comfort and convenience and welfare of the residents and businesses of Pinole.

2. Facilitate prompt review of development proposals and provide for public information, review, and comment on development proposals that influence the community's quality of life..
 3. Create a comprehensive and stable pattern of land uses to help ensure the provision of adequate water, sewerage, transportation, drainage, parks, open space, and other public facilities and services.
 4. Protect the established character and the social and economic stability of urban residential, commercial, industrial, and other types of improved areas.
 5. Provide a guide for the rezoning of properties within the Pinole Sphere of Influence in conjunction with the potential annexation proceedings, as provided by law.
 6. Conserve and protect the city's natural resources and features such as creeks, significant trees view corridors, scenic vistas, and historic and environmental resources.
 7. Require that permitted uses and development designs provide reasonable protection from fire, flood, landslide, erosion, or other man-made or natural hazards.
 8. Ensure compatibility between residential and non-residential development and land uses.
- B. **Intent.** This Zoning Code is intended to:
1. Apply to all private, public, quasi-public, institutional and public utility properties, and all other lands, buildings, and structures within the incorporated area of the city as allowed by law; and
 2. Establish future zoning of lands beyond the city limits in the City's Sphere of Influence.

17.04.030 Applicability

- A. **Relationship to Prior Code.** The provisions of this Title, as it existed prior to the effective date of the Ordinance enacting this Title, are repealed and superseded as provided in Ordinance No. _____. No provision of this Title shall validate or legalize any land use or structure established, constructed, or maintained in violation of the Title as it existed prior to its repeal by Ordinance No. _____.
- B. **Prior Rights and Violations.** The enactment of this Title shall not terminate or otherwise affect vested land use development permits, approvals, or agreements authorized under the provisions of any ordinance, nor shall violation of prior ordinance be excused by the adoption of this Title.
- C. **New Land Uses or Structures.** It shall be unlawful and a violation of the Pinole Municipal Ordinance for any person to establish, construct, reconstruct, alter, or replace any use of land or structure, except in compliance with the requirements of this Title.

- D. **Continuation of an Existing Land Use or Structure.** It is unlawful and a violation of the Pinole Municipal Code for anyone to use a parcel or structure or build a structure in a manner that violates any provision of this Title. However, a land use or structure that was lawfully established before this Title was enacted, or before enactment of any applicable amendment to this Title, may continue except as provided in Chapter 17.14 (Nonconforming Uses and Structures). No expansion or modification to a pre-existing legal nonconforming use or structure shall be permitted except as allowed by Chapter 17.14 (Nonconforming Uses and Structures).
- E. **Subdivisions.** Any subdivision of land proposed within the city after the effective date of this Zoning Code shall be consistent with the minimum lot area requirements of Article II (Zoning Districts, Allowed Uses and Development Standards), the subdivision requirements of the City of Pinole Subdivision Ordinance (Title 16 of this Municipal Code), and all other applicable requirements of this Zoning Code.
- F. **Effect of Zoning Code Changes on Projects in Process.** The enactment of this Ordinance or amendments to its requirements may have the effect of imposing different standards on new land uses, development and/or structures than those that applied to existing land uses, development and/or structures. Following the effective date of this Ordinance, or any amendments to this Ordinance, the following provisions shall apply:
1. Pending Applications. All land use permit applications that have been determined by the Department to be complete before the effective date of this Ordinance or any amendment, will be processed according to the regulations in effect when the application was accepted as complete.
 2. Approved Projects Not Yet Under Construction. Any structure authorized by a Conditional Use Permit, Site Development Review, Temporary Use Permit, or Variance, for which construction has not begun as of the effective date of this Ordinance or any amendment, may still be constructed in compliance with the approved permit, as long as construction is completed and the approved land use is established before the expiration of the permit or, where applicable, before the expiration of any approved time extension.
 3. Projects Under Construction. A structure that is under construction pursuant to a valid Building Permit on the effective date of this Ordinance or any amendment, may be completed and need not be changed to satisfy any new or different requirements of this Ordinance as long as construction is beyond the approval of the first inspection on the effective date of this Ordinance or any amendment, and provided that construction is diligently prosecuted to completion. Such a structure shall be deemed to be a lawfully existing building.
- G. **Conflicting Requirements.** Wherever conflict occurs between the provisions of this Title and any other provision of law, the more restrictive of any such provisions shall apply.
1. Zoning Code and Municipal Code provisions. If conflicts occur between requirements of this Zoning Code, or between this Zoning Code, the Municipal Code, or other plans and policies adopted by the City, the most restrictive shall apply.
 2. General Plan. If conflict occurs between the requirements of this Zoning Code and the adopted City General Plan, the requirements of the General Plan shall govern.

3. Specific Plan. If conflicts occur between the requirements of this Zoning Code and any adopted City Specific Plan, the requirements of the Specific Plan shall govern.
 4. Development Agreements. If conflicts occur between the requirements of this Zoning Code and standards adopted as part of any Development Agreement, the requirements of the Development Agreement shall govern.
 5. Private agreements. This Zoning Code applies to all land uses and development regardless of whether it imposes a greater or lesser restriction on the development or use of structures or land than a private agreement or restriction (for example, CC&Rs) without affecting the applicability of any agreement or restriction. The City shall not enforce any private covenant or agreement unless it is a party to the covenant or agreement.
- H. **Other Requirements/Permits.** Nothing in this Zoning Code eliminates the need for obtaining any other permits required by the City, or any permit, approval, or entitlement required by the regulations of any regional, state, or federal agency.
- I. **Public Nuisance.** Neither the provisions of this Title nor any permit or other approval authorized by this Title shall authorize the maintenance of any public nuisance as defined in this Municipal Code.
- J. **Severability, Partial Invalidation of Zoning Code.** If any portion of this Title is for any reason held by a court of competent jurisdiction to be invalid, unconstitutional, or unenforceable, such decision shall not affect the validity of the remaining portions of this Title. The City Council hereby declares that this Title and each article, chapter, section, subsection, paragraph, subparagraph, sentence, clause, phrase, and portion thereof is adopted, irrespective of the fact that one or more portions of this Title may be declared invalid, unconstitutional, or unenforceable.

Chapter 17.06 Interpretation

Sections:

17.06.010	Purpose	17.06-1
17.06.020	Applicability and Authority for Interpretations	17.06-1
17.06.030	Rules of Interpretation	17.06-1
17.06.040	Record of Interpretation	17.06-3
17.06.050	Appeals	17.06-3

Draft Zoning Code Changes:

This new chapter provides mechanisms to ensure the consistent interpretation of provisions of the Zoning Code and establishes a Record of Interpretation. Specifically, this Chapter does the following:

- *Identifies the authority for interpretations;*
- *Explains the rules for interpretations; and*
- *Outlines the process for interpretations, including the opportunity to appeal an interpretation decision.*

17.06.010 Purpose

The purpose of this Chapter is to specify the authority and procedures for clarification of ambiguity in the regulations of this Title in order to ensure consistent interpretation and application.

17.06.020 Applicability and Authority for Interpretations

If questions arise concerning the meaning or applicability of the provisions of this Title, it shall be the responsibility of the Community Development Director to review pertinent facts, determine the intent of the provision, and issue an administrative interpretation of said provision(s) as specified in this Chapter:

17.06.030 Rules of Interpretation

The Community Development Director shall interpret terms, provisions, and requirements of this Ordinance according to the following:

- A. **Zoning District Boundaries.** Where uncertainty exists with respect to the boundaries of the various zoning districts as shown on the Zoning Map, the provisions of Chapter 17.18.040F (Zoning Map Interpretation) shall apply.
- B. **Zoning Regulations.** Any list of any item, including zoning districts or uses, is exclusive. If a use or other item is not listed, it is not permitted unless, per the provisions of Section 17.12.040 (Similar Use Determination), the use is determined to be similar to a listed use or use category.

- C. **General Terminology.** When used in this Title, the following rules apply to all provisions of this Title.
1. Language and conjunctions
 - i. The word “City” refers to the City of Pinole.
 - ii. The phrase “Community Development Director” refers to the City of Pinole Community Development Director and his or her designee.
 - iii. The words “shall,” “must,” “will,” “is to,” and “are to” are always mandatory. “Should” is not mandatory but strongly recommended and “may” is permissive.
 - iv. The word “building” encompasses the word “structure.”
 - v. Conjunctions. “And” indicates that all connected items or provisions shall apply. “Or” indicates that the connected items or provisions may apply singly or in any combination. “Either...or” indicates that the connected items and provisions shall apply singly but not in combination. “Includes” and “including” shall mean “including but not limited to...”
 2. Gender. Each gender encompasses the masculine, feminine, and neuter genders.
 3. Tense and number. Words used in the present tense include past and future and vice versa, unless manifestly inapplicable. Words in the singular include the plural, and words in the plural include the singular.
 4. Number of days. Whenever the number of days is specified in this Title, or in any permit, condition of approval or notice issued or given as provided in this Title, the number of days shall be construed as calendar days. When the last of the specified number of days falls on a weekend or City holiday, time limits shall extend to the end of the next working day. The term “holiday” or “City holiday” shall mean any day other than the weekend when the City offices are closed for the entire day.
- D. **Minimum Requirements.** When interpreting and applying the regulations of this Title, all provisions shall be considered to be minimum requirements, unless specifically stated otherwise.
- E. **Calculations – Rounding.** Where any provision of this Ordinance requires calculation to determine applicable requirements, any fractional/decimal results of the calculation shall be rounded to the nearest whole number (0.5 or more is rounded up, less than 0.5 is rounded down).

17.06.040 Record of Interpretation

- A. **Official Interpretation.** Whenever the Community Development Director determines that an ambiguity in a zoning regulation exists or upon the request of an applicant, property owner or interested party, the Community Development Director shall issue an official interpretation. Official interpretations shall be in writing and shall cite the provisions being interpreted together with an explanation of the meaning or applicability of the provision(s) in the particular or general circumstances that caused the need for interpretation. All official interpretations shall be provided to the requestor, Planning Commission, City Manager, City Attorney and City Council. The official interpretation shall also include information regarding the City's appeal procedures, as appropriate. The Community Development Director shall make an interpretation based on his or her judgment and understanding of the current Zoning Code and pertinent sections of the Municipal Code.
- B. **Amendment.** Any provision determined by the Community Development Director to be ambiguous pursuant to this Chapter shall be clarified by amendment to the Zoning Code as soon as is practical.
- C. **Record.** The Community Development Director shall maintain a record of all official interpretations available for public review.

17.06.050 Appeals

Appeal of the Community Development Director for official interpretations shall be made in accordance with the procedures specified in Section 17.10.070 (Appeals).

Chapter 17.08 Zoning Code Administration

Sections:

17.08.010	Purpose	17.08-1
17.08.020	Responsibility for Administration	17.08-1
17.08.030	Responsibilities of the City Council	17.08-1
17.08.040	Responsibilities of the Planning Commission.....	17.08-2
17.08.050	Responsibilities of the City Manager	17.08-2
17.08.060	Responsibilities of the Zoning Administrator	17.08-2
17.08.070	Responsibilities of the Community Development Director	17.08-2
17.08.080	Use of Discretion	17.08-3

Draft Zoning Code Changes:

This chapter codifies existing practice and responsibilities for the City's designated planning agencies.

Removed references of Community Development Director and Zoning Administrator and replaced with Community Development Director or his/her designee.

17.08.010 Purpose

The purpose of this chapter is to establish the authority and responsibilities of the officials and bodies charged with administration of this Zoning Code.

17.08.020 Responsibility for Administration

This Zoning Code shall be administered by the Pinole City Council, the Planning Commission, City Manager, Zoning Administrator and the Community Development Director.

17.08.030 Responsibilities of the City Council

- A. Appoint members of the Planning Commission.
- B. Review appeals of Planning Commission decisions.
- C. Make final decisions on applications for entitlements as listed in Table 17.10.060-1.
- D. Initiate plans, plan amendments and studies related to City land use policy and processes.
- E. Exercise such other powers and duties as prescribed by state law or local ordinance.

17.08.040 Responsibilities of the Planning Commission

- F. Review appeals of Zoning Administrator and Community Development Director decisions.
- G. Make final decisions on applications for entitlements as listed in Table 17.10.060-1.

- H. Make recommendations to the City Council on land use decisions as listed in Table 17.10.060-1.
- I. Initiate amendments to the General Plan or this Zoning Code.
- J. Exercise such other powers and duties as prescribed by state law or local ordinance, or as directed by the City Council.

17.08.050 Responsibilities of the City Manager

- A. Oversee the work of the Community Development Director.
- B. Exercise such other powers and duties as are prescribed by state law or local ordinance, or as directed by the City Council.

17.08.060 Responsibilities of the Zoning Administrator

- A. The office of Zoning Administrator is established pursuant to Government Code section 65900. The Community Development Director or his/her designee shall serve as the Zoning Administrator. If there is no Community Development Director, the Planning Manager or as otherwise designated by the City Manager, shall serve as the Zoning Administrator.
- B. Make final decisions on applications for entitlements as listed in Table 17.10.060-1.

17.08.070 Responsibilities of the Community Development Director

- A. The Community Development Director or his/her designee shall oversee the comprehensive application of this Zoning Code and shall conduct administrative functions authorized herein, including but not limited to processing land use applications, providing public notice as required, and preparing staff reports .
- B. Make final decisions on applications for entitlements as listed in Table 17.10.060-1.
- C. Advise the City Council, Planning Commission, and City Manager on planning matters.
- D. Provide staff at meetings and provide administrative services for the Planning Commission.
- E. Conduct studies on planning matters as necessary or desired.
- F. Provide information to the public and facilitate public participation in planning matters.
- G. Exercise such other powers and duties as prescribed by state law or local ordinance, or as directed by the City Council, Planning Commission or City Manager.

17.08.080 Use of Discretion

If a provision of the Zoning Code allows for the use of discretion in the application of a specific standard, but does not identify specific criteria, the following criteria shall be used in exercising discretion:

- A. The proposed project complies with all applicable provisions of the Zoning Code.
- B. The exercise of discretion will ensure compatibility of the proposed project with its site, the surrounding area, and the community, and
- C. The project is consistent with the Pinole General Plan, and any applicable specific plan.

Chapter 17.10 General Application Processing Procedures

Sections:

17.10.010	Purpose	17.10-2
17.10.020	Application and Fee	17.10-2
17.10.030	Determination of Completeness.....	17.10-2
17.10.040	Application Review and Report.....	17.10-3
17.10.050	Public Hearing and Public Notice	17.10-3
17.10.060	Approving Authority	17.10-4
17.10.070	Appeals.....	17.10-5
17.10.080	Effective Date	17.10-6
17.10.090	Permit to Run with Land	17.10-6
17.10.100	Permit Time Limits, Extensions, and Expiration.....	17.10-6
17.10.110	Modification	17.10-7
17.10.120	Revocation.....	17.10-7
17.10.130	Reapplications.....	17.10-7

Draft Zoning Code Changes:

This chapter reorganizes and regroups existing text regarding the City's application process. New text is provided to codify application review procedures currently in place.

The following sections of the Zoning Code have been clarified and expanded:

- *Public Notices*
- *Appeals*
- *Revocation*

The Zoning Code provides a more comprehensive outline of review and permit procedures, using new text and tables. New sections are listed below.

- *Determination of Completion*
- *Application Review and Report*
- *Approving Authority*
- *Effective Date*
- *Permit to Run with Land*
- *Permit Time Limits and Extensions*
- *Modification*

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.

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 landuse 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.

17.10.030 Determination of Completeness

- A. **Application Completeness.** Within 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 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 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 Sub Section 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 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 Section 17.10.070 (Appeals) and the Permit Streamlining Act (California Government Code Section 65943).

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.

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 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 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 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 1,000, the City may, in lieu of mailed notice, provide notice by placing notice of at least 1/8 page in one 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.

- 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.

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 permit with more than one 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		

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
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

Notes:

(1) As specified in Chapter 17.12, 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/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.

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 17.10.070-2 (Appeal Authority) below, within ten 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 basis or grounds of the appeal. Appeals shall be filed within ten 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.
- D. **City Councilmember Appeal.** A City Councilmember may appeal an action of the Planning Commission. If an appeal is made by a councilmember, there shall be a presumption applied that the reason for the appeal is that the appealed action has significant and material effects on the quality of life within the City. Notwithstanding Section 17.10.070.C, no other reason need be or shall be stated by the councilmember in his/her written appeal and no appeal fee shall be required. No inference of bias shall be made because of such an appeal.
- 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 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.

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 11th day after the date of action, immediately following expiration of the ten-day appeal period. Legislative actions by the City Council (e.g., Zoning Amendment, General Plan Amendment, Specific Plans, Development Agreements) become effective 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.

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.

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 year of approval shall expire and become void, except where an extension of time is approved in compliance with Subsection 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 years from the original permit date. After this initial permit extension, a final one-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 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 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 and is subject to revocation in compliance with Section 17.16.070 (Permit Revocation or Modification).

17.10.110 Modification

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.

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

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 make if any one 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 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 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.

17.10.130 Reapplications

An application shall not be accepted or acted upon if within the past 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 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.

Chapter 17.12 Entitlements

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Draft Zoning Code Changes:

Existing entitlements are simplified, clarified, and in some cases, expanded, to ensure consistency in description, applicability, process, and criteria for determination/action.

The Zoning Code proposed modifications to several entitlements as follows:

- *Design Review has been revised as a two-tier approach with separate entitlements for Administrative Design Review and Comprehensive Design Review.*
- *The Variance section has been simplified and clarified with provisions that are applicable to all deviations from the Zoning Code.*
- *The Conditional Use Permit section has been expanded and clarified.*

The Zoning Code proposes several new entitlements as follows:

- *Similar Use Determination was added as a new entitlement to consolidate the procedures for determination by the Approving Authority of a similar use. Authority to grant Similar Use Determinations was located in various places throughout the existing Ordinance. This new section ensures consistency in the application and process.*
- *Minor Deviation*
- *To ensure consistency with the Fair Housing Act, Reasonable Accommodations, was*

added.

- Provisions for Specific Plans, rezoning, Zoning Code Amendments, and General Plan Amendments were added.

The existing Sign Permit process has been expanded and revised. The Approving Authority has been amended from the Planning Commission to the Community Development Director for increased efficiency. Applicability of the Sign Permit has been clarified and review procedures, submittal requirements, and required approval findings more clearly established.

The existing Ordinance provides Design Criteria in the Sign Permit section. This text has been moved to a new section titled Design Standards in Chapter 17.52 (Signs).

The existing Ordinance requires Planning Commission review and approval of all Sign Permits for business identification signs. This provision has been removed.

A Creative Sign Program has been added to allow for imaginative signs that fulfill the intent of the Ordinance. A Creative Sign Program allows for deviations from development standards provided that specified criteria and approval findings are satisfied. The Community Development Director is the designated Approving Authority, but the Creative Sign Program requires public noticing for each application and allows for Planning Commission review if requested in writing.

Planned Sign Programs have been revised and renamed as Sign Programs. These are required for all sites with permanent signing that exceeds either five signs or 200 square feet of aggregate sign area and for all multi-tenant shopping centers of three or more separate tenants/uses.

17.12.010 Purpose

The purpose of this Chapter is to establish procedures for administering all planning and zoning related permits and entitlements required and regulated by the City in accordance with this Title.

17.12.020 Applicability

Each permit and entitlement type is described in this Chapter in terms of purpose and applicability, Approving Authority, and unique processing provisions. Exemptions to permit requirements are listed throughout this Title. General processing procedures are established in Chapter 17.10 (General Application Processing Procedures). Provisions for Tentative Maps, Parcel Maps, and Final Maps are identified in Title 16 of this Municipal Code.

17.12.030 Plan Check

- A. **Purpose.** The purpose of the Plan Check is to ensure that all new and modified uses and structures comply with applicable provisions of this Title, using simple administrative plan check procedures.

- B. **Applicability.** Plan Check is required for the following actions:
1. All structures that require a Building Permit;
 2. All planning entitlement and permit approvals to ensure compliance with applicable conditions of approval; and
 3. Other City applications that may be subject to the provisions of this Title, including, but not limited to, tree removal, business license, encroachment, and grading and improvement plans.
- C. **Approving Authority and Procedure.** The Community Development Director shall be the designated Approving Authority for Plan Check.
- D. **Application Contents.** No separate application form is necessary for Plan Check. This process will be conducted by the Community Development Director as part of the Building Permit or other City application review.
- E. **Public Hearing/Notice.** Public hearing is not required for Plan Check.
- F. **Approval Findings.** Plan Check clearance shall be granted only when the Community Development Director finds the proposal to be in conformance with all applicable provisions of this Title. Any permit or application listed in Section A shall not be issued without approval of Plan Check.
- G. **Appeals.** Any appeal of the decision for a Plan Check shall be pursuant to Section 17.10.070 (Appeals).
- H. **Expiration.** All approved Plan Checks are subject to the provisions set forth in Section 17.10.100 (Revocation Permit Time Limits, Extensions, and Expirations).

17.12.040 Similar Use Determination

- A. **Purpose and Applicability.** All possible uses may not be listed within the provisions of this Title, and new uses may evolve over time. When a particular use is not specifically listed in this Zoning Code and it is unclear whether the use is permitted, the provisions established in this Chapter allow the Approving Authority, by formal action, to determine whether or not a proposed use is similar to a permitted or conditionally permitted use and whether such proposed use may be permitted in a particular Zoning District.
- B. **Approving Authority.** The Community Development Director shall be the designated Approving Authority for Similar Use Determinations.
- C. **Application Contents.** The application for a Similar Use Determination shall be on a form prepared as prescribed by the Community Development Director.
- D. **Public Hearing/Notice.** Public hearing is not required for a Similar Use Determination.
- E. **Approval Findings.** In determining "substantial similarity," the Approving Authority shall make all of the following findings:

1. The characteristics of and activities associated with the proposed use are equivalent to one or more of the listed uses and will not involve a higher level of activity or population density than the uses listed in the Zoning District;
 2. The proposed use will be consistent with the purposes of the applicable Zoning District; and
 3. The proposed use will be consistent with the General Plan, any applicable Specific Plan, and the Zoning Code.
- F. **Notification of Determinations.** Determinations shall be made in writing and shall contain the facts that support the determination. The city shall maintain all such determinations on record for review by the general public upon request. The decision shall be provided, in writing, to the applicant and interested parties. The notice shall include:
1. A brief statement explaining the criteria and standards considered relevant to the decision;
 2. A statement of the standards and facts relied upon in rendering the decision; and
 3. Statement of appeal rights and appeal deadlines.
- G. **Appeals.** Any appeal of the decision for a Similar Use Determination shall be pursuant to Section 17.10.070 (Appeals).
- H. **Expiration.** All approved Similar Use Determinations are subject to the provisions set forth in Section 17.10.100 (Revocation Permit Time Limits, Extensions, and Expirations).

17.12.050 Reasonable Accommodation

- A. **Purpose.** The purpose of allowing reasonable accommodation is to provide a process for individuals with disabilities to make requests for reasonable accommodation for relief from the various land use, zoning, or rules, policies, practices, and/or procedures of the City. It is the policy of the City, pursuant to the Federal Fair Housing Act (as amended) and the California Fair Employment and Housing Act, to provide persons with disabilities reasonable accommodation in rules, policies, and procedures that may be necessary to ensure equal access to housing.
- B. **Applicability.**
1. In order to make specific housing available to an individual with a disability, a disabled person or representative may request reasonable accommodation relating to the various land use, zoning, or rules, policies, practices, and/or procedures of the City.
 2. If an individual needs assistance in making the request for reasonable accommodation or appealing a determination regarding reasonable accommodation, the Community Development Director will endeavor to provide the assistance necessary to ensure that the process is accessible to the applicant or representative.
 3. A request for reasonable accommodation with regard to City regulations, rules, policies, practices, and/or procedures may be filed on an application form

provided by the Community Development Director at the time that the accommodation may be necessary to ensure equal access to housing.

- C. **Approving Authority.** The Community Development Director shall be the designated Approving Authority for reasonable accommodation.
- D. **Application Contents.** The applicant shall provide the following information when requesting reasonable accommodation:
1. A completed City application indicating, among other things, the applicant name, address, and telephone number;
 2. Address of the property for which the request is being made;
 3. The current actual use of the property;
 4. The Zoning Code provision, regulation, or policy from which reasonable accommodation is being requested;
 5. The basis for the claim that the person(s) for whom the reasonable accommodation is sought is/are considered disabled under the Fair Housing Act and why the accommodation is reasonably necessary to make specific housing available to the person(s); and
 6. Such other relevant information as may be requested by the Community Development Director.
- E. **Procedure.**
1. When a request for reasonable accommodation is filed with the Community Development Director, it will be reviewed and considered as a ministerial action unless determined otherwise by the Community Development Director. A request for reasonable accommodation shall be considered ministerial in nature when it is related to a physical improvement that cannot be constructed to conform to the City's setbacks or design standards. Typical improvements considered to be "ministerial" in nature would include ramps, walls, handrails, or other physical improvements necessary to accommodate a person's disability. The Community Development Director shall issue a written determination of his or her action within 30 days of the date of receipt of a completed application and may:
 - i. Grant or deny the accommodation request; or
 - ii. Grant the accommodation request subject to specified nondiscriminatory conditions(s); or
 - iii. Determine that the request for reasonable accommodation is non-ministerial in nature and forward the request to the Planning Commission for consideration at a noticed public hearing. The Planning Commission may grant or deny the request, or grant subject to specified nondiscriminatory conditions. Any approval shall be subject to the findings stated in Subsection 17.12.050.F (Approval Findings).

2. All written determinations of actions of the Community Development Director shall give notice of the right to appeal and the right to request reasonable accommodation on the appeals process (e.g., requesting that City staff attempt to schedule an appeal hearing as soon as legally and practically possible), if necessary. The notice of action shall be sent to the applicant by mail.
 3. If necessary to reach a determination or action on the request for reasonable accommodation, the Community Development Director may request further information from the applicant specifying in detail what information is required. In the event a request for further information is made, the 30-day period to issue a written determination shall be stayed until the applicant fully and sufficiently responds to the request.
- F. **Approval Findings.** In making a determination regarding the reasonableness of a requested accommodation, the Approving Authority must make all of the following findings:
1. The housing which is the subject of the request for reasonable accommodation will be used for an individual protected under the Fair Housing Act.
 2. The request for reasonable accommodation is necessary to make specific housing available to an individual protected under the Fair Housing Act.
 3. The requested reasonable accommodation does not impose an undue financial or administrative burden on the City and does not fundamentally alter City zoning, development standards, policies, or procedures.
- G. **Appeals.** Appeal of the Approving Authority's action on the request for reasonable accommodation shall be made in accordance with the procedures specified in Section 17.10.070 (Appeals).
- H. **Expiration.** All approved Reasonable Accommodations are subject to the provisions set forth in Section 17.10.100 (Revocation Permit Time Limits, Extensions, and Expirations).

17.12.060 Administrative Use Permit

- A. **Purpose.** Administrative Use Permits provide a mechanism for administrative review and approval of uses and activities to ensure compatibility with the project site and surrounding uses. The Administrative Use Permit allows expedited review for situations that do not warrant consideration for a Conditional Use Permit due to minimal impacts and effects on surrounding uses.
- B. **Approving Authority.** The Community Development Director shall be the designated Approving Authority for Administrative Use Permits.
- C. **Application Contents.** The application for an Administrative Use Permit shall be on a form prepared as prescribed by the Community Development Director.
- D. **Public Hearing/Notice.** Administrative Use Permits shall all be considered at a public hearing with notice pursuant to Section 17.10.050 (Public Hearing and Public Notice).
- E. **Approval Findings.** Whenever authorized by ordinance, the Approving Authority may issue an Administrative Use Permit when he/she finds as follows:

1. The proposed use is consistent with the General Plan and the provisions of this Title; and
 2. All applicable conditions prescribed by ordinance or City Council resolution have been satisfied.
- F. **Conditions of Approval.** Whenever any Administrative Use Permit is granted, the designated Approving Authority may impose such conditions as may be necessary to safeguard the public safety and the intent of this Title.
- G. **Notification**
1. Notice of the decision. The decision of the Approving Authority shall be mailed to the applicant within five working days.
 2. Notification to Planning Commission. After approving an application for an Administrative Use Permit, the Approving Authority shall advise the Planning Commission of his or her decision at their next regular meeting.
- H. **Appeals.** Appeal of the Approving Authority's action on the request for an Administrative Use Permit shall be made in accordance with the procedures specified in Section 17.10.070 (Appeals).
- I. **Expiration.** All approved Administrative Use Permits are subject to the provisions set forth in Section 17.10.100 (Permit Time Limits, Extensions, and Expirations).

17.12.070 Temporary Use Permit

- A. **Purpose.** The purpose of a Temporary Use Permits (TUP) is to provide a mechanism for administrative review and determinations for proposed short-term activities and to ensure that entitlements are consistent with the General Plan and provisions of the Zoning Code.
- B. **Applicability. Temporary Use Permits (TUP) are required for short-term activities listed in Chapter 17.74 (Temporary Uses).**
- C. **Approving Authority.** The Community Development Director shall be the designated Approving Authority for Temporary Use Permits.
- D. **Application Contents.** The application for a Temporary Use Permit shall be on a form prepared as prescribed by the Community Development Director.
- E. **Public Hearing/Notice.** No public hearing is required for a Temporary Use Permit.
- F. **Approval Findings.** The Approving Authority shall make the following findings to approve or conditionally approve a Temporary Use Permit application:
1. The proposed use is a temporary use and will be limited to a specific duration of time, as established in the Temporary Use Permit.
 2. The establishment, maintenance, or operation of the use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity of the proposed use.

3. The use, as described and conditionally approved, will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city.
 4. The use, as described and conditionally approved, will not function or be located in a manner that restricts access to any required parking spaces.
 5. Approved measures for the removal of the use and site restoration have been required to ensure that no changes to the site would limit the range of possible future land uses otherwise allowed by this Zoning Code.
 6. The approval includes provisions to ensure that each site occupied by a temporary use shall be cleaned of debris, litter, or any other evidence of the temporary use upon completion or removal of the use, and shall thereafter be used in compliance with the provisions of this Zoning Code. The Approving Authority may require appropriate security before initiation of the use to ensure proper cleanup after the use is terminated.
 7. The proposed temporary use is consistent with the general plan, applicable specific plans and the provisions of this Title.
- G. **Conditions of Approval.** In approving a Temporary Use Permit, the Approving Authority may impose conditions (e.g., buffers, hours of operation, landscaping and maintenance, lighting, off-site improvements, parking, performance guarantees, property maintenance, signs, surfacing, time limits, traffic circulation) deemed reasonable and necessary to ensure that the approval would be in compliance with the required findings.
- H. **Appeals.** Appeal of the Approving Authority's action on the request for a Temporary Use Permit shall be made in accordance with the procedures specified in Section 17.10.070 (Appeals).
- I. **Expiration.** All approved Temporary Use Permits are subject to the provisions set forth in Section 17.10.100 (Revocation Permit Time Limits, Extensions, and Expirations).

17.12.080 Administrative Design Review

- A. **Purpose.** The purpose of Administrative Design Review is to provide an efficient 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. Administrative Design Review is intended to provide a process for consideration of minor development proposals to ensure that additions and alterations to the design and layout of existing development will constitute suitable development and will not result in a detriment to the City of Pinole or to the environment.
- B. **Applicability.** Administrative Design Review is required for all structural additions to multi-family and non-residential structures up to 500 square feet in size. Additions that are 500 feet or larger require Comprehensive Design Review.. Issues related to Fire and Public Works compliance are addressed during the Plan Check process. Issues related to Building Code compliance are addressed at time of Building Permit issuance. X

- C. **Approving Authority.** The designated Approving Authority for Administrative Design Review is the Community Development Director. Administrative Design Review approval is required prior to issuance of any building permits or site improvement plans.
- D. **Application Contents.** The application for a Administrative Design Review shall be on a form prepared as prescribed by the Community Development Director.
- E. **Procedure.** The procedures for Administrative Design Review shall be as provided in Chapter 17.10 (General Application Processing Procedures) except as provided below:
1. No public hearing shall be required unless required below.
 2. The City shall provide mailed notice pursuant to Section 17.10.050B.2 that the City is considering an application for Administrative Design Review. In addition to the content required under Section 17.10.050B, the mailed notice shall advise persons that plans for the project are available for public review at City Hall and that the application will be decided unless a written request for hearing is received by the City Community Development Department on or before a date specified in the notice, which shall be at least ten working days after the date of mailing.
 3. If no timely written request for hearing is filed, the application shall be administratively approved by the Community Development Director if it is deemed to be consistent with the provisions of this Title.
 4. If a timely written request for hearing is filed, the application shall no longer be administratively processed and shall instead be processed in accordance with the procedures for Comprehensive Design Review.
 5. The Community Development Director may elevate any project to the Comprehensive Design Review process if in the opinion of the Community Development Director, such project, because of location, size, design, or other aspect of the project, warrants a hearing before the Planning Commission.
- F. **Approval Findings.** The Approving Authority shall make the following findings to approve or conditionally approve an Administrative Design Review application:
1. Compliance with the General Plan and any applicable Specific Plans.
 2. Compliance with applicable provisions of the Zoning Code.
 3. Compatibility with the surrounding neighborhood.
- G. **Appeals.** Appeal of the Approving Authority's action on the request for Administrative Design Review Permit shall be made in accordance with the procedures specified in Section 17.10.070 (Appeals).
- H. **Expiration.** All approved Administrative Design Review Permits are subject to the provisions set forth in Section 17.10.120 (Revocation).

17.12.090 Sign Permit

- A. **Purpose.** Sign Permits provide a mechanism for administrative review and determinations to ensure that new or replacement signs are consistent with the General Plan and provisions of the Zoning Code, including a previously approved Sign Program.
- B. **Applicability.** A Sign Permit shall be required for all permanent signs, as defined by this Title, as follows. Where a sign is proposed, no building permit may be issued until a Sign Permit has first been approved and issued.
1. Prior to the establishment or erection of a new sign or the replacement, alteration, or relocation of an existing permanent sign, as specified in Section 17.52.030 (Permit Requirements and Review Procedures).
 2. Signs where use permit or variance approval have already been given to a particular business use and a new or existing owner of that business use wants to change a sign face but still be in conformance with the location, size, shape, and height of the original permit.
 3. Signs proposed for locations where a sign program has been previously approved by an Approving Authority.
- C. **Approving Authority.** The designated Approving Authority for a Sign Permit is the Community Development Director. The Community Development Director approves, conditionally approves, or denies Sign Permits in accordance with the requirements of this Title.
- D. **Application Contents.** The application for a sign permit shall be on a form prepared as prescribed by the Community Development Director and shall be accompanied by the information required by such form. The information shall include, but is not limited to, the following:
1. The name, address, contact information, and signature of the applicant, as well as the name, address, and contact information for the contractor or installer and property owner. If the applicant is someone other than the sign owner, then the sign owner's signature is also required on the application form.
 2. Proof of consent of the property owner or other person(s) having the immediate right to possession and control of the property.
 3. All required materials for issuance of a Building Permit.
 4. Location, size, colors, shape, type of illumination, copy design, and manner of installation of the proposed sign and affected building elevation or the frontage of the premises. Information shall also disclose all existing signs on the premises, including exempt signs, giving the size and location of each.
 5. Such other information on site or environmental conditions as the Community Development Director may reasonably request to determine that the proposed sign is in full compliance with the provisions of this Title, the Municipal Code, and other applicable law. The message proposed to be displayed on the sign is not required but may be shown at the option of the applicant.

- E. **Procedures.** The procedures for Sign Permit shall be as provided in Chapter 17.10 (General Application Processing Procedures) except as provided below:
1. Multiple sign applications. When an application proposes two or more signs on the same property and/or as part of the same tenant, the applications may be granted in whole or in part, with separate decisions as to each proposed sign. When an application is denied in whole or in part, a written notice shall specify the ground(s) for such denial.
 2. Public Hearing. The City shall provide notice and a public hearing for continuation of the approval, modification, revocation or appeal for an application for a Sign Permit, or an equivalent development permit, in accordance with Section 17.10.050.
 3. Revocation or cancellation. The Community Development Director shall revoke any approval or permit upon refusal by the permit holder to comply with the provisions of the permit after written notice of noncompliance and at least 30 days opportunity to correct. The opportunity to correct does not apply in the event that the sign, by nature of its physical condition, poses an imminent or significant threat to public safety.
 4. Timing. An application for a Sign Permit for a permanent sign shall be submitted to the Community Development Director at the time the Building Permit application is submitted.
 5. Appeals. Appeal of the Approving Authority's action on the request for a Sign Permit shall be made in accordance with the procedures specified in Section 17.10.070 (Appeals).
- F. **Approval Findings.** The Approving Authority may approve a Sign Permit when the sign permit application and the sign itself complies with the standards and requirements of this Title. A sign permit application may be approved subject to conditions, so long as those conditions are not in conflict with this Title or some other applicable law, rule, or regulation. Permits which do not clearly meet such requirements shall be referred to the Planning Commission.
- G. **Appeals.** Appeal of the Approving Authority's action on the request for a Sign Permit shall be made in accordance with the procedures specified in Section 17.10.070 (Appeals).
- H. **Expiration.** All approved Sign Permits are subject to the provisions set forth in Section 17.10.100 (Revocation Permit Time Limits, Extensions, and Expirations).

17.12.100 Creative Sign Program

- A. **Purpose.** The purpose of a Creative Sign Program is to provide a process for property owners and businesses to propose special deviations from the regulations for on-site permanent signs provided in this Title under certain limited circumstances. The Creative Sign Program also provides a process for the City to review special signage types prior to issuance of a Sign Permit. The intent of the Creative Sign Program is to:

1. Encourage signs of unique design that exhibit a high degree of imagination, inventiveness, spirit, and thoughtfulness; and
 2. Provide a process for the application of sign regulations in ways that will allow creatively designed signs that make a positive visual contribution to the overall image of the city, while mitigating the impacts of large or unusually designed signs.
- B. **Applicability.** An applicant may request approval of a Creative Sign Program in order to allow a sign that may require standards that differ from the signage provisions of this Title, but comply with the purpose and findings for a Creative Sign Program. Establishments that are eligible for Creative Sign Programs include any commercial, office, or industrial use in the city.
- C. **Approving Authority.** The Community Development Director shall be the designated Approving Authority for Creative Sign Programs.
- D. **Application Contents.** The application for Creative Sign Program shall be made on a form as prescribed by the Community Development Director and shall be accompanied by the information identified on the form. The information shall include the following:
1. The name, address, contact information, and signature of the applicant, as well as the name, address, and contact information for the contractor or installer and property owner. If the applicant is someone other than the sign owner, then the sign owner's signature is also required on the application form.
 2. Proof of consent of the property owner or other person(s) having the immediate right to possession and control of the property.
 3. Preliminary information indicating how the sign will be constructed and/or mounted to a building or structure.
 4. Location, size, structure, and other descriptive information required by the Community Development Director.
 5. Such other on site or environmental conditions as the Community Development Director may reasonably request to determine that the proposed application is in full compliance with the provisions of this Title, the City Municipal Code, and other applicable law. The message proposed to be displayed on the sign is not required but may be shown at the option of the applicant.
- E. **Procedures.** The procedures for Creative Sign Program shall be as provided in Chapter 17.10 (General Application Processing Procedures) except as provided below:
1. Multiple signs. One Creative Sign Program may be submitted for multiple signs, provided all signs are on the same property or contiguous parcels within the same zoning district and/or as part of the same tenant. In such instances, the application may be granted in whole or in part, with separate decisions as to each proposed sign. When an application is denied in whole or in part, a written notice or the action shall be provided to the applicant and shall specify the ground(s) for such denial.

2. Public hearing. No public hearing shall be required for a Creative Sign Program, except as set forth below:
 - i. Notice of the filing of an application for a Creative Sign Program shall be mailed to persons owning property within 300 feet of the project site and posted on the property where the sign or signs are proposed to be located. The mailed notice of application shall advise persons that plans for the project are available for public review at City Hall. The notice shall also indicate that the Approving Authority will take final action on the application unless a written request for hearing is received by the Community Development Director on or before the date specified in the notice, which shall be at least ten working days from the date of mailing.
 - ii. If no timely written request for hearing is filed, the application shall be decided by the designated Approving Authority.
 - iii. If a timely written request for hearing is filed, the application shall no longer be administratively processed and shall instead be decided at a public hearing of the Planning Commission.
 - iv. Notwithstanding the foregoing, the Approving Authority may elevate any project to a Planning Commission decision if, in the opinion of the Approving Authority, such project is not in substantial conformance with the intent of the Creative Sign Permit or if the Approving Authority determines that the location, size, or design of the project warrants a hearing before the Planning Commission.
 3. Revocation or cancellation. The Community Development Director shall revoke any Creative Sign Program upon refusal by the permit holder to comply with the provisions of the Creative Sign Program after written notice of noncompliance and at least 30 days opportunity to correct. In the event that the sign, by nature of its physical condition, poses an imminent or significant threat to public safety, the Community Development Director shall revoke the Creative Sign Program and order immediate correction of the safety hazard.
 4. Timing. An application for a Creative Sign Program shall be submitted to the Community Development Director prior to submittal of an application for a Sign Permit.
- F. **Deviations.** The following types of deviations from the signage standards of this Title may be requested by the applicant for a Creative Sign Program and may, upon written findings, be approved by the Approving Authority:
1. Increases in maximum allowed area for permanent signs on the subject site;
 2. Allowances for types of lighting not otherwise permitted by this Title;
 3. Allowances for types of signs not specifically permitted by this Title; and
 4. Allowances for signs to exceed the maximum height requirement(s).

- G. **Criteria for Deviations.** In approving an application for a Creative Sign Permit and any deviations from the signage standards of this Title, the designated Approving Authority shall ensure that the proposed sign meets the following criteria:
1. Design quality. The sign shall:
 - i. Have a positive visual impact on the surrounding area;
 - ii. Be of unique design and exhibit a high degree of imagination, inventiveness, spirit, and thoughtfulness; and
 - iii. Provide strong graphic character through the imaginative use of color, graphics, proportion, quality materials, scale, and texture.
 - iv. Complement and enhance architectural elements.
 2. Contextual criteria. The sign shall contain at least one of the following elements:
 - i. Creative image reflecting current or historic character of the city; or
 - ii. Inventive representation of the logo, name, or use of the structure or business.
 3. Architectural criteria. The sign shall:
 - i. Utilize or enhance the architectural elements of the building; and
 - ii. Be placed in a logical location in relation to the overall composition of the building's facade and not cover any key architectural features and details of the facade.
 4. Impacts on surrounding uses. The sign shall be located and designed so as not to cause light and glare impacts on surrounding uses, especially residential uses.
- H. **Approval Findings.** A Creative Sign Program shall be granted only when the designated Approving Authority makes all of the following findings:
1. The proposed Creative Sign Permit is consistent with the objectives of the General Plan;
 2. The proposed signage is consistent with the purposes of the Creative Sign Program; and
 3. The proposed deviations from the signage standards of this Section are consistent with the deviations allowed and the considerations and basis for deviations listed in this Section.
- I. **Appeal.** Appeal of the Approving Authority's action on the request for a Creative Sign Program shall be made in accordance with the procedures specified in Section 17.10.070 (Appeals).
- J. **Expiration.** All approved Creative Sign Programs are subject to the provisions set forth in Section 17.10.100 (Revocation Permit Time Limits, Extensions, and Expirations).

17.12.110 Sign Program

- A. **Purpose.** The Sign Program provides a process for the City's review of and decisions related to requests for signs for multi-tenant projects. The intent of the Sign Program is to allow the integration of a project's signs with the design of the structures involved to achieve a unified architectural statement and to approve common sign regulations for multi-tenant projects, as well as to encourage design flexibility while meeting the intent of this Title.
- B. **Applicability.** A Sign Program shall be required whenever the site meets any of the following conditions:
1. For all sites that will have permanent signing requirements which exceed either five signs or 200 square feet total aggregate sign area; or
 2. The site to be considered is a multi-tenant shopping center, office park, or other multi-tenant or mixed-use development of three or more separate tenants/uses that share either the same parcel or structure and use common access and parking facilities as specified in Section 17.52.040 (Permit Requirements and Review Procedures).
 3. Optional. Application for a Sign Program shall be at the option of the applicant whenever such application is not mandatory and the site meets any of the following conditions:
 - i. The site to be considered shall consist of a lot or parcel, or a series of lots or parcels combined, which front on two or more public streets.
 - ii. The site to be considered shall consist of five or more separate business activities.
 - iii. The area to be included for consideration shall consist of a lot or parcel, or a series of lots or parcels combined, to total a minimum of two acres.
- C. **Approving Authority.** Review and approval of a Sign Program is the responsibility of the Planning Commission. The Community Development Director may make a recommendation on the program to the Commission, and the Commission may approve, approve with conditions, or deny the Sign Program. Additionally, the Planning Commission shall be the Approving Authority for modifications and amendments to a Sign Program, except as provided in this Title.
- D. **Application Contents.** The Sign Program shall include criteria for building-attached and freestanding signs for business activities within the site, and the integrated development itself to establish complementary signage, consistency of sign type, location, logo and/or letter height, lines of copy, illumination, and construction details of signs for the project. All signs within the development shall be consistent with the Sign Program adopted for the development. The message substitution policy of Chapter 17.54 (Signs on City Property) shall be deemed incorporated in every Sign Program, even if the Sign Program documents do not explicitly so state. Maximum size, location, height, setback, and other development standards for signs in the Sign Program shall be consistent with the standards of this Title.

- E. **Deviations Allowed.** The following types of deviations from the signage standards of this Title may be requested by the applicant in conjunction with a Sign Program and may, upon written findings, be approved by the Approving Authority:
1. Increases in maximum allowed area for permanent signs on the subject site;
 2. Increases in maximum allowed number of signs on the subject site;
 3. Allowances for signs to deviate from allowed locations as established by this Title; and
 4. Allowances for signs to exceed the maximum height requirement(s).
- F. **Considerations.** In approving an application for a Sign Program, the designated Approving Authority shall ensure that the proposed signs meet the following criteria:
1. All proposed signs are in harmony and visually related to other signs included in the Sign Program, by incorporating several common design elements such as materials, letter style, colors, illumination method, sign type, or sign shape and placement.
 2. The proposed signs are in harmony and visually related to the buildings they identify by utilizing materials, colors, or design motifs included in the building being identified.
 3. The proposed signs are in harmony and visually related to the surrounding development and would not adversely affect surrounding land uses or obscure adjacent conforming signs.
- G. **Addition, Replacement, or Modification of Signs within a Previously Approved Sign Program.** Application for the addition, modification, or replacement of signs requiring permits within the boundaries of an area having a previously approved Sign Program shall be made in the following manner:
1. Whenever the number of signs to be added, modified, or replaced totals less than 25 percent of the number of permitted signs presently on the site, application shall be made under the provisions of a standard Sign Permit application.
 2. When the number of signs to be added, modified, or replaced totals 25 percent or more of the number of permitted signs presently on the site, application shall be made under the provisions of a Sign Program.
- H. **Approval Findings.** A Sign Program, or revisions thereto, shall be granted only when the designated Approving Authority makes all of the following findings:
1. The proposed Sign Program is consistent with the objectives of the General Plan;
 2. The proposed additions, replacements, or modifications to the Sign Program are consistent with the purposes of the previously approved Sign Program; and
 3. The proposed deviations from the signage requirements of this Title are consistent with the considerations and other provisions listed in this Section.

- I. **Appeal.** Appeal of the Approving Authority's action on the request for a Sign Program shall be made in accordance with the procedures specified in Section 17.10.070 (Appeals).
- J. **Expiration.** All approved Sign Programs are subject to the provisions set forth in Section 17.10.100 (Revocation Permit Time Limits, Extensions, and Expirations).

17.12.120 Minor Deviations

- A. **Purpose.** The purpose of the Minor Deviation is to provide a mechanism for administrative review to allow some limited flexibility with regards to specific development standards through design solutions where specific findings can be made. Minor deviations do not apply to the use of property.
- B. **Applicability.** Minor Deviations may be granted by the Approving Authority for new construction and modifications to existing single-family residential structures as follows:
 - 1. Maximum five percent of required building setback.
 - 2. Maximum ten percent of required building height.
- C. **Approving Authority.** The Community Development Director is the designated Approving Authority for Minor Deviations. The Community Development Director approves, conditionally approves, or denies the Minor Deviation in accordance with the requirements of this Title.
- D. **Application Contents.** The application for a Minor Deviation shall be on a form prepared as prescribed by the Community Development Director.
- E. **Approval Findings.** The Approving Authority may approve an Minor Deviations when he/she finds as follows:
 - 1. The deviation(s) improve the site, architectural, and/or overall project design;
 - 2. The deviation(s) are materially consistent with the project and are compatible with surrounding uses and structures; and
 - 3. The proposed structure complies with all applicable building and fire codes.
- F. **Public Hearing/Notice.** The City shall provide notice and a public hearing for consideration of the approval or modification of an application for a Minor Deviation in accordance with Section 17.10.050 (Public Hearing and Public Notice).
- G. **Procedures.**
 - 1. Notice of the decision. The decision of the Approving Authority shall be provided to the applicant within ten working days of the decision.
 - 2. Notification to Planning Commission. After approving an application for an Minor Deviation, the Approving Authority shall advise the Planning Commission of his or her decision at their next regular meeting.

- H. **Appeals.** Appeal of the Community Development Director action on the request for a Minor Deviation shall be made to the Planning Commission in accordance with the procedures specified in Section 17.10.070 (Appeals).
- I. **Expiration.** All approved Minor Deviation are subject to the provisions set forth in Section 17.10.100 (Revocation Permit Time Limits, Extensions, and Expirations).

17.12.130 Variance

- A. **Purpose and Applicability.** In accordance with California Government Code Section 65906, variances provide relief from the strict application of development standards and provisions of this Title if specified findings can be made.

A variance from the Zoning Code may not be granted to:

1. Allow a land use not otherwise permitted in the zoning district;
 2. Increase the maximum allowed residential density except as allowed by State law;
 3. Waive or reduce parking requirements by more than 30%; or
 4. Waive or modify a procedural requirement.
- B. **Approving Authority.** The designated Approving Authority for a Variance shall be the Planning Commission. The Community Development Director provides a recommendation and the Planning Commission approves, conditionally approves, or denies the Variance in accordance with the requirements of this Title.
- C. **Application Contents.** The application for a Variance shall be on a form prepared as prescribed by the Community Development Director.
- D. **Public Hearing/Notice.** Public hearing and notice are required for a Variance pursuant to Section 17.10.050 (Public Hearing and Notice).
- E. **Approval Findings.** The Approving Authority may approve and/or modify any variance application in whole or in part, with or without conditions, only if the applicant can demonstrate that the circumstances of their particular case can justify making all of the following findings:
1. There are special circumstances applicable to the property (e.g., location, shape, size, surroundings, topography, or other conditions), so that the strict application of this Zoning Code denies the property owner privileges enjoyed by other property owners in the vicinity and within the same Zoning District.
 2. Granting the Variance is necessary for the preservation and enjoyment of substantial property rights enjoyed by other property owners in the same vicinity and Zoning District and denied to the property owner for which the Variance is sought.
 3. Granting the Variance will not adversely affect the interests of the public or the interests of residents and property owners in the vicinity of the premises in question.

4. The Variance is consistent with the General Plan, any applicable Specific Plan or Development Agreement, and the intent of this Title.
- F. **Conditions of Approval.** In approving a Variance, the Approving Authority:
1. Shall impose conditions to ensure that the Variance does not grant special privileges inconsistent with the limitation on other properties in the vicinity and the Zoning District in which the property is located;
 2. May impose any reasonable conditions (e.g., the placement, height of structures, buffers, landscaping and maintenance, off-site improvements, performance guarantees, screening, surfacing, hours of operation) to ensure that the approval complies with the findings required by this Section.
- G. **Permit Issuance.** The final action on the Variance by the Approving Authority shall constitute approval of the Variance. The Variance 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).
- H. **Appeals.** Appeal of the Approving Authority's action on the request for Variance shall be made in accordance with the procedures specified in Section 17.10.070 (Appeals).
- I. **Expiration.** All approved Variance are subject to the provisions set forth in Section 17.10.100 (Revocation Permit Time Limits, Extensions, and Expirations).

17.12.140 Conditional Use Permit

- A. **Purpose.** The purpose of the Conditional Use Permit is for the individual review of uses, typically having unique or unusual site development features or operating characteristics. Conditional Use Permits are intended to ensure compatibility with surrounding areas and uses where such uses are deemed essential or desirable to the various elements or objectives of the General Plan.
- B. **Applicability.** A Conditional Use Permit is required for all uses specifically identified as requiring a Conditional Use Permit in Article II. Zoning Districts, Allowable Land Uses, and Development Standards, and Article IV. Standards for Specific Land Uses, of this Title. A Conditional Use Permit is also required for the expansion or modification of existing nonconforming structures of uses. Applicable provisions for nonconforming uses and structures are in Chapter 17.14 (Nonconforming Uses and Structures) of this Title.
- C. **Approving Authority.** The designated Approving Authority for a Conditional Use Permit is the Planning Commission. The Community Development Director provides a recommendation and the Planning Commission approves, conditionally approves, or denies the Conditional Use Permit in accordance with the requirements of this Title.
- D. **Application Contents.** The application for a Conditional Use Permit shall be on a form prepared as prescribed by the Community Development Director.
- E. **Public Hearing.** The City shall provide notice and a public hearing for consideration of the approval, modification, revocation or appeal of an application for a Conditional Use Permit in accordance with Section 17.10.050 (Public Hearing and Public Notice).
- F. **Approval Findings.**

1. General. Conditional Use Permits shall be granted only when the Planning Commission determines that the proposed use or activity complies with all of the following findings:
 - i. The proposed use is consistent with the General Plan, any applicable specific plans, and all applicable provisions of this Title.
 - ii. The establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such use or to the general welfare of the City.
 - iii. The site of the proposed use is physically suitable for the type, density and intensity of the use and related structures being proposed.
 - iv. It will not be contrary to the specific intent clauses, development regulations, or performance standards established for the zoning district in which it is located. The proposed use and related structures are compatible with other land uses, transportation and service facilities in the vicinity.
 2. Non-Conforming Uses. A Conditional Use Permit shall be granted only when the designated Approving Authority determines that the proposed use or activity complies with all of the following findings:
 - i. The proposed use is consistent with the General Plan, any applicable specific plans, and all applicable provisions of this Title.
 - ii. The establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such use or to the general welfare of the city.
 - iii. The site of the proposed use is physically suitable for the type, density and intensity to the use and related structures being proposed.
 - iv. It will not be contrary to the specific intent clauses, development regulations, or performance standards established for the zoning district in which it is located. The proposed use and related structures is compatible with other land uses, transportation and service facilities in the vicinity.
 3. The modified or expanded nonconforming structure or uses is not incompatible with reasonably foreseeable uses as allowed under the applicable zoning regulations.
- G. **Conditions/Guarantees.** The Approving Authority may impose conditions and/or require guarantees for the Conditional Use Permit to ensure compliance with this Section and other applicable provisions of this Title and to prevent adverse or detrimental impact to the surrounding neighborhood.

- H. **Permit Issuance.** The final action on the Conditional Use Permit 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).
- I. **Appeals.** Appeal of the Approving Authority's action on the request for Conditional Use Permit shall be made in accordance with the procedures specified in Section 17.10.070 (Appeals).
- J. **Expiration.** All approved Conditional Use Permits are subject to the provisions set forth in Section 17.10.100 (Permit Time Limits, Extensions, and Expiration).

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 multi-family residential development;
 - 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 Section 17.12.140.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 standards and applicable Zoning Code provisions and Public Works Encroachment Permits.
 - 1. Single-family homes consistent with the Design Guidelines.
 - 2. Additions to single-family residential homes.
 - 3. Additions to non-residential structures less than 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 an existing structure 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.
- 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; and
 3. The site layout (orientation and placement of buildings and parking areas), as well as the landscaping, lighting, and other development features, are compatible with and complement the existing surrounding environment and ultimate character of the area under the General Plan and applicable specific plans.
- H. **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.
- I. **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.
- J. **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).
- K. **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).
- L. **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).

17.12.160 Development Agreements

- A. **Purpose.** This Section establishes procedures and requirements for the review and approval of Development Agreements when applied for as part of a land use entitlement in compliance with the provisions of California Government Code Sections 65864 through 65869.5. The City Council finds and declares the use of Development Agreements is beneficial to the public, in that:
1. Development Agreements increase the certainty in the approval of development projects, thereby preventing the waste of resources, reducing the cost of development to the consumer, and encouraging investment in and commitment to comprehensive planning, all leading to the maximum efficient utilization of resources at the least economic cost to the public.
 2. Development Agreements provide assurance to the applicant for a development project that upon approval of the project, the applicant may

proceed with the project in accordance with existing policies, rules and regulations, and subject to conditions of approval, thereby strengthening the public planning process, encouraging private participation in comprehensive planning, and reducing the economic costs of development.

3. Development Agreements enable the City to plan for and finance public facilities, including, but not limited to, streets, sewerage, transportation, drinking water, school, and utility facilities, thereby removing a serious impediment to the development of new housing.
- B. **Qualified Applicant.** Only a qualified applicant, a person who has legal or equitable interest in the real property which is the subject of the Development Agreement (or his or her authorized agent), may submit an application for a Development Agreement.
- C. **Approving Authority.** The designated Approving Authority for Development Agreements is the City Council which shall hold a public hearing prior to taking action. The Planning Commission shall hold a public hearing on the proposed Development Agreement and make a recommendation to the City Council.
- D. **Flexibility of Development Regulations.** To the extent permitted by law, any Development Agreement if adopted by the City may modify development rules, regulations, and policies governing permitted uses of land and density, and governing design, improvements, construction standards and specifications, and phasing applicable to development of the property involved in the agreement.

Nothing contained in these regulations shall prevent the developer or the City from proceeding with normal Tentative Map or Final Map processes on any phase of a development which is the subject of a Development Agreement at any time during its term.

- E. **Application Contents.** The contents of a Development Agreement shall be as set forth in Government Code Sections 65865.2, 65867.5(c) if applicable, and 65868.5.
- F. **Public Hearing/Notice.** The City shall provide notice and a public hearing for consideration of the approval or modification of an application for a Development Agreement in accordance with Section 17.10.050 (Public Hearing and Public Notice).
- G. **Approval Findings.** A Development Agreement may only be granted when the City Council makes all of the following findings specifying that the Development Agreement:
1. Is consistent with the objectives, policies, and general land uses specified in the General Plan and any applicable Specific Plans;
 2. Is compatible and in conformity with public convenience, general welfare, and good land use and zoning practice;
 3. Will not be detrimental to health, safety, and general welfare of the City;
 4. Will not adversely affect the orderly development of property or the preservation of property values.
- H. **Amendment and Cancellation of Agreement.** Any party to the agreement may propose an amendment to or cancellation in whole or part of the Development Agreement, the

procedure for which is the same as the procedure for entering into the agreement initially. Notice of intention to amend or cancel any portion of the Development Agreement shall be given as provided in Section 17.10.050 (Public Hearing and Public Notice).

- I. **Recordation.** Within ten days after the City enters into the Development Agreement or any amendment thereof, the City Clerk shall cause the agreement or amendment to be recorded with the County Recorder. Additionally, the City Clerk shall be the official custodian of the Development Agreement file. Said file shall include an executed copy of the agreement and the originals of all exhibits, reports of periodic review, amendments, and/or cancellations to the Development Agreement.
- J. **Periodic Review.** The Community Development Director shall review the Development Agreement every 12 months from the date the Development Agreement is entered into and provide a written report to the City Council. The burden of proof is on the applicant to provide necessary information verifying good faith compliance with the terms of the Development Agreement. The applicant shall also bear the cost of such review in accordance with the fee established by City Council resolution. If the Community Development Director finds that any aspect of the development project is not in good faith compliance with the terms of the Development Agreement, the Community Development Director may schedule the matter before the appropriate Approving Authority(ies) for review for possible amendment or revocation.

17.12.170 Specific Plans

- A. **Purpose.** The purpose of a Specific Plan is to provide a vehicle for implementing the City's General Plan on an area-specific basis. The Specific Plan is intended to serve as a regulatory document, consistent with the General Plan. In the event there is an inconsistency or conflict between an adopted Specific Plan and comparable provisions of this Title, the Specific Plan shall prevail. This Section is consistent with California Government Code Section 65450 et seq. This Section describes the process for adopting and amending Specific Plans, and approving subsequent development under a Specific Plan. Chapter 17.26 (Special Purpose Zoning Districts) describes the individual Specific Plan Districts and adopts them by reference.
- B. **Applicability.** The City's General Plan encourages preparation of Specific Plans and identifies certain areas of the city which require Specific Plans for development. Specific Plan zoning may be considered for other areas of the city.
- C. **Approving Authority.** The designated Approving Authority for Specific Plans is the City Council which shall hold a public hearing prior to taking action. The Planning Commission shall review Specific Plans, hold a public hearing, and make recommendations regarding the content of the Plan, or any amendments. The City Council shall approve, conditionally approve or deny any Specific Plan or amendment thereto.
- D. **Application Contents.** In addition to the minimum content requirements of California Government Code Section 65451, the Specific Plan application shall include following items:
 1. Statement of the relationship of the Specific Plan to the General Plan;

2. Policies for development and standards for regulating development within the plan area;
 3. The proposed land uses for all areas covered by the plan;
 4. The types and configurations of buildings to be included in all developments within the plan area;
 5. The location of and types of streets;
 6. Public facilities and infrastructure required to serve developments within the Specific Plan area;
 7. A parking and circulation plan for off-street parking areas showing the location of parking lots, the approximate number of spaces, and the approximate location of entrances and exits;
 8. Proposed conservation, open space, and/or recreation areas, if any; and
 9. Any other programs, guidelines, or standards appropriate for the area covered by the plan.
- E. **Environmental Review.** It is anticipated, under the California Environmental Quality Act (CEQA) and Guidelines, that most Specific Plans will require preparation of an environmental impact report (EIR). Once certified, the EIR for a Specific Plan may be relied upon for further entitlements sought subsequent to adoption of the Specific Plan to the extent allowed by CEQA. Unless otherwise exempt, an initial study shall be prepared for all subsequent applications to determine whether additional CEQA review is required.
- F. **Public Hearing/Notice.** The City shall provide notice and a public hearing for consideration of the approval or modification of an application for a Specific Plan in accordance with Section 17.10.050 (Public Hearing and Public Notice).
- G. **Approval Findings.** Specific Plans and any amendment thereto shall be approved only when the City Council makes the following findings:
1. The proposed Specific Plan is consistent with the General Plan goals, policies, and implementation programs.
 2. The land use and development regulations within the Specific Plan are comparable in breadth and depth to similar zoning regulations contained in this Title.
 3. The administration and permit processes within the Specific Plan are consistent with the administration and permit processes of the Zoning Code.
- H. **Adoption.** Adoption of the Specific Plan shall be by ordinance of the City Council shall constitute final action and approval of the Specific Plan. Authorization for construction in accordance with the Specific Plan may only be granted after the effective date of the adoption.
- I. **Delineation of Specific Plan Areas.** On the Zoning Map, a Specific Plan Zoning District shall be delineated in a manner similar to that of any other Zoning District except that

each Specific Plan-zoned area shall also bear a number, text, or other symbol which distinguishes it from other Specific Plan areas. See Section 17.26 (Special Purpose Districts/Specific Plan Districts).

- J. **Application of Specific Plan Development Requirements.** Where conditions of the Specific Plan are more restrictive than the Zoning Code development standards, the conditions of the Specific Plan shall apply. Where a standard is not addressed in the Specific Plan, the Zoning Code shall apply.

17.12.180 Prezoning

- A. **Purpose.** The purpose of prezoning is to establish the Zoning District for unincorporated property as part of an annexation proposal. This Section is consistent with California Government Code Section 65859.
- B. **Procedure.** The procedure, review, and action for prezoning are the same as that established for a Zoning Code Amendment pursuant to Section 17.12.180 (Zoning Code (Text and Map) Amendment).

17.12.190 Zoning Code (Text and Map) Amendment

- A. **Purpose.** The purpose of a Zoning Code Amendment is to allow modification to any provisions of this Title (including the adoption of new regulations or deletion of existing regulations) or to rezone or change the zoning designation on the Zoning Map for any parcel(s). This Section is consistent with California Government Code Section 65853.
- B. **Approving Authority.** The designated Approving Authority for Zoning Amendments is the City Council which shall hold a public hearing on the Planning Commission recommendation prior to taking action. The Planning Commission shall hold a public hearing and then shall provide a recommendation, which recommendation shall include the reasons for the recommendation and the relationship of the proposal to the General Plan and the Specific Plans. The City Council approves, conditionally approves, or denies the Zoning Amendment in accordance with the requirements of this Title.
- C. **Initiation of Amendment.** A Zoning Amendment to this Title may be initiated by motion of the Planning Commission or City Council, by application by property owner(s) of parcel(s) to be affected by Zoning Amendment, or by recommendation of the Community Development Director to clarify text, address changes mandated by state law, maintain General Plan consistency, address boundary adjustments affecting land use designation(s), or for any other reason beneficial to the City.
- D. **Approval Findings.** Zoning Amendments shall be granted only when the City Council makes the following findings:
1. The proposed Zoning Amendment (text or map) is consistent with the General Plan goals, policies, and implementation programs.
- E. **Adoption.** Adoption of the Zoning Amendment by ordinance of the City Council shall constitute final action and approval of the amendment. Authorization for construction or occupancy in accordance with the amendment may only be granted upon or after the effective date of the action.

17.12.200 General Plan Amendment

- A. **Purpose.** The purpose of a General Plan Amendment is to allow for modifications to the General Plan text (e.g., goals, policies, or implementation programs) or to change the General Plan land use designation on any parcel(s).
- B. **Approving Authority.** The designated Approving Authority for General Plan Amendments is the City Council which shall hold a public hearing prior to taking action. The Planning Commission shall hold a public hearing and provide a recommendation. The City Council approves, conditionally approves, or denies the General Plan Amendment in accordance with the requirements of this Title.
- C. **Frequency of Amendment.** Pursuant to Government Code Section 65358, no mandatory element of the General Plan may be amended more frequently than four times during any calendar year. Subject to that limitation, an amendment may be made at any time and may include more than one change to the General Plan.
- D. **Initiation of Amendment.** A General Plan Amendment may be initiated by the Planning Commission or City Council, by application by property owner(s) of parcel(s) to be affected by the General Plan Amendment, or by recommendation of the Community Development Director to clarify text, address changes mandated by state law, maintain internal General Plan consistency, address boundary adjustments affecting land use designation(s), or for any other reason beneficial to the City.
- E. **Procedures.** The procedures for General Plan Amendment shall be as provided in Chapter 17.10 (General Application Processing Procedures).
- F. **Public Hearing/Notice.** The City shall provide notice and a public hearing for the approval, modification, revocation or appeal of an application for a General Plan Amendment in accordance with Section 17.10.050 (Public Hearing and Public Notice).
- G. **Approval Findings.** The City Council may approve a General Plan Amendment upon finding that the amendment is in the public interest and that the General Plan as amended will remain internally consistent. In the event that a General Plan Amendment is requested by a private property owner, the applicant shall demonstrate to the City Council that there is a substantial public benefit to be derived from such amendment and how the proposed amendment furthers the goals of the General Plan.
- H. **Adoption.** Adoption of the General Plan Amendment by the City Council shall constitute final action and approval of the amendment.

Chapter 17.14 Nonconforming Uses and Structures

Sections:

17.14.010	Purpose	17.14-1
17.14.020	Applicability and General Regulations	17.14-1
17.14.030	Continuation	17.14-2
17.14.040	Maintenance	17.14-3
17.14.050	Modification, Expansion, and Reconstruction	17.14-3
17.14.060	Structural Alterations	17.14-3
17.14.070	Repair and Replacement of Destroyed Buildings	17.14-3
17.14.080	Loss of Nonconforming Status	17.16-4

Draft Zoning Code Changes:
This chapter establishes expanded provisions that allow for maintenance, modification, expansion, and reconstruction of nonconforming uses.

17.14.010 Purpose

This Chapter establishes special regulations for nonconforming land uses and structures that were lawful before the adoption or amendment of this Zoning Code, but which would be prohibited, regulated, or restricted differently under the current terms of this Zoning Code or future amendments. It is the intent of these regulations to allow the continuation of nonconformities under the limited conditions outlined herein and reconstruction in the event of natural disaster.

17.14.020 Applicability and General Regulations

- A. **Legal Nonconforming Uses.** The provisions of this Chapter apply to legal nonconforming uses in districts hereafter changed or established and any time limit for the suspension of a nonconforming use of land shall date from May 19, 1971, or any amendment of district boundaries which first creates a nonconforming use or uses.
- B. **Exemption: Legal Building Site and Time Limitation.** A nonconforming parcel that does not comply with the applicable area or width requirements of this Zoning Code shall be considered a legal building site if it meets at least one of the following criteria, as documented to the satisfaction of the Community Development Director through evidence furnished by the applicant. On nonconforming parcels where the below criteria is not met, the nonconforming use of land (where no main building is involved) existing at the time this Title becomes effective shall be discontinued within one year from the effective date of this Title or within one year from any amendments to this Title that cause a land use to be nonconforming.
 - 1. Approved subdivision. The parcel was created by a recorded subdivision.
 - 2. Individual parcel legally created by deed. The parcel is under one ownership and of record, and was legally created by a recorded deed before the effective date of the Zoning Amendment that made the parcel nonconforming.

3. Variance or lot line adjustment. The parcel was approved through the Variance procedure or resulted from a lot line adjustment.
 4. Partial government acquisition. The parcel was created in compliance with the provisions of this Zoning Code, but was made nonconforming when a portion was acquired by a governmental entity so that the parcel size is decreased not more than 20 percent and the yard facing a public right-of-way was decreased not more than 50 percent.
- C. **Exemption: Public Utilities.** The provisions of this Chapter shall not apply so as to prevent the modernization or replacement of public utility buildings, structures, equipment, and facilities where there is no change of use or increase in area of property so used.
- D. **Nonexempt: Subdivision of a Nonconforming Parcel.** No subdivision shall be approved that would increase the nonconformity of an existing parcel or any nonconforming use on the parcel; existence of a legal nonconforming use or parcel shall not be interpreted to allow the increase of the nonconformity of such parcel or any nonconforming use on the parcel.

17.14.030 Continuation

- A. **Continuation.** A nonconforming use may continue to operate in perpetuity, be transferred, or be sold, provided that the use shall not be enlarged or intensified nor be expanded to occupy a greater area than it lawfully occupied before becoming nonconforming.
- B. **Approved Plans, Effective Date, and Extension.** Plans for any use approved as of the effective date of this Chapter may be carried out as approved. Any extension of such approval for which the applicant was entitled to apply as of the effective date may be granted according to the regulations in effect prior to the effective date; if granted, such extension will be considered the same as an approval granted before the effective date.
- C. **Prohibited Use.** Any person asserting that a nonconforming use is legal must present evidence that the use existed before the enactment of the Zoning Code provision prohibited the use. The Community Development Director shall have Approval Authority over this determination.

17.14.040 Maintenance

Normal maintenance of a nonconforming structure shall be permitted subject to Building Code requirements in effect at the time of such maintenance work and as provided below. (Ord. 440 § 2 (part), 1982)

- A. **Repair.** Maintenance may include repair work necessary to keep the structure in sound condition, but maintenance shall not include the expansion or replacement of a nonconforming structure.
- B. **Seismic Retrofitting and Building Code Compliance.** Repairs, alterations, or reconstruction to reinforce unreinforced masonry structures or to comply with Building Code requirements shall be allowed, provided that the work is exclusively to comply with applicable earthquake safety standards and the Building Code.

- C. **Structural Alteration.** Maintenance and repair may include structural alteration of a nonconforming structure to improve safety or to reduce fire hazard.

17.14.050 Modification, Expansion, and Reconstruction

Notwithstanding the provisions of Section 17.14.030 (Continuation), and subject to the provisions of Section 17.12.130 (Conditional Use Permit), a nonconforming structure or use may be modified or expanded as listed below:

- A. **Structural Modification.** Addition, enlargement, extension, or relocation of a nonconforming structure may be allowed if the changes to the structure conform to all applicable provisions of this Zoning Code. Such modifications may not expand the extent of the nonconforming aspect of the structure or result in any new nonconforming conditions for the subject property.
- B. **Expansion of Use.** The designated Approving Authority may consider expansion or modification of a nonconforming use up to a maximum of ten percent of the area that the structure lawfully occupied before becoming nonconforming.
- C. **Design Review.** Exterior improvements or expansion of structures shall also require Design Review approval pursuant to Section 17.12.080 (Administrative Design Review).

17.14.060 Structural Alterations

If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or more restricted classification. (Ord. 440 § 2 (part), 1982)

17.14.070 Repair and Replacement of Destroyed Buildings

- A. **Ministerial Building Permit Required.** If a nonconforming structure in existence or use maintained on May 19, 1971, which does not conform to the regulations for the district in which it is located, is involuntarily damaged or destroyed by fire, collapse, flood, wind, earthquake, explosion, act of God, or act of the enemy, subsequent to the effective date of this Title and the expense of such reconstruction is less than or equal to 50 percent of the assessed value of the structure at such time just prior to the damage occurring, then without further action by the City Council, such structure and use of land may be repaired, restored, replaced, or reconstructed and reoccupied in the same manner in which it originally existed upon issuance of a ministerial building permit and subject to the following terms:
1. All such reconstruction shall be performed under one building permit;
 2. All such reconstruction shall be initiated within a period of one year from date of damage; and
 3. All such reconstruction shall be diligently pursued to completion.
- B. **Conditional Use Permit Required.** If the repair, restoration, replacement, or reconstruction expands from the original state of the nonconforming structure, at such time just prior to the damage occurring, issuance of a Conditional Use Permit, pursuant to the provisions set forth in Section 17.12.130 (Conditional Use Permit) is required. The Approving Authority

may consider up to a maximum ten percent expansion of the square footage from the original state of the nonconforming structure at such time just prior to the damage occurring.

17.14.080 Loss of Nonconforming Status

If any nonconforming use is abandoned or discontinued for any reason for a continuous period of six months or more, rights to nonconforming status shall terminate. Without further action by the City, any subsequent use of such land or structure shall be in conformity with all of the regulations of the applicable Zoning District and all other applicable provisions of this Title.

A determination that a use has been abandoned requires both (1) evidence of an intention to abandon, and (2) an act or failure to act which shows or implies that the owner does not continue to claim or retain an interest in the nonconforming use. Evidence may include, but is not limited to, removal of equipment, furniture, machinery, structures, or other components of the nonconforming use, disconnected or discontinued utilities, or no business records to document continued operation. Maintenance of a valid business license shall in itself not be considered a continuation of the use. The discontinuance of a nonconforming use for a period of six months or more is in itself prima facie evidence of abandonment. (Ord. 440 § 2 (part), 1982).

Chapter 17.16 Enforcement, Legal Procedure, and Penalties

Sections:

17.16.010	Purpose	17.16-1
17.16.020	Official Duty to Enforce.....	17.16-1
17.16.030	Authorization.....	17.16-1
17.16.040	Violations, Abatement, Penalties, and Remedies	17.16-2
17.16.050	Property Management and Maintenance	17.16-2
17.16.060	Inspections.....	17.16-3
17.16.070	Enforcement Action	17.16-4
17.16.080	Recovery of Costs and Additional Fees	17.16-4

Draft Zoning Code Changes:
This chapter clarifies and expands upon provisions to ensure adequate and consistent enforcement within the City of Pinole.

17.16.010 Purpose

This Chapter identifies enforcement authority and establishes provisions which are intended to ensure compliance with the requirements of this Zoning Code and any conditions of land use entitlements to promote the City's planning efforts and for the protection of the public health, safety, and welfare of the city.

17.16.020 Official Duty to Enforce

- A. **Enforcement Authority.** Enforcement of this Title shall be the Community Development Director. Other officials of the City charged by the law with the general duty of enforcing city ordinances shall also enforce the provisions of this Zoning Code.
- B. **Duties.** It shall be the duty of the Community Development Director to enforce this Title and all its provisions. The Community Development Director shall investigate all matters of Zoning Code violations and, if a violation exists, the City shall take enforcement action, including the issuance of citations for any violations of the Zoning Code pertaining to the use of any land and the addition, alteration, construction, conversion, erection, relocation, reconstruction, or use of any structure pursuant to Chapter 8.25 (Administrative Citations and Penalties) of the Municipal Code.

17.16.030 Authorization

All departments, officials, and public employees of the City which are vested with the duty or authority to issue planning entitlements, ministerial permits, or licenses shall conform to the provisions of this Title and shall issue no such entitlement, permit or license for uses, buildings, or purposes where they would be in conflict with the provisions of this Title. Any action taken by an official or public employee of the City in conflict with the provisions of this Zoning Code shall be deemed void.

17.16.040 Violations, Abatement, Penalties, and Remedies

- A. **Public Nuisance.** Any building set up, erected, built, moved, or maintained and/or any use, division, or transfer of property contrary to the provisions of this Title, or any amendment thereto, shall be, and is, unlawful and a public nuisance and shall be subject to the remedies and penalties identified in this Chapter, the Municipal Code, and other remedies available to the City.
- B. **Infractions.** Any person, firm, or corporation, whether as principal, agent, employee, or otherwise, violating any of the provisions of this Title shall be deemed guilty of an infraction, punishable as specified in Chapter 8.25 (Administrative Citations and Penalties) of the Pinole Municipal Code.
- C. **Stop work order.** Any action in violation of this Zoning Code or any conditions imposed on an entitlement or permit shall be subject to the issuance of a Stop Work Order.
- D. **Injunctive Relief.** Whenever, in the judgment of the Community Development Director, any corporation, firm or person is engaged in or is about to engage in any act or practice which constitutes or will constitute a violation of any provision of this Title or any permit, order, regulation, or rule issued in compliance with this Title, at the request of the Community Development Director, the City Attorney may within thirty days make an application to the appropriate court for an order directing compliance.
- E. **Abatement.** All nuisance abatement, removal and enjoinder proceedings shall be conducted in accordance with this Title, this Chapter 17.16 (Enforcement, Legal Procedure, and Penalties), and relevant provisions of state law.
- F. **Remedies.** Any person, firm, or corporation, whether as principal, agent, employee, or otherwise, violating any of the provisions of this Title shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of this Title is committed, continued, or permitted. All remedies provided for in this Chapter shall be cumulative and not exclusive.

17.16.050 Property Management and Maintenance

All development standards shall be continuously met for every building, structure or use. If complaints are received regarding lack of property management and maintenance as it relates to the provisions of this Chapter, the following process shall be followed:

- A. **Buildings and Structures.** Each exterior of a building or other structure must be kept in a good state of repair, and the exterior finish must be clean and well maintained.
- B. **Site.** The entire site, including paved, unpaved, and landscaped areas, must be kept in a neat and orderly manner, free of junk, graffiti, debris, abandoned vehicles, weeds, loose trash, and other litter.

17.16.060 Inspections

- A. **Pre-approval Inspections.** Every applicant seeking an entitlement or permit or any other action in compliance with the Zoning Code shall allow the City officials handling the application access to any premises or property which is the subject of the application.

- B. **Post-approval Inspections.** If the entitlement, permit or other action in compliance with this Zoning Code is approved, the owner or applicant shall allow appropriate City officials access to the premises from time to time in order to determine continued compliance with this Title and any permit, entitlement or approval issued under this Title

17.16.070 Enforcement Action

This Section describes the procedures for initiating enforcement action in cases where the Community Development Director has determined that real property within the city is being used in violation of Zoning Code provisions.

- A. **Notice of Violation to Responsible Parties.** The Community Development Director shall provide the record owner of the real property and any person in possession or control of the real property, by certified and first-class mail, a written notice of violation, that shall include the following information:
1. The address of the property in violation;
 2. A description of the violation and citations of applicable Zoning Code provisions being violated;
 3. An explanation of the action(s) required to abate the violation;
 4. A time limit for correcting the violation;
 5. A scheduled date for reinspection;
 6. A statement that the City intends to charge the property owner for all administrative costs associated with the abatement of the violation and the current hourly rate in effect;
 7. A statement that the property owner may request and be provided a meeting with the Community Development Director to discuss possible methods and time limits for the correction of the violations; and
 8. A statement that there is a right of appeal for the summary of costs as provided in Section 17.16.090 within ten days of service of such summary of costs.
- B. **Time Limit for Correction.**
1. The notice of violation shall state that the violations shall be corrected within 30 days from the date of the notice to avoid further enforcement action by the City.
 2. The 30-day time limit may be extended by the Community Development Director upon determining that the responsible party will likely correct the violations within a reasonable time period.
 3. The Community Development Director may also require through the notice of violation that the correction occur within less than 30 days if the violation constitutes a hazard to public health or safety.
- C. **Appeals.** Decisions of the community Development Director may be appealed pursuant to Section 17.10.070 (Appeals).

- D. **Use of Other Enforcement Procedures.** Additional enforcement remedies available to the City may be employed by the Community Development Director after or instead of the provisions of this Section where the Community Development Director determines that this Section would be ineffective in securing the correction of the violation within a reasonable time.

17.16.080 Recovery of Costs and Additional Fees

- A. **Cost Recovery.** The City shall be reimbursed for administrative costs, including, but not limited to, inspection fees for each inspection, staff and City Attorney time expended on the enforcement of the provisions of this Zoning Code.
1. Record of cost. The Community Development Director shall maintain records of all administrative costs incurred by responsible City departments and associated with the processing of violations and enforcement of this Zoning Code and shall recover costs from the property owner.
 2. Summary of costs. At the conclusion of an enforcement case, the Community Development Director shall send a summary of costs associated with enforcement, and a statement that there is the right to appeal within ten days of the date of this summary statement, but that failure to appeal will eliminate the right to object to such costs to the owner and persons having possession or control of the property by certified and first class mail, postage prepaid and return receipt requested.
- B. **Actions that Require a Permit or Entitlement.** Any person who alters or establishes any land use or structure without first obtaining any permit or entitlement required by this Zoning Code shall pay for the additional permit or entitlement processing fees as established by the City that result from the action.
- C. **Public Hearing.** Any property owner, or other person having control of the subject property, who receives a summary of costs pursuant to Section 17.16.080 (Recovery of Costs and Additional Fees), shall have the right to request a public hearing on objections to the summary of costs before the Community Development Director, within ten days of receiving such summary of costs.
1. The hearing shall be held within thirty days of receipt of the request for hearing and the Community Development Director shall provide the requesting owner or person having control of the property with ten days notice prior to the hearing.
 2. The Community Development Director's final decision is subject to appeal pursuant to Section 17.10.070 (Appeals) within ten days of the conclusion of the hearing.
 3. In the event that no hearing is timely filed, the property owner or other person having control of the subject property shall be liable to the City for the amount stated in the summary of costs.
 4. If the costs have not been paid within forty-five days of notice, the costs shall be recoverable in a civil action in the name of the City, in any court of competent jurisdiction, or by recording a lien against the property.