

## Title 17 – Zoning

### Article III

#### Site Planning Standards

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#### Revisions:

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

Date of Adoption	Ordinance Number	Subject	Section	Page Number



**Chapter 17.30 Accessory Structures**

*Sections:*

17.30.010	Purpose.....	17.30-1
17.30.020	Applicability.....	17.30-1
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17.30.040	Development Standards .....	17.30-2

***Draft Zoning Code Changes:***

*This new chapter combines new development requirements and definitions for accessory structures with existing requirements from Section 17.32.060.*

*Maximum number limitations are established by type of accessory structure.*

**17.30.010 Purpose**

This chapter defines detached accessory structures on private property and establishes development standards for nonexempt structures. The purpose of this chapter is to protect public health, safety and welfare by maintaining safe distances between structures, establishing architectural compatibility between primary structures and certain types of accessory structures, and minimizing potential impacts associated with lot coverage, privacy, and maintenance of light and air space.

**17.30.020 Applicability**

The requirements contained in this chapter shall apply to accessory structures on private property and shall be in addition to any other development standards contained elsewhere within the Zoning Code (e.g., lighting). Generally, this chapter regulates detached accessory structures that are larger than 120 square feet in size and/or taller than 8 feet in height. For the purposes of this Title, second dwelling units are not considered accessory structures; second dwelling units are governed by the requirements of Chapter 17.70 (Second Dwelling Units) and are exempt from the requirements of this chapter. Accessory structures shall not contain cooking facilities or bathrooms or be used as a dwelling unit or accessory dwelling unit. Guest houses and pool houses that conform to the requirements of this chapter are considered accessory structures and not second dwelling units.

**17.30.030 Permit Requirements and Exemptions**

- A. **Permit Requirements.** Except as otherwise exempt in Section 17.70.030B, accessory structures located in single-family and two-family zoning districts require Plan Check as described in Section 17.12.030 (Plan Check). When located in multi-family, mixed-use, and non-residential zoning districts, non-exempt accessory structures require Comprehensive Design Review as described in Section 17.12.140 (Comprehensive Design Review)
- B. **Exemptions.** The following accessory structures are exempt from planning entitlements provided they comply with listed requirements. Exempt accessory structures may require ministerial building permits in keeping with the Uniform Building Codes adopted by the City of Pinole.

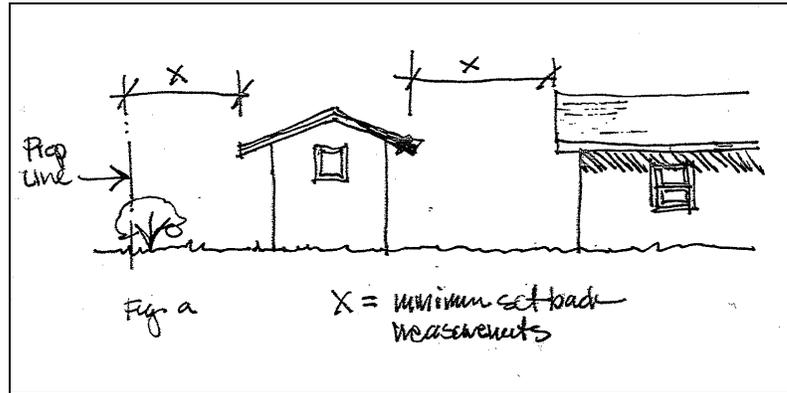
1. Enclosed and/or solid-roofed accessory structures that are less than 120 square feet in size with no portion of the structure equal to or greater than eight feet in height and subject to compliance with the following requirements.
  - a. Accessory structures shall not be located in a required front yard.
  - b. In order to maintain necessary fire breaks, all combustible accessory structures shall be set back a minimum of three feet from side and rear property lines with a minimum six-foot separation between any structures.
2. Landscape features that are less than 120 square feet in size with no portion of the feature equal to or greater than eight feet in height and subject to compliance with the following requirement.
  - a. In order to maintain necessary fire breaks, combustible landscape features shall be set back a minimum of three feet from all interior property lines with a minimum six-foot separation between any structures.
3. Play equipment. Structures and surfaces used for recreational purposes including play structures, jungle gyms, and non-illuminated sports courts such as tennis and basketball courts.
4. Deck/patio. A detached porch or platform that is generally constructed with wood, concrete, or stone that is above the grade or located over a basement or story below.
5. Pool/spa. Any structure intended for swimming or recreational bathing. Swimming pool includes in-ground and above-ground structures and includes, but is not limited to, hot tubs, spas, portable spas, and non-portable wading pools.
6. Consistent with Chapter 17.72, solar facilities are exempt from regulations such as setback, size, and location unless the Building Official has determined that the placement therein will have a specific adverse impact upon the public health or safety, as defined in state law.

#### 17.30.040 Development Standards

- A. **Development Standards for All Accessory Structures.** The development standards listed in Table 17.30.040-1 (Development Standards for Accessory Structures) are intended to supplement the requirements in the applicable Zoning District for types of accessory structures as defined in Article VI (Glossary) of this Title. Figure 17.30.040-1 shows minimum setback measurements for a typical detached accessory structure. In the event of a conflict between these requirements and the underlying zoning district regulations, the requirements of this Section shall apply. The following requirements shall apply to all accessory structures, both exempt and nonexempt under Section 17.20.030.
  1. Setback measurement. Minimum setback distances for accessory structures from property lines and between all structures shall include all portions of the structure(s) (e.g., overhangs, projections, railings) for the purpose of compliance with minimum structural fire breaks. See Figure 17.30.040-1 (Setback Measurements for Accessory Structures)

- 2. Construction phasing. Accessory structures may be constructed in conjunction with or subsequent to (but not in advance of) construction of the primary building(s) on the site. Exceptions may be granted in agricultural and residential Zoning Districts where accessory structures may be constructed prior to the primary residential dwelling.

Insert Figure 17.30.040-1 Setback Measurements for Accessory Structures



**TABLE 17.30.040-1  
DEVELOPMENT STANDARDS FOR ACCESSORY STRUCTURES**

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

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

**Chapter 17.32 Affordable Housing Requirements**

**Sections:**

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17.32.100	Severability.....	17.32-7

***Draft Zoning Code Changes:***  
*This new chapter was established consistent with state law to implement the City's new Housing Element.*

**17.32.010 Purpose**

This chapter establishes policies, incentives, design standards, and alternative methods of compliance for meeting the City’s affordable housing needs. The purpose of this chapter is to promote achievement of the City’s General Plan Housing Element goals for affordable housing. The policies outlined in this chapter regulate the method of determining the minimum requirements. Further, this chapter identifies the administrative procedures related to affordable housing requests.

**17.32.020 General Requirements for Affordable Housing**

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

- A. **General Requirement.** For all rental or ownership residential developments of four or more dwelling units located in the City’s Redevelopment Area, at least 15 percent of the total units must be constructed and offered for sale or rent as an affordable housing unit. Of those units, 40 percent must be affordable to very low income households. For example, a proposed residential development within the City’s Redevelopment Area for 20 single-family homes must provide three affordable housing units, two of which are affordable to very low income households. Existing units that are to be retained shall be included in the number of units in the residential development for purpose of calculating the number of affordable housing units required by this chapter.
- B. **Residential Parcel Maps and Subdivisions.** For all residential subdivisions within or outside of the City’s Redevelopment Area where the lots to be approved would permit the eventual development of four or more dwelling units, the applicant shall propose an

alternative method of compliance to meet the affordable housing requirements, pursuant to the requirements as established in Section 17.32.060 (Alternative Methods of Compliance).

- C. **Density Bonus Units.** Any additional units approved as a density bonus under chapter 17.38 (Density Bonus) will not be counted in determining the required number of affordable housing units. For example, a proposed project with 20 units that receives a 25 percent density bonus of five units will calculate the affordable housing requirements based on 20 units and must provide three affordable housing units, two of which are affordable to very low income households.
- D. **Rounding.** In determining the number of affordable housing units required by this chapter, any decimal fraction shall be rounded up to the nearest whole number.
- E. **Price Limits for Affordable Housing Units.** Affordable housing units must be restricted for sale at affordable prices as identified in Table 17.32.020-1 below:

**TABLE 17.32.020-1  
PRICE LIMITS FOR AFFORDABLE HOUSING UNITS**

15% of the units in any residential development must be affordable housing units and reserved for:	Affordable Housing Units (%)	Percentage of Area Median Income Used to Determine Housing Costs	Income Used to Determine Affordable Housing Costs (%)
<b>Rental Developments</b>			
Very Low Income Occupants	40%	below 80%	30%
Low Income Occupants	60%	80%-120%	30%
<b>Ownership Developments</b>			
Middle Income Occupants	100%	120%-160%	30%

**17.32.030 Exemptions**

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

- F. Manufactured Homes.
- G. Pending Complete Applications. A project which has submitted an application for approval, which application was deemed complete by the Community Development Director prior to the effective date of this Ordinance (*insert date*).
- H. Casualty Reconstruction Projects. The reconstruction of any residential units or structures which have been destroyed by fire, flood, earthquake, or other act of nature, which are being reconstructed in a manner consistent with the requirements of Chapter 17.14 (Nonconforming Uses and Structures).

**17.32.040 Incentives for On-Site Housing**

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

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

- A. **Density Bonus.** Consistent with California Government Code Sections 65915 through 65918, qualifying projects can receive a density bonus by right. Density bonus requirements are outlined in Chapter 17.38 (Density Bonus) of this Code.
- B. **Fee Subsidy or Deferral.** The City Council, by resolution, may subsidize or defer payment of City development impact fees and/or building permit fees applicable to the affordable housing units or the project of which they are a part. The affordability control covenant shall include the terms of the fee subsidy or deferral.
- C. **Design Modifications.** The granting of design modifications relative to affordable housing requirements shall require approval of the City Council and shall meet all applicable zoning requirements of the City of Pinole. Modifications to typical development standards may include the following:
  - 1. Reduced minimum setbacks;
  - 2. Reduced minimum building separation requirements;
  - 3. Reduced square footage requirements;
  - 4. Reduced parking requirements;
  - 5. Reduced minimum lot sizes and/or dimensions;
  - 6. Reduced street standards (e.g., reduced minimum street widths);
  - 7. Reduced on-site open space requirements;
  - 8. Increased height limitations;
  - 9. Increased maximum lot coverage;
  - 10. Increased floor area ratio;
  - 11. Allowance for live-work units within multi-family residential Zoning Districts;
  - 12. In lieu of reduced setbacks, allowance for attached dwelling units, if shown to be necessary to make the project feasible; or

13. Other regulatory incentives or concessions proposed by the developer or the City that result in identifiable, financially sufficient, and actual cost reductions.
- D. **Priority Processing.** After receiving the required discretionary approvals, the residential development that provides affordable housing units may be entitled to priority processing of building and engineering approvals, subject to the approval of the City Manager.

#### 17.32.050 Affordable Housing Development Requirements

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

- A. **Design.** Except as otherwise provided in this chapter, affordable housing units shall be integrated within and reasonably dispersed throughout the project and shall be comparable in infrastructure (including sewer, water, and other utilities), construction quality, exterior design, and materials to the market-rate units. Affordable housing units may have different interior finishes and features than market-rate units so long as the interior features are durable, of good quality, and consistent with contemporary standards for new housing as determined by the Community Development Director.
- B. **Size.** All affordable housing units shall reflect the range and numbers of bedrooms provided in the project as a whole, except that affordable housing units need not provide more than four bedrooms.
- C. **Availability.** All affordable housing units shall be constructed concurrently with and be made available for qualified occupants at the same time as the market-rate units within the same project unless the City and developer agree in the Affordable Housing Agreement to an alternative schedule for development.
- D. **Affordable Housing Agreement.** An Affordable Housing Agreement shall be made a condition of the discretionary planning entitlements for all qualifying projects granted a density bonus, fee subsidy, fee deferral, or design modifications. The Affordable Housing Agreement shall include an affordable housing plan and shall be reviewed and approved by the City Council.
- E. **Duration of Affordability Requirement.** Affordable housing units produced under this chapter must be legally restricted to occupancy by households of the income levels for which the units were designated pursuant to and in conformance with the requirements of this Title, any other applicable City regulation, and state law.

#### 17.32.060 Alternative Methods of Compliance

- A. **Applicant Proposals.** If it is not practical to construct on-site affordable housing units, the City will consider alternatives of equal value. Accordingly, the applicant may propose an alternative means of compliance with this chapter by submitting to the City an affordable housing plan. One alternative the applicant may consider is the construction of affordable housing units, subject to the requirements listed below:
  1. Off-site construction. All or some of the required affordable housing units may be constructed off-site if the Planning Commission (or City Council on appeal) finds that the combination of location, unit size, unit type, pricing, and timing of

availability of the proposed off-site affordable housing units would provide equivalent or greater benefit than would result from providing those affordable housing units on-site as might otherwise be required by this chapter. Prior to the recordation of the Final Subdivision Map for the proposed residential development, the applicant shall post a bond, bank letter of credit, or other security acceptable to the Community Development Director, in the amount equivalent to the cost of land and improvements for the affordable housing units, as determined by the Community Development Director, to be used by the City to meet the goals of providing affordable housing in the City in the event that the off-site affordable housing units are not completed (as evidenced by the issuance of a certificate of occupancy for such units) according to the schedule stated in the affordable housing plan submitted by the applicant.

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

#### 17.32.070 Affordable Housing Plan Processing

- A. **General.** The submittal of an affordable housing plan and recordation of an approved City affordable control covenant shall be a precondition on the City approval of any Final Subdivision Map, and no building permit shall be issued for any development to which this chapter applies without full compliance with the requirement of this Section. This Section shall not apply to exempt projects.
- B. **Affordable Housing Plan.** Every residential development to which this chapter applies shall include an affordable housing plan as part of the application submittal for either development plan approval or subdivision approval. No application for a tentative map, subdivision map, or building permit for a development to which this chapter applies may be deemed completed until an affordable housing plan is submitted to and approved by the Community Development Director as being complete. At any time during the formal development review process, the Community Development Director may require from the applicant additional information reasonably necessary to clarify and supplement the application or determine the consistency of the project's proposed affordable housing plan with the requirements of this chapter.
- C. **Required Plan Elements.** An affordable housing plan must include the following elements or submittal requirements:
1. The number, location, structure (attached, semi-attached, or detached), and size (bedrooms, bathrooms, and square footage) of the proposed market-rate and affordable housing units and the basis for calculating the number of affordable housing units.
  2. A floor or site plan depicting the location of the affordable housing units and the market-rate units.

3. The income levels to which each affordable housing unit will be made affordable.
  4. The term of affordability for the affordable housing units.
  5. The methods to be used to advertise the availability of the affordable housing units and the procedures for qualifying and selecting the eligible purchasers and/or tenants, including preference to be given, if any, to applicants who live or work in the city.
  6. A schedule for completion and occupancy of the affordable housing units. For phased development, a phasing plan that provides for the timely development of the number of affordable housing units proportionate to each proposed phase of development.
  7. A description of any incentives or modifications as listed in Section 17.32.040 (Incentives for On-Site Housing) including a description of exceptional circumstances that necessitate assistance from the City, as well as documentation of how such incentives increase the feasibility of providing affordable housing.
  8. Any alternative means, as designated in Section 17.32.060.A, proposed for the development along with information necessary to support the findings required by Section 17.32.060.B for approval of such alternatives.
  9. Any other information reasonably requested by the Community Development Director to assist with evaluation of the affordable housing plan under the requirements of this chapter.
- D. **Affordability Control Covenants.** Prior to issuance of a grading permit or building permit, whichever is requested first, a standard City affordability control covenant must be approved and executed by the Community Development Director, executed by the applicant/owners, and recorded against the title of each affordable housing unit. If subdivision into individual property parcels has not been finalized at the time of issuance of a grading permit or building permit, an overall interim affordability control covenant shall be recorded against the residential development and shall be replaced by separate recorded affordability control covenants for each unit prior to issuance of a certificate of occupancy by the City for such units. The affordability control covenants must identify any incentives, modifications, or terms of any fee waiver, as permitted pursuant to Chapter 17.38 (Density Bonus), approved by the City.

### 17.32.080 Eligibility

- A. **General Eligibility for Affordable Housing Units.** No household may purchase, rent, or occupy an affordable housing unit unless the City has approved the household's eligibility, and the household and City have executed and recorded an affordability control covenant in the chain of title of the affordable housing unit. Such affordability control covenant is in addition to the covenant required in Section 17.32.070.D.
- B. **Owner Occupancy.** A household which purchases an affordable housing unit must occupy that unit as a principal residence, as that term is defined for federal tax purposes by the United States Internal Revenue Code.

**17.32.090 Adjustments**

- A. **Adjustments.** The requirements of this chapter may be adjusted to propose an alternative method of compliance with the chapter in accordance with Section 17.32.060 (Alternative Methods of Compliance) by the City if the applicant demonstrates to the Planning Commission (or the City Council on appeal) that applying the requirement of this chapter would be contrary to the requirements of the laws or the constitutions of the United States or California.
- B. **Timing of Waiver Request.** To receive an adjustment or waiver, the applicant must make an initial request of the Planning Commission for such an adjustment or waiver and provide an appropriate demonstration of the appropriateness of the adjustment or waiver when first applying to the Planning Commission for the review and approval of the proposed development plan or subdivision review as such review and approval is required by the City of Pinole Municipal Code.
- C. **Waiver and Adjustment Considerations.** In making a determination on an application to adjust or waive the requirements of this chapter, the Planning Commission (or City Council on appeal) may assume each of the following when applicable: (1) that the applicant is subject to the affordable housing requirements of Chapter 17.32 (Affordable Housing Requirements); (2) the extent to which the applicant will benefit from affordable housing incentives under Section 17.32.040 (Incentives for On-Site Housing); and (3) that the applicant will be obligated to provide the most economical affordable housing units feasible in terms of construction, design, location, and tenure, and subject to the requirements of Chapter 17.32 (Affordable Housing Requirements).

**17.32.100 Severability**

If any provision of this Section or its application to any property is held to be invalid by any court of competent jurisdiction, invalidity shall not affect other provisions in this Section that may be implemented without the invalid sections. To this end, the provisions and clauses of this Section are declared severable.



**Chapter 17.34 Automobile Service Stations**

*Sections:*

17.34.010 Purpose..... 17.34-1  
 17.34.020 Applicability..... 17.34-1  
 17.34.030 Permit Requirements and Conditions of Approval..... 17.34-1  
 17.34.040 Location Requirements..... 17.34-2  
 17.34.050 Development and Design Standards..... 17.34-2  
 17.34.060 Alternative Fuel and Charging Stations for Electric Vehicles..... 17.34-4

***Draft Zoning Code Changes:***

*This new chapter provides unique development standards governing the design of service stations, including location, design, aisle width, and setbacks.*

*Requirements are applicable to all new service stations.*

**17.34.010 Purpose**

The purpose of this chapter is to regulate service station development to ensure that the design and operation of such uses are compatible with surrounding uses and activities relative to hazardous materials, noise, circulation, runoff, lighting, and litter. This chapter is also intended to allow for expansion of existing service stations to allow for biodiesel and other alternative fuels and the incorporation of charging stations for electric vehicles.

**17.34.020 Applicability**

The regulations contained in this chapter shall apply to new service stations. Service stations subject to this chapter shall only be authorized through entitlement requirements of Article II. (Zoning Districts, Allowed Uses, and Development Standards). These regulations shall be in addition to any other development standards and regulations contained elsewhere within the Zoning Code (e.g., lighting). Existing service stations and modification to existing service stations are exempt from the regulations contained in this chapter.

**17.34.030 Permit Requirements and Conditions of Approval**

- A. **Permit Requirement.** Service stations require a Conditional Use Permit or are allowed by right as established in Article II (Zoning Districts, Allowed Uses, and Development Standards). Comprehensive Design Review pursuant to Section 17.12.140 (Comprehensive Design Review) shall be required for all new service stations. Consistent with Article II. (Zoning Districts, Allowed Uses, and Development Services), the Planning Commission is the designated Approving Authority for service station Conditional Use Permit applications.
- B. **Conditions of Approval.** In addition to any other conditions which may be imposed by the Approving Authority, any Conditional Use Permit issued pursuant to this chapter shall include the following conditions:
  - 1. If the operation of the service station is discontinued for any reason for a continuous period in excess of 180 days, such discontinuance of operation shall be

grounds for revocation or modification of the Conditional Use Permit, consistent with Section 17.16.070 (Permit Revocation or Modification).

2. Upon revocation of the Conditional Use Permit, the applicant shall remove all buildings, pumps, pump islands, signs, underground storage tanks, fences, walls, and all other structures and instruments related to the service station and shall return the property to substantially the condition it was in prior to the construction of the service station.
3. The applicant to whom a Conditional Use Permit has been granted shall keep on the premises the Conditional Use Permit or a copy thereof.

#### 17.34.040 Location Requirements

- A. **Abutting Residential Zoning Districts or Uses.** No new service stations shall be permitted or located on lots abutting property in any residential Zoning District or residential use, unless the designated Approving Authority can make the finding that the design and operation of the service station, along with the conditions placed upon the Conditional Use Permit or Design Review, will ensure compatibility with the abutting property or use. In the event that the property adjacent to an existing service station is subsequently rezoned to a residential Zoning District or to allow residential uses, such rezoning shall not cause the service station to be nonconforming in regard to this location requirement.
- B. **Proximity to Other Service Stations.** In the City of Pinole, a maximum of two service stations are permitted at any single intersection; otherwise, service stations shall be separated by a minimum of 500 feet. However, the City may grant exceptions for stations that are required to relocate due to roadway expansion projects. Separation distance shall be measured in a straight line from the property line of said service stations. Where two service stations are located at a single intersection, the City encourages stations to be sited in such a manner as to service different flows of traffic. The City may waive the spacing requirements for infill sites or locations affected by roadway widening or other infrastructure improvements.

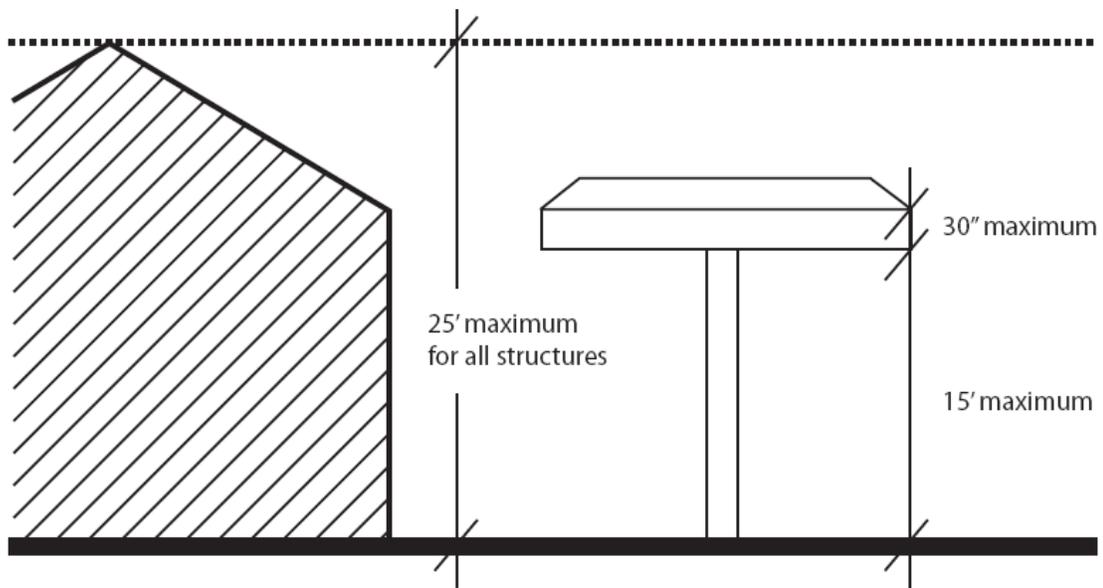
#### 17.34.050 Development and Design Standards

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

- A. **Frontage.** The minimum public street frontage shall be 135 feet on each public street for all new service stations.
- B. **Pump Islands.** Service station pump islands may be placed in required yards provided they are no closer than 15 feet to the street right-of-way.
- C. **Setbacks.** Generally, no building shall be located within 30 feet of any public right-of-way or within 15 feet of any interior parcel line. However, to encourage a more pedestrian streetscape, a primary building with direct access from the street may be located a minimum of 15 feet from the right-of-way (and outside required landscape corridors).

- D. **Building Placement and Orientation.** Buildings shall be placed outside the required setback areas, but close to the street and oriented to the public view.
- E. **Building and Canopy Design.** The service station building and/or canopy shall be designed for architectural compatibility with the surrounding area. Notwithstanding any other requirements in the Zoning Code, the maximum height for all service station buildings (including canopy) shall be 25 feet. Pitched roofs are preferred, but not required. In order to reduce the visual impact of the canopy structure and corresponding lighting, the maximum height of the canopy clearance shall be 15 feet and the maximum width of the canopy fascia shall be 30 inches. A lighting study shall be required in conjunction with the design review process to examine light pollution issues, including but not limited to safety and glare pursuant to Chapter 17.46 (Lighting). The canopy fascia shall match the color and texture of the primary building. See Figure 17.34.050-1 (Service Station Building and Canopy Design). Deviations from these requirements may be allowed in conjunction with Administrative Design Review (Section 17.12.080) or Comprehensive Design Review (Section 17.12.140).

FIGURE 17.34.050-1  
SERVICE STATION BUILDING AND CANOPY DESIGN



F. **Access Driveways**

1. Driveway dimensions. Driveway design shall be consistent with the City of Pinole Public Works Improvement Standards, except that the minimum width for driveways shall be 35 feet. The width shall be expanded to 45 feet whenever the driveway accesses a street with a width of, or with a planned ultimate width of, 84 feet or greater. The throat depth for driveways shall be 50 feet.
2. Driveway location. Driveways shall be no closer than 40 feet from the nearest intersecting point of street right-of-way lines, or as otherwise determined by the Public Works Director for traffic safety.

3. Number of driveways. No more than two exterior points of access (driveways along abutting streets) shall be provided for each service station, regardless of the length or number of street frontages. No more than 35 percent of the street frontage shall be devoted to curb cuts. Within integrated developments, shared access driveways are preferred.
  4. Accommodation of vehicle stacking. The internal circulation system shall allow for vehicle stacking without blocking ingress and egress on and off the site. The pump island shall be situated to provide stacking space for a minimum of two vehicles behind the vehicle parked at the pump closest to the entrance and/or exit driveway. Sites shall be designed so that the space intended for vehicle stacking shall not block or interfere with the general circulation of traffic within integrated developments.
- G. **Accommodation of Refueling Trucks.** The internal circulation system shall allow for safe and efficient fuel delivery. Turning radius information for all fuel delivery trucks accessing the service station shall be provided in conjunction with Conditional Use Permit or Design Review for review and approval to the satisfaction of the Public Works Director.
- H. **Landscaping.** Landscaping shall be provided consistent with the requirements of Section 17.44.060 (Special Landscape Requirements) for service stations.
- I. **Signs.** Signs shall be consistent with the requirements of Chapter 17.52 (Signs), including exempt gasoline pricing signs.
- J. **Fences and Walls.** A wall shall be provided between service stations abutting property in any agricultural or residential Zoning District or residential use consistent with the requirements of Section 17.42.050 (Special Fence, Wall and Screening Requirements).
- K. **Lighting.** In addition to the lighting requirements of Chapter 17.46 (Lighting), canopy lighting shall be recessed so that the luminaire does not extend below the surface of the underside of the canopy.
- L. **Noise.** All outdoor noise generators associated with operation of the service station shall be identified by the applicant during the Conditional Use Permit and/or Comprehensive Design Review process and may require the submittal of a professional noise analysis to quantify noise sources and attenuate noise levels consistent with City noise standards. All outdoor speakers and video/audio pump stations and sound signals associated with the service stations shall be turned off daily between the hours of 10:00 p.m. and 7:00 a.m.

#### 17.34.060 Alternative Fuel and Charging Stations for Electric Vehicles

Plan Check is required pursuant to Section 17.12.030 (Plan Check) for the expansion, modification or retrofit of an existing service station where the expansion, modification or retrofit incorporates biodiesel or other alternative fuels, or charging stations for electric vehicles. The designated Approving Authority may grant the expansion, modification or retrofit even if specified improvements result in a reduction of existing on-site parking.

**Chapter 17.36 Building Height Measurement and Projections**

**Sections:**

17.36.010	Purpose.....	17.36-1
17.36.020	Height Regulations.....	17.36-1
17.36.030	Height Measurement.....	17.36-1
17.36.040	Height Exceptions .....	17.36-2

***Draft Zoning Code Changes:***

*This new chapter provides directions on the calculation of building height, accounting for considerations of sloped lots.*

*Expanded definitions are provided to clarify the building height measurement process.*

*Exceptions for building height are provided, including exceptions for adjustments through design review, architectural projections for residential zoning districts, and architectural features for non-residential zoning districts.*

**17.36.010 Purpose**

The purpose of this chapter is to establish the regulation for building height and rules for measuring building height. Additionally, the Chapter includes exceptions to the height requirements of the underlying Zoning District based on use type and features.

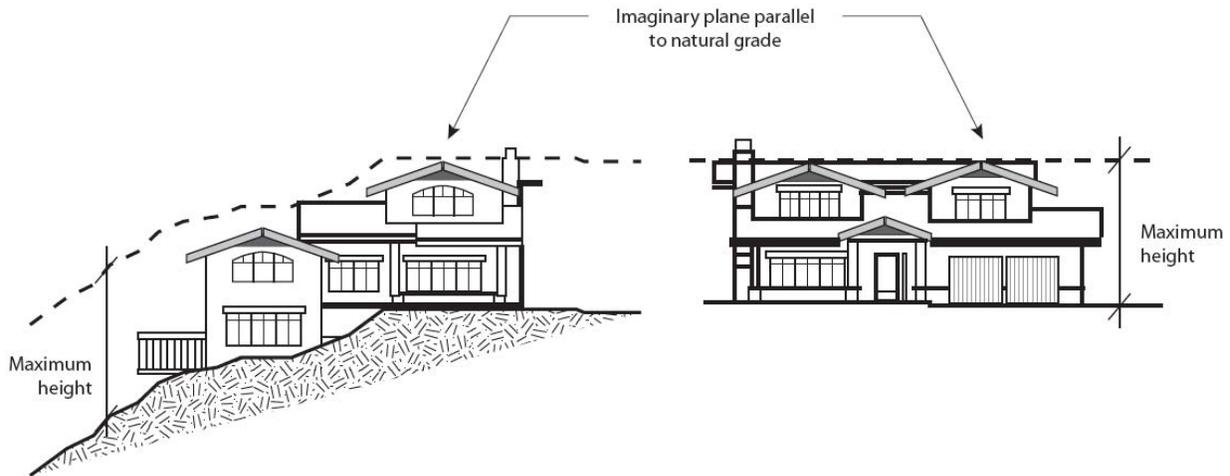
**17.36.020 Height Regulations**

The regulations provided in this chapter establish the methodology that shall be used for measuring the height of all structures regulated by the Zoning Code. The maximum allowed height for all structures varies by type of structure and Zoning District, and is identified in multiple locations in the Zoning Code, including Article II (Zoning Districts, Allowed Uses, and Development Standards), Chapter 17.30 (Accessory Structures), and Chapter 17.42 (Fences, Walls and Screening). The height requirements for buildings or structures shall be interpreted so that the limitation as to the number of stories and the limitation of the height in feet shall apply when both requirements are listed.

**17.36.030 Height Measurement**

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

FIGURE 17.36.030-1  
MEASUREMENT OF HEIGHT



#### 17.36.040 Height Exceptions

Exceptions to the height regulations provided elsewhere in the Zoning Code are identified below.

- A. **General Building Height Exceptions Allowed Through Design Review.** As part of Administrative Design Review (Section 17.12.080) or Comprehensive Design Review (Section 17.12.140), the designated Approving Authority may allow multi-family dwellings, schools, religious facilities, public buildings, and other similar buildings or structures to be erected to a height not to exceed 75 feet, provided that the required yards are increased one foot for each one foot of height increase of said building over the maximum height limit allowed by the Zoning District that applies to said building.
- B. **Solar Facilities.** Solar facilities are allowed to exceed the height limits of the applicable Zoning District, unless the Building Official, in the approval of the building permit, has determined that the placement therein will have a specific adverse impact upon the public health or safety, as defined by state law.
- C. **Residential Zoning Districts.** Chimneys, cupolas, towers, and other similar architectural projections not exceeding a dimension of six feet at their base may exceed the height limits of the applicable Zoning District by a maximum of five feet.
- D. **Non-Residential Zoning Districts.**
  1. **Minor projections.** Minor projections for the purpose of shelter for mechanical equipment, elevator and mechanical equipment enclosures, radio or television antennas, and similar structures and necessary mechanical appurtenances may be erected on a building to exceed the height limits of the applicable Zoning District, or of that use, by a maximum of 15 feet, provided the projections are screened by a parapet or pitched roof or other method acceptable to the Community Development Director.

2. Architectural features. Clock towers, cupolas, towers, and similar structures may exceed the height limit as listed below. Signs shall not be included within the additional height allowed.
  - a. Up to 20 feet, if located at a street intersection.
  - b. Up to 12 feet, if located midblock. These features shall not exceed a width of 25 width or one-third of the length of the building façade, whichever is less.
3. Mixed-use and industrial zoning districts. As part of Administrative Design Review (Section 17.12.080) or Comprehensive Design Review (Section 17.12.140), the designated Approving Authority may permit the maximum height for buildings in the mixed-use and industrial zoning districts to be increased to a maximum of 100 feet, provided that all portions of the building exceeding the otherwise applicable height maximum are set back from the ultimate right-of-way line of all abutting streets and freeways a distance at least equal to the height of that portion of the building. For any residential portion of a hotel or a residential portion of a mixed-use development, all required yards and courts shall be increased one square foot for each foot that such building exceeds the otherwise applicable maximum height of the Zoning District. In any case, the floor area to lot area ratio shall not exceed that allowed in the applicable Zoning District or 2.5:1 when no maximum is specified.



**Chapter 17.38 Density Bonus**

**Sections:**

17.38.010	Purpose.....	17.38-1
17.38.020	Eligibility for Density Bonus and Incentives and Concessions .....	17.38-1
17.38.030	General Requirements.....	17.38-2
17.38.040	Number and Types of Density Bonuses and Incentives and Concessions Allowed.....	17.38-3
17.38.050	Location of Density Bonus Units .....	17.38-7
17.38.060	Continued Availability.....	17.38-8
17.38.070	Process for Approval or Denial .....	17.38-8
17.38.080	Administrative Fee .....	17.38-9

***Draft Zoning Code Changes:***

*The Density Bonus requirements are a new addition to the Pinole Zoning Code. The requirements are consistent with current state Law.*

**17.38.010 Purpose**

The purpose of this chapter is to provide incentives for the production of housing for very low income, lower income, moderate income, special needs, and senior households in the City of Pinole and to establish procedures for carrying out the legislative requirements and complying with California Government Code Section 65915, et seq. In enacting this chapter, it is the intent of the City to facilitate the development of affordable housing by positively impacting the economic feasibility of providing lower income housing and implementing the goals, objectives, and policies of the City’s Housing Element.

**17.38.020 Eligibility for Density Bonus and Incentives and Concessions**

The City shall grant one density bonus, with concessions or incentives, as specified in Section 17.38.040 (Number and Types of Density Bonuses and Incentives and Concessions Allowed), when the applicant for the residential development seeks and agrees to construct a residential development, excluding any units permitted by the density bonus awarded pursuant to this chapter, that will contain at least one of the following:

- A. Ten percent of the total units of a housing development for lower income households;
- B. Five percent of the total units of a housing development for very low income households;
- C. A senior citizen housing development or age-restricted mobilehome park; or

Ten percent of the total dwelling units in a common interest development as defined in California Civil Code Section 1351 for persons and families of moderate income, provided that all units in the development are offered to the public for purchase. The above units qualifying a development for a density bonus shall be referred to as “target units.” The applicant shall specify which of the above paragraphs is the basis for the density bonus. The percentage of total units proposed to qualify the development for a density bonus shall not be rounded up. Example: for a 200-unit project that proposes 21 lower income units (or 10.5%), the allowed density bonus would be based on 10% lower income units, not 11%.

**17.38.030 General Requirements**

The following general requirements apply to the application and determination of all incentives and bonuses:

- A. **Rounding.** All density calculations resulting in fractional units shall be rounded up to the next whole number.
- B. **Relation to General Plan, Zoning.** The granting of a density bonus, or a concession or incentive, shall not be interpreted, in and of itself, to require a general plan amendment, zoning change, or other discretionary approval.
- C. **Density Bonus Excluded in Calculation.** The density bonus shall not be included when calculating the total number of housing units that qualifies the housing development for a density bonus.
- D. **Parking.** Upon request by the applicant, the City shall not require that a housing development meeting the requirements of Section 17.38.020 (Eligibility for Density Bonus and Incentives and Concessions) provide a vehicular parking ratio, inclusive of handicapped and guest parking, that exceeds the following:
  1. Zero (studio) to one bedroom: one on-site parking space per unit
  2. Two to three bedrooms: two on-site parking spaces per unit
  3. Four or more bedrooms: two and one-half parking spaces per unit

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

- E. **Waived or Reduced Development Standards.** The City shall not apply any development standard that would have the effect of physically precluding the construction of a housing development meeting the requirements of Section 17.38.020 (Eligibility for Density Bonus and Incentives and Concessions) at the densities or with the incentives or concessions permitted by this chapter.

An applicant may submit to the City a proposal for the waiver or reduction of development standards, when standards would have the effect of physically precluding the proposed development, and may request a meeting with the City. Nothing in this subsection, however, shall be interpreted to require the City to waive or reduce development standards if:

1. The waiver or reduction would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5 of the California Government Code, upon health and safety or the physical environment and for which the City determines there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact; or
2. This would have an adverse impact on any real property that is listed in the California Register of Historical Resources.

3. The waiver or reduction would be contrary to state or federal law.

A proposed waiver or reduction of development standards shall neither reduce nor increase the number of allowable incentives or concessions under Section 17.38.040.
- F. this chapter **Multiple Zoning Districts**. If the site of a development proposal is located in two or more zoning districts, the number of dwelling units permitted in the development is the sum of the dwelling units permitted in each of the zoning districts based on the site acreage within each zoning district. The permitted number of dwelling units may be distributed within the development without regard to the zone boundaries.
- G. **Affordable Housing Requirements**. For projects subject to Chapter 17.32 (Affordable Housing Requirements) of this Title, the affordable housing units required by that Chapter may be counted toward the affordable units required to qualify for a density bonus per Section 17.38.020.
- H. Nothing in this chapter shall be construed to enlarge or diminish the authority of the City to require a developer to donate land as a condition of development.
- I. Agreement Required.
  - a. Prior to the award of a density bonus and any related incentives or concessions, the applicant shall enter into an agreement with the City to ensure the continued affordability of all target units.
  - b. For all target units, the agreement shall specify the household-income classification, number, location, size and construction scheduling and shall require target units in a project and phases of a project to be constructed concurrently with the construction of non-target units. The agreement shall include such other provisions as necessary to establish compliance with the requirements of this chapter.
- J. Reports. The applicant shall submit financial or other reports along with the application for the project to establish compliance with this chapter. The City may retain a consultant to review any financial report (pro forma). The cost of the consultant shall be borne by the applicant except if the applicant is a non profit organization, the cost of the consultant may be paid by the City upon prior approval of the City Council.
- K. CEQA Review. Any residential development that qualifies for a density bonus shall not be exempt from compliance with the California Environmental Quality Act.

#### **17.38.040 Number and Types of Density Bonuses and Incentives and Concessions Allowed**

- A. **Density Bonus**. A housing development that satisfies the eligibility requirements in Section 17.38.020 of this chapter shall be entitled to the following density bonus:
  1. For developments providing 10 percent lower income target units, the City shall provide a 20 percent increase above the otherwise maximum allowable residential density as of the date of application, plus a one-and-a-half percent supplemental increase over that base for every one percent increase in low income target units above ten percent. The maximum density bonus allowed including supplemental increases is 35 percent.

2. For developments providing five percent very low income target units, the City shall provide a 20 percent increase above the otherwise maximum allowable residential density as of the date of application, plus a two and a half percent supplemental increase over that base for every one percent increase in very low income target units above five percent. The maximum density bonus allowed including supplemental increases is 35 percent.
  3. For senior citizen housing developments, a flat 20 percent of the number of senior units.
  4. For common interest developments providing 10 percent moderate income target units, the City shall provide a five percent increase above the otherwise maximum allowable residential density as of the date of application, plus a one percent increase in moderate income units above ten percent. The maximum density bonus allowed including supplemental increases is 35 percent.
- B. **Number of Incentives or Concessions.** In addition to the density bonus described in this Section, an applicant may request specific incentives or concessions. The applicant shall receive the following number of incentives or concessions.
1. One incentive or concession for projects that include at least 10 percent of the total units for lower income households, at least five percent for very low income households, or at least 10 percent for persons and families of moderate income in a common interest development.
  2. Two incentives or concessions for projects that include at least 20 percent of the total units for lower income households, at least ten percent for very low income households, or at least 20 percent for persons and families of moderate income in a common interest development.
  3. Three incentives or concessions for projects that include at least 30 percent of the total units for lower income households, at least 15 percent for very low income households, or at least 30 percent for persons and families of moderate income in a common interest development.
  4. The City shall grant the concession or incentive requested by the applicant unless it makes a written finding of either of the following:
    - a. The concession or incentive is not required in order to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).
    - b. The concession or incentive would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.
    - c. The concession or incentive would be contrary to state or federal law.
- C. Available Incentives and Concessions.

1. A reduction in the site development standards or a modification of this Title requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 Section (commencing with 18901) of Division 13 of the Health and Safety Code, including but not limited to a reduction in setback and square footage requirements and in the ratio of vehicle parking spaces that would otherwise be required and that results in identifiable, financially sufficient, and actual cost reductions.
  2. Approval of mixed-use zoning in conjunction with the housing development if the non-residential land uses will reduce the cost of the housing development and the non-residential land uses are compatible with the housing development and existing or planned development in the area in which the housing development will be located.
  3. Other regulatory incentives or concessions proposed by the applicant or the City that result in identifiable, financially sufficient, and actual cost reductions.
  4. Priority processing of a housing development that qualifies for a density bonus based on income restricted units.
- D. Additional Density Bonus and Incentives and Concessions for Donation of Land to the City.
1. When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to the City and agrees to include a minimum of ten percent of the total units before the density bonus for very low income households, the applicant shall be entitled to a 15 percent increase above the otherwise maximum allowable residential density, plus a one percent supplemental increase for each additional percentage of very low income units to a maximum density bonus of 35 percent for the entire development.
  2. The density bonus provided in this subsection shall be in addition to any other density bonus provided by this chapter up to a maximum combined density bonus of 35 percent.
  3. The applicant shall be eligible for the increased density bonus described in this subsection if all of the following conditions are met:
    - a. The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application;
    - b. The developable acreage and zoning designation of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount not less than ten percent of the number of residential units of the proposed development;
    - c. The transferred land is at least one acre in size or of sufficient size to permit development of at least 40 units, has the appropriate General Plan designation, is appropriately zoned with appropriate development standards for development at the density described in paragraph (3) of

- subdivision (c) of Section 65583.2 of the Government Code, and is or will be served by adequate public facilities and infrastructure.
- d. The transferred land shall have all of the entitlements and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land, not later than the date of approval of the final subdivision map, parcel map, or residential development application, except that the City may subject the proposed development to subsequent design review to the extent authorized by subdivision (i) of Section 65583.2 of Government Code if the design is not reviewed by the City prior to the time of transfer;
  - e. The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with the requirements of this chapter which shall be recorded on the property at the time of the transfer;
  - f. The land is transferred to the City or to a housing developer approved by the City;
  - g. The transferred land shall be within the boundary of the proposed development or, if the City agrees, within ¼ mile of the boundary of the proposed development; and
  - h. A proposed source of funding for the very low income units shall be identified not later than the date of approval of the final subdivision map, parcel map, or residential development application.
4. Nothing in this subsection shall be construed to enlarge or diminish the authority of the City to require a developer to donate land as a condition of development.
- E. Additional Density Bonus or Incentives and Concessions for Development of Child Care Facility.
1. Housing developments meeting the requirements of Section 17.38.020 (Eligibility for Density Bonus and Incentives and Concessions) and including a child care facility that will be located on the premises of, as part of, or adjacent to the housing development shall receive either of the following:
    - a. An additional density bonus that is an amount of square footage of residential space that is equal to or greater than the amount of square footage in the child care facility.
    - b. An additional incentive or concession that contributes significantly to the economic feasibility of the construction of the child care facility.
  2. The City shall require the following as conditions of approving the housing development.
    - a. The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the target units are required to remain affordable, pursuant to Subdivision (c) of Section 65915 of the Government Code; and

- b. Of the children who attend the child care facility, the children of very low income households, lower income households, or persons or families of moderate income shall equal a percentage that is equal to or greater than the percentage of target units that are required pursuant to Section 17.38.020 (Eligibility for Density Bonus and Incentives and Concessions).
  3. Notwithstanding any other requirements of this Section, the City shall not be required to provide a density bonus or incentive or concession for a child care facility if it makes a written finding, based upon substantial evidence, that the community has adequate child care facilities.
- F. Condominium Conversion Incentives for Low Income Housing Development.
  1. An applicant for approval to convert apartments to a condominium project may submit to the City a preliminary proposal pursuant to this subsection prior to the submittal of any formal requests for subdivision map approvals. The City shall, within 90 days of receipt of a written proposal, notify the applicant in writing of the manner in which it will comply with this subsection.
  2. When an applicant for approval to convert apartments to a condominium project agrees to the following, the City shall grant either a density bonus of 25 percent over the number of apartments, to be provided within the existing structure or structures proposed for conversion, or provide other incentives of equivalent financial value.
    - a. Provide at least 33 percent of the total units of the proposed condominium project to persons and families of low or moderate income, or provide at least 15 percent of the total units of the proposed condominium project to lower income households; and
    - b. Agree to pay for the reasonably necessary administrative costs incurred by the City.
  3. For purposes of this subsection, “other incentives of equivalent financial value” shall not be construed to require the City to provide cash transfer payments or other monetary compensation but may include the reduction or waiver of requirements which the City might otherwise apply as conditions of conversion approval.
  4. Nothing in this subsection shall be construed to require the City to approve a proposal to convert apartments to condominiums.
  5. An applicant shall be ineligible for a density bonus or other incentives under this subsection if the apartments proposed for conversion constitute a housing development for which a density bonus or other incentive was previously provided.

#### **17.38.050 Location of Density Bonus Units**

The location of density bonus units within the housing development may be at the discretion of the developer. However, the target units shall be dispersed throughout the housing development and when feasible shall contain, on average, the same number of bedrooms as

the non-target units in the development, and shall be compatible with the design or use of the remaining units in terms of appearance, materials, and quality finish.

#### 17.38.060 Continued Availability

- A. If a housing development provides low or very low income target units to qualify for a density bonus, the target units must remain restricted to lower or very low income households for a minimum of 30 years from the date of issuance of the certificate of occupancy by the Building Official, or longer if required by the project financing.
- B. In the case of a common interest housing development providing moderate income target units to qualify for a density bonus, the initial occupant of the target unit must be a person or family of moderate income. Upon resale, the seller of the target units shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation, and the City shall recapture any initial subsidy and its proportionate share of appreciation which shall then be used within three years for any of the purposes described in subdivision (e) of Section 33334.2 of the California Health and Safety Code that promote homeownership. The City's initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the moderate income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value. The City's "proportionate share" shall be equal to the percentage by which the initial sale price to the moderate-income household was less than the fair market value of the home at the time of the initial sale.
- C. Where there is a direct financial contribution to a housing development pursuant to Government Code Section 65915, the City shall assure continued availability for low- and moderate-income units for 30 years.

#### 17.38.070 Process for Approval or Denial

- A. **Process for Approval.** The density bonus and incentive(s) and concession(s) request shall be considered in conjunction with any necessary development entitlements for the project. The designated Approving Authority for density bonuses, incentives, and concessions shall be the City Council. In approving the density bonus and any related incentives or concessions, the City and applicant shall enter into a density bonus agreement.
- B. **Approval of Density Bonus Required.** The City shall grant the density bonus requested by the applicant provided it is consistent with the requirements of this chapter and state law.
- C. **Approval of Incentives or Concessions Required Unless Findings Made.** The City shall grant the incentive(s) and concession(s) requested by the applicant unless the City makes a written finding, based upon substantial evidence, of any of the following:
  - 1. The incentive or concession is not required in order to provide for affordable housing costs or affordable rent for the target units.
  - 2. The incentive or concession would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5 of the California Government Code, upon public health and safety or the physical environment or on any real

property that is listed in the California Register of Historical Resources and for which the City determines there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate income households.

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

#### **17.38.080 Administrative Fee**

The City shall charge applicants an administrative fee to cover the City's cost to review all materials submitted in accordance with this chapter and for ongoing enforcement of this chapter. The amount of the administrative fee shall be established by City Council resolution and updated as required. Fees will be charged for staff time and materials associated with:

- A. Review and approval of applications for the proposed development;
- B. Project marketing and lease-up; and
- C. Long-term compliance of the applicant and successors-in-interest to the applicant, with respect to the affordable housing units.



**Chapter 17.40 Drive-In and Drive-Through Facilities**

*Sections:*

17.40.010	Purpose.....	17.40-1
17.40.020	Applicability.....	17.40-1
17.40.030	Permit Requirements .....	17.40-1
17.40.040	Development and Design Standards.....	17.40-2

***Draft Zoning Code Changes:***

*This new chapter provides development and design standards for drive-in and drive-through facilities, including aisle width, pedestrian access, noise, signs, and visibility.*

*Required findings and conditions of approval are established that must be used in the approval of all drive-in and drive-through facilities.*

**17.40.010 Purpose**

The purpose of this chapter is to establish regulations for drive-through businesses to address vehicle and pedestrian circulation, stormwater runoff, litter, and noise.

**17.40.020 Applicability**

The regulations contained in this chapter shall apply to all new drive-in and drive-through sales and service facilities as defined in Chapter 17.98 (Glossary of Terms) and shall be in addition to any other development standards and regulations contained elsewhere within the Zoning Code (e.g., lighting). Where allowed by Article II. (Zoning Districts, Allowed Uses, and Development Standards), drive-through facilities shall comply with the requirements of this chapter.

**17.40.030 Permit Requirements**

- A. **Conditional Use Permit Required.** Pursuant to Article II. (Zoning Districts, Allowed Uses, and Development Standards), a Conditional Use Permit is required for all drive-in and drive-through sales and services. The Conditional Use Permit process is outlined in Section 17.12.130 (Conditional Use Permit).
- B. **Required Findings.** In addition to standard Conditional Use Permit findings, all of the special findings below shall be made in order for the designated Approving Authority to approve a Conditional Use Permit for drive-in or drive-through sales and service facilities.
  - 1. The design and location of the facility and lane will not contribute to increased congestion on public or private streets adjacent to the subject property.
  - 2. The design and location of the facility and lane will not impede access to or exit from the parking lot serving the facility nor impair normal circulation within the parking lot.
  - 3. The design and location of the facility will not create a nuisance for adjoining properties.

- C. **Conditions of Approval.** In addition to any other conditions which may be imposed by the Approving Authority, any Conditional Use Permit issued pursuant to this chapter shall include the following condition. If congestion attributable to the drive-in or drive-through facility is verified to occur in more than three separate incidents by a City staff person such that it negatively impacts traffic flow on public streets, such congestion shall be grounds for revocation or modification of the Conditional Use Permit, consistent with Section 17.10.120 (Revocation of Previously Approved Entitlement).

#### 17.40.040 Development and Design Standards

The following standards shall be the minimum requirements for all drive-in and drive-through sales and service facilities. Modifications to these requirements may be considered through the issuance of the Conditional Use Permit (see Section 17.12.130 (Conditional Use Permit)).

- A. **Drive Aisles.** The minimum requirements for drive-through and remote teller aisles are as follows:
1. On curves. Aisles shall have a minimum ten-foot interior radius at curves and a minimum 12-foot width.
  2. On straight sections. Aisles shall have a minimum 11-foot minimum width on straight sections.
  3. Aisles shall provide at least 180 feet of stacking space for each facility, as measured from the service window or unit to the entry point into the drive-up lane. Nonfood and/or nonbeverage businesses may reduce the stacking space to a minimum of 60 feet. Exceptions may be granted by the designated Approving Authority when an applicant demonstrates that the required stacking space is unnecessary.
  4. Aisle entrances and exits shall be at least 25 feet from an intersection of public rights-of-way, measured at the closest intersecting curbs, and at least 25 feet from the curb-cut on an adjacent property. When an aisle encroaches into the front yard and side street setbacks, 25 feet of landscaping shall be provided with at least ten feet of landscaping between the aisle and right-of-way. Exceptions may be granted by the designated Approving Authority when aisle pull-out spaces are provided.
  5. Aisles shall be separated from the site's ingress and egress routes or access to a parking space.
  6. Landscaping of drive-through aisles. Landscaping of drive-through aisles shall be consistent with the requirements of Section 17.44.060 (Special Landscape Requirements) for screening for drive-through aisles.
- B. **Pedestrian Access and Crossings.** Pedestrian access shall be provided from each abutting street to the primary entrance with a continuous, minimum four-foot-wide sidewalk or delineated walkway. Generally, pedestrian walkways should not intersect the drive-through aisles, but where they do the walkways shall have clear visibility and shall be delineated by textured and colored paving and shall be clearly signed to alert vehicles in the drive-through aisles.

- C. **Parking.** Drive-up windows, remote tellers, and drive-through aisles shall be designed and constructed to be consistent with the requirements of Chapter 17.48 (Parking). The placement of drive-through aisles shall not be considered as justification for reducing the number of parking spaces which are otherwise required.
- D. **Noise.** Drive-up windows and their order stations with amplified sound shall be located a minimum of 300 feet from any residential property line. Drive-up windows or remote tellers without amplified sound may reduce the separation distance to a minimum of 75 feet from any residential property line.
- E. **Signs.** Signage for drive-up windows and remote tellers shall be consistent with the requirements of Chapter 17.52 (Signs).
- F. **Visibility from Public Right-of-Way.** Drive-through windows shall be visible from a public right-of-way to ensure that all activity can be viewed from an adjacent street.



**Chapter 17.42 Fences, Walls and Screening**

**Sections:**

17.42.010	Purpose.....	17.42-1
17.42.020	Permit Requirements and Exemptions.....	17.42-1
17.42.030	Location and Height Restrictions.....	17.42-1
17.42.040	Fence, Wall and Screen Design and Maintenance Standards .....	17.42-3
17.42.050	Special Fence, Wall and Screening Requirements .....	17.42-3

***Draft Zoning Code Changes:***

*This new chapter consolidates and expands regulations for all fences and walls on private property.*

*Development standards for fences and walls in this section of the Article bring together some of Pinole’s existing requirements, and update and clarify some elements to comply with state law, while introducing some new concepts.*

*Except as specifically exempt from entitlement requirements (e.g., standard 6-foot privacy fence), Administrative Design Review is required for new fences and walls.*

**17.42.010 Purpose**

The purpose of this chapter to regulate the height and location of fences to provide light, air, and privacy without obstructing views, to establish buffers between different land uses, and to safeguard against visual obstructions at the intersections of streets and/or driveways.

**17.42.020 Permit Requirements and Exemptions**

Unless otherwise exempt below, Administrative Design Review is required for new fences and walls. Fences and walls listed below are exempt from planning entitlements, but may still require building permits.

- A. **Retaining Walls.** Retaining walls less than 36 inches in height are exempt from the requirements of this chapter.
- B. **Residential Fences and Walls.** Fences and walls located on residential property constructed in compliance with the requirements Section 17.42.030 (Location and Height Restrictions).
- C. **Required Fences and Walls.** The requirements of this chapter shall not apply to a fence or wall required by any law or regulation of the City (including temporary construction site fencing), state, federal government, or any agency thereof (including the Board of Education).

**17.42.030 Location and Height Restrictions**

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

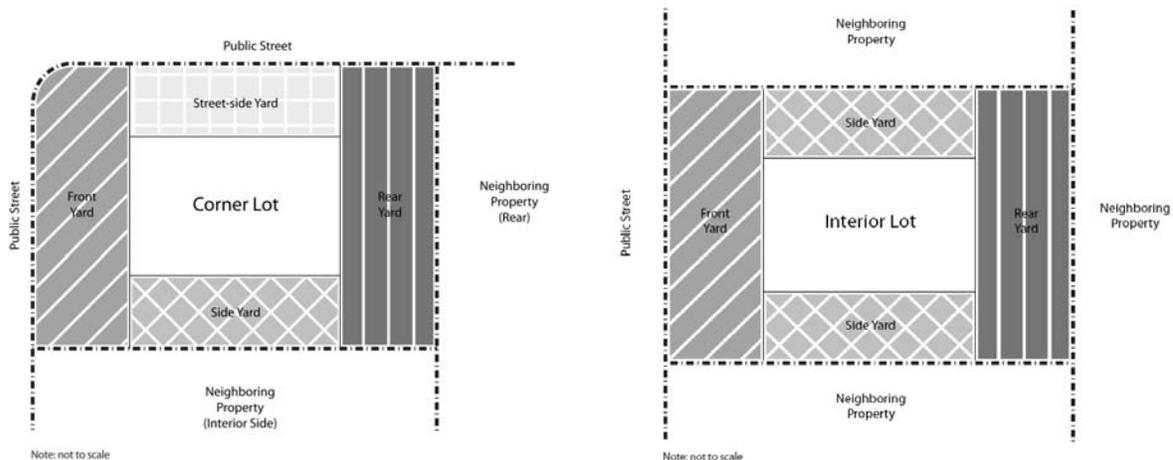
Required Yard Area) and Figure 17.42.030-1 (Maximum Height of Fences and Walls in Required Yard Area).

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

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

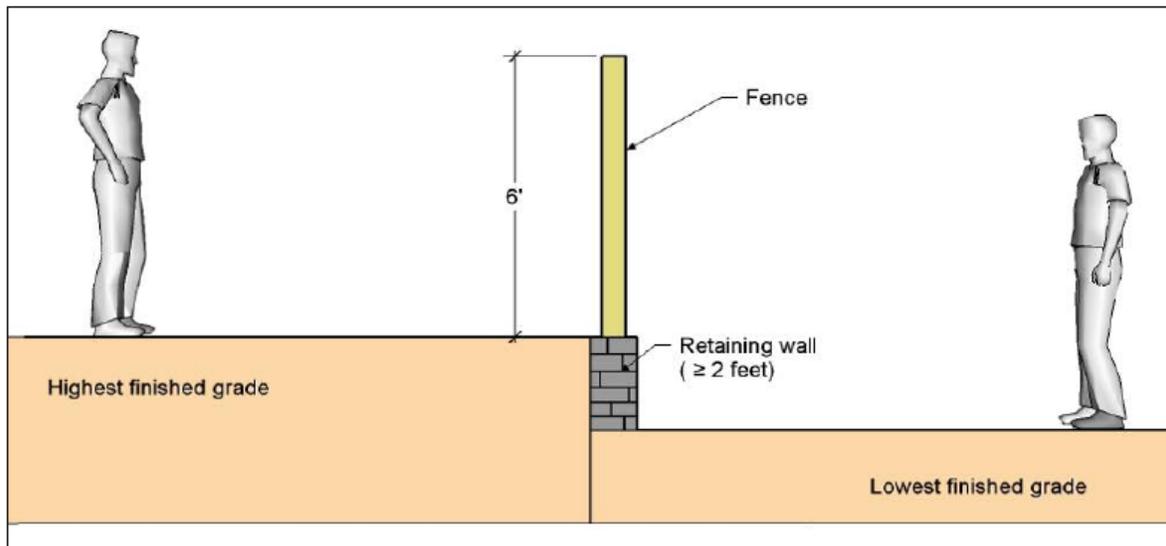
- (1) As part of Administrative Design Review or other discretionary entitlement, the designated Approving Authority may grant additional height or location requirements to enclose or screen specific areas or uses or for fences and walls designed for noise attenuation.
- (2) Height of front yard fence or wall may be increased to a maximum of five feet if set back at least 10 feet behind the front property line or sidewalk if the fence or wall remains visually open and transparent (e.g., picket fence, open wood slats, open wrought iron).
- (3) Setback area for street side yard is measured from back of sidewalk to the fence or wall. If no sidewalk exists, then street side yard is measured from the property line to the fence or wall.
- (4) See definition of clear vision triangle in Section 17.98.020 (General Definitions).

**FIGURE 17.42.030-1  
FRONT AND STREET SIDE SETBACK AREAS**



- B. **Height Measurement.** Fence and wall height shall be measured from the finish grade at the base of the fence or wall to the uppermost part of the fence or wall; except when there is a difference in the ground level between two adjoining parcels of two feet or more, the fence or wall shall be measured on the side with the highest finish grade. See Figure 17.42.040-2 (Measurement of Fence and Wall Height on Parcels with Different Elevations).

FIGURE 17.42.030-2  
MEASUREMENT OF FENCE AND WALL HEIGHT ON PARCELS WITH DIFFERENT ELEVATIONS



#### 17.42.040 Fence, Wall and Screen Design and Maintenance Standards

- A. **Open View Fencing.** Where fencing is proposed along public frontages of non-residential and multi-family projects, such fencing shall be open view unless otherwise required to be solid for noise attenuation. Open view fencing shall also be required when located adjacent to open space areas. However, open view fencing for side yards of corner lots abutting open space areas may be designed with solid fencing and walls.
- B. **Fencing, Wall and Screen Materials.** Fences, walls and screens shall be constructed of attractive, long-lasting materials (e.g., masonry, wood, tubular steel, or stone). Unless approved as a condition of approval or in conjunction with another entitlement, fences, walls and screens of sheet or corrugated iron, fiberglass, sheet steel, concertina wire, or sheer aluminum are prohibited. Barbed wire fencing shall not be constructed or placed on top of a fence, wall or screen except where properly used for agricultural, open space, or certain industrial uses.
- C. **Graffiti-Resistance.** Graffiti-resistant aesthetic surface treatment shall be required for all fences and walls adjacent to a public right-of-way, in a residential zone, or as determined through the Administrative Design Review process.
- D. **Maintenance.** Fences, walls and screens shall be continuously maintained in an orderly and good condition, at no more than their maximum allowed height.

#### 17.42.050 Special Fence, Wall and Screening Requirements

- A. **Outdoor Storage and Accessory Structures.** Related requirements for outdoor storage and accessory structures shall be references in Chapters 17.30 (Accessory Structures) and 17.68 (Outdoor Sales, Display, Storage, and Seating) respectively.
- B. **Screening of Outdoor Storage in Commercial, Office, and Mixed-Use Zoning Districts.** Outdoor storage (including all dumpsters, commercial items, commercial construction, or

industrial-related materials and equipment within commercial zoning districts) shall be fenced or screened from view. Such screening shall utilize enclosures including, but not limited to, fences, walls, landscaping, or earthen berms, so that no outdoor storage is visible from any public rights-of-way, parks, public trails, and adjacent properties. Screening shall be visually compatible with the primary buildings and landscape on the property.

- C. **Fencing for Company Vehicles in Industrial Zoning Districts.** In industrial zoning districts, company vehicles of less than one ton do not require screening and may be parked behind the required landscape area with or without security fencing this chapter. Company vehicles exceeding one ton that are permitted on the public highways and used in the daily operation of the company may be parked within the buildable portion of the lot without screen fencing. All company vehicles that exceed one ton and are not permitted on the public highways shall be fenced or screened from view in a manner that is attractive and complementary to the structure it serves and architecturally compatible with other on-site development.
- D. **Fencing and Walls for Agricultural Land Uses.** All fences or walls which enclose livestock shall be constructed of an adequate height and shall be designed so as to control and contain such livestock at all times.
- E. **Fencing and Walls for Pools, Spas, and Similar Features.** Swimming pools, spas, and other similar water features shall be enclosed in compliance with City-adopted Building Code requirements.
- F. **Fences, Walls and Screening Between Different Land Uses.** Commercial and industrial uses shall be screened from adjacent residential zoning districts by plant materials and a solid, decorative masonry wall with a minimum height of six feet to screen the commercial use, as approved by the Approving Authority. Openings or pedestrian connections may be required at the discretion of the Approving Authority. A landscaping strip with a minimum width of five feet shall be installed adjacent to a screening wall on the commercial or industrial side.
- G. **Screening of Commercial Loading Docks and Refuse Areas.** Loading docks and refuse storage areas shall be screened from public view, adjoining public streets and rights-of-way, and residentially zoned areas. The method of screening shall be architecturally compatible with other on-site development in terms of colors and materials. Exceptions may be permitted through the Administrative Design Review process for sites with unique characteristics (e.g., shallow lot depth, adjacency to single-family residential).
- H. **Temporary Fences.** Nothing in this chapter shall be deemed to prohibit the erection of a temporary fence around construction projects in compliance with the Building Code and other applicable requirements of the City Municipal Code.

Chapter 17.44 Landscaping

Sections:

17.44.010 Purpose..... 17.44-1

17.44.020 Applicability ..... 17.44-1

17.44.030 Landscape and Irrigation Plans..... 17.44-2

17.44.040 Landscape Plan Review Process..... 17.44-2

17.44.050 General Landscape Development Standards ..... 17.44-3

17.44.060 Special Landscape Requirements ..... 17.44-5

17.44.070 Removal and Replacement of Landscaping and Trees from Approved Plans..... 17.44-7

17.44.080 Landscape Care and Maintenance ..... 17.44-7

**Draft Zoning Code Changes:**

*This chapter includes revised and expanded landscape regulations applicable to all new development.*

*Permit and review process for landscaping is clarified, in conjunction with expanded requirements for landscape plans.*

*Requirements are expanded to account for plant types and location of landscaping. Maintenance and care requirements are provided. New requirements are established to regulate the replacement and removal of landscaping.*

*Special landscape requirements are provided for unique sites, including drive-in and drive-through facilities, parking lots, and project entries.*

**17.44.010 Purpose**

The purpose of this chapter is to establish minimum landscape requirements to enhance the appearance of developments, reduce heat and glare, control soil erosion, conserve water, ensure ongoing maintenance of landscape areas, and ensure that landscape installations do not create hazards for motorists or pedestrians.

**17.44.020 Applicability**

The regulations contained in this chapter shall apply to new, existing and future development as follows, and shall be in addition to any other development standards and regulations contained elsewhere within the Zoning Code (e.g., lighting).

- A. **New projects.** New commercial, industrial, mixed-use, multi-family residential, and single-family residential subdivisions shall be reviewed by the designated Approving Authority to ensure landscaping is provided in compliance with the requirements of this chapter.
- B. **Existing development.** Where an existing non-residential, mixed-use, and/or multi-family residential project requests an amendment that increases the building square footage by ten percent or more, the designated Approving Authority shall evaluate the existing landscape to ensure compliance with applicable requirements of this chapter as deemed necessary and appropriate.

**17.44.030 Landscape and Irrigation Plans**

When this chapter is applicable to new projects or existing development, as identified in Section 17.44.020 (Applicability) above, preliminary and final landscape plans shall be submitted in accordance with the requirements of this chapter and review of such plans shall be conducted as part of the design review process.

- A. **Preliminary Landscape and Irrigation Plan.** A preliminary landscape plan and irrigation plan shall be submitted to the Approving Authority. This plan must show conceptual locations for trees, shrubs, ground cover, etc. and a corresponding list of planting material by species, quantity, and size.
- B. **Final Landscape and Irrigation Plan.** After a preliminary landscape and irrigation plan has been approved by the designated Approving Authority, a final landscape and irrigation plan shall be submitted to the Community Development Director in conjunction with site improvement plans. The final landscape planting and irrigation plans shall be prepared by a registered licensed landscape architect and shall be in substantial compliance with the preliminary landscape and irrigation plan approved by the designated Approving Authority. Final plans shall show the exact location of and irrigation for trees, shrubs, and ground cover. The final landscape plan shall include, at a minimum, plant name, plant quantity, plant size, location of impervious surfaces, utilities and lighting, irrigation system, and plans for tree retention and removal where applicable. The final landscape plan should also include a water budget that includes the estimate water use (in gallons), the irrigated area (in square feet), precipitation rate, and flow rate in gallons per minute.

**17.44.040 Landscape Plan Review Process**

- A. **Landscaping Plans Subject to Review.** When the requirements of this chapter are applicable as established in Section 17.44.020 (Applicability), the following landscape plan review process shall be conducted in conjunction with design review for the proposed action, pursuant to the requirements of either Section 17.12.080 (Administrative Design Review) or Section 17.12.140 (Comprehensive Design Review), as applicable.
  - 1. **Approving Authority.** The designated Approving Authority shall be the same as the designated Approving Authority of the entitlement for new projects or existing development as identified in Section 17.44.020 (Applicability) above.
  - 2. **Approval of preliminary and final plans.** The designated Approving Authority shall review and approve the preliminary landscape and irrigation plan. Upon approval of the preliminary landscape and irrigation plan, a final landscape and irrigation plan shall be submitted to the Approving Authority prior to issuance of building permits or planning entitlements for new projects or applicable expansions to existing development as established in Section 17.44.020 (Applicability).
  - 3. **Approval required.** The landscaping shall not be installed until the applicant receives approval of the final landscape and irrigation plan by the Approving Authority and any applicable permits have been issued.
  - 4. **Changes to final plans.** Changes to the approved final landscape and irrigation plans that affect the character or quantity of the plant material or irrigation system design are required to be resubmitted for approval before installation.

**17.44.050 General Landscape Development Standards**

- A. **General Location for Landscape Improvements.** Landscaping shall be provided in the following locations for all types of development as listed below, unless the designated Approving Authority determines that the required landscape is not necessary to fulfill the purposes of this chapter. Nothing in this chapter is intended to discourage landscape areas outside and beyond the minimum requirements listed herein.
1. **Setbacks.** All setback areas required by this Code shall be landscaped in compliance with this chapter except where a required setback is occupied by a sidewalk or driveway, or is enclosed and screened from abutting public rights-of-way.
  2. **Unused areas.** All areas of a project site not intended for a specific use or purpose in conjunction with a current application, including pad sites being held for future development, shall be landscaped in compliance with this chapter.
  3. **Parking areas.** Within parking lots, landscaping shall be used for shade and climate control, to enhance project design, and to screen the visual impact of vehicles and large expanses of pavement consistent with the requirements of this chapter.
- B. **Landscape Design.** Landscaping shall be designed as an integral part of the overall site plan with the purpose of enhancing building design and public views and spaces, and providing buffers, transitions, and screening. At a minimum, the following landscape design requirements shall apply:
1. Planting design shall have focal points at project entries, plaza areas, and other areas of interest using distinct planting and/or landscape features.
  2. As appropriate, building and site design shall include the use of pots, vases, wall planters, and/or raised planters, as well as flowering vines, both on walls and on arbors.
  3. Landscaping shall be designed with pedestrian paths throughout the landscape areas connecting designated on-site pedestrian circulation.
  4. Light-colored, high-albedo materials or vegetation shall be installed for at least 50 percent of all sidewalks, patios, and driveways. Acceptable strategies include white or grey concrete, open pavers, or any material with a solar reflectance index of at least 29.
  5. Amenities such as seating areas shall be incorporated. Entry plazas, bicycle parking, and transit shelters are allowed within landscape areas.
- C. **Plant Type.** Landscape planting shall emphasize drought-tolerant and native species (especially along natural, open space areas), shall complement the architectural design of structures on the site, and shall be suitable for the soil and climatic conditions specific to the site.
1. **Planting layout and plant diversity.** Plant selection shall vary in type and planting pattern. Informal planting patterns are preferred over uniform and entirely symmetrical planting patterns. Use of deciduous flowering trees and shrubs and colorful plantings is encouraged in conjunction with evergreen species. Groupings of shrubs shall contain multiple plant types, interspersed with varying heights and blooming seasons for year-round interest.

2. Street and parking lot trees. Street and parking lot trees shall be selected from the City's adopted master list of street trees and parking lot trees. A minimum of 30 percent of the street trees and parking lot trees, respectively, shall be an evergreen species.
3. Trees planted within ten feet of a street, sidewalk, paved trail, or walkway shall be a deep-rooted species or shall be separated from hardscapes by a root barrier to prevent physical damage to public improvements.
4. Turf limitations for residential uses. High water use turfgrasses and other similar plantings shall only be utilized in high-use areas with high visibility or functional needs. When only drought-tolerant turfgrasses are used, the turf area shall be limited to 25 percent of all irrigated, landscaped areas. The designated Approving Authority may grant an exception to this limitation when only drought-tolerant turfgrasses are used. The use of drought-tolerant turfgrasses is highly encouraged. When non-drought-tolerant turfgrasses or a combination of non-drought-tolerant and drought-tolerant turfgrasses is used, the turf area shall be limited to 15 percent of all irrigated, landscaped areas..
5. Turf limitations for commercial, industrial, and mixed-uses. The use of drought-tolerant turfgrass shall be required for all proposed turf areas and shall be limited to a maximum of 10 percent of all irrigated, landscaped areas.

D. **Planting Size, Spacing, and Planter Widths.** In order to achieve an immediate effect of a landscape installation and to allow sustained growth of planting materials, minimum plant material sizes, plant spacing, and minimum planter widths (inside measurements) are as follows:

1. Trees. The minimum planting size for trees shall be 15 gallon, with 25 percent of all trees on a project site planted at a minimum 24-inch box size. For commercial, office, community/civic, and industrial development, tree spacing within perimeter planters along streets and abutting residential property shall be planted no farther apart on center than the mature diameter of the proposed species. Minimum planter widths for trees shall be between five and ten feet, consistent with the City's adopted master list of street trees and parking lot trees.
2. Shrubs. Shrub planting shall be a minimum five-gallon size, with a 15-gallon minimum size required where an immediate landscape screen is conditioned by the designated Approving Authority (e.g., screening of headlights from drive-through aisles). The minimum planter width for shrubs is four feet.
3. Ground cover. Plants used for mass planting may be grown in flats of up to 64 plants or in individual one-gallon containers. Rooted cuttings from flats shall be planted no farther apart than 12 inches on center, and containerized woody, shrub ground cover plantings shall be planted no farther apart than three feet on center in order to achieve full coverage within one year. Minimum planter width for ground cover is two feet, with the exception of sod, which requires a minimum planter width of six feet.

**17.44.060 Special Landscape Requirements**

In addition to the general requirements of Section 17.44.050 (General Landscape Development Requirements), the following requirements apply to the special types of landscaping as established below.

- A. **Residential Landscape.** For single-family and two-family residential Zoning Districts, at least 25 percent of the lot area and no more than 40 percent of the front yard area shall be non-pervious surface. Additionally, at least 90 percent of the plants selected in non-turf areas shall be well suited to the climate of the region and require minimal water once established. Up to ten percent of the plants may be of a non-drought-tolerant variety, provided they are grouped together and can be irrigated separately.
- B. **Project Entry Landscaping.** Entries to multi-tenant projects (both residential and non-residential) shall be designed as a special statement reflective of the character and scale of the project to establish identity for tenants, visitors, and patrons. Flowering access plantings and specimen trees shall be used to reinforce the entry statement.
- C. **Screening of Drive-Through Aisles.** To screen vehicles and associated headlights in a drive-through lane from view of abutting street rights-of-way, a five-foot-wide planter shall include a minimum three-foot-tall (maximum four-foot-tall) landscape barrier planted with trees and other landscaping consistent with those in the parking area. At no time shall this landscape barrier be pruned in a manner that allows the vehicle headlights from the drive-through lane to be visible from abutting street rights-of-way. Plantings shall also be designed to discourage potential safety issues (e.g., persons lying in wait).
- D. **Service Stations.** For service stations, a minimum of 20 percent of the lot area shall be landscaped. A minimum of 70 percent of the landscaped area shall be covered with live landscaping, such as lawn, ground cover, trees, or shrubs, and not more than 30 percent of the landscape area shall be covered with hard surfaces, such as gravel, landscaping rock, concrete, artificial materials, or other impervious materials.
- E. **Wireless Telecommunication Facilities.** Where feasible, facilities shall be installed so as to maintain and enhance existing landscaping on the site, including trees, foliage, and shrubs, whether or not utilized for screening. Additional landscaping shall be planted around the tower and related equipment to buffer abutting residential zoning districts or uses, and to buffer public trails. Specifically, landscaping around the perimeter of the facility (leased area) shall include dense tree and shrub plantings with the necessary irrigation. Trees shall be fast-growing evergreen species, a minimum of 24-inch box in size. Shrubs shall be a minimum 15-gallon size covering a minimum planter area depth of five feet around the facility. Trees and shrubs shall be planted no farther apart on center than the mature diameter of the proposed species.
- F. **On-Site Pedestrian Pathways.** Pedestrian pathway landscaping shall include shade trees placed so as to cover 60 percent of the total pathway area with tree canopies within 15 years of securing building permit.
- G. **Creeks.** To the extent that landscaping or planting is required or provided along creeks, such landscaping shall be native plants.

- H. **Public Spaces.** Pedestrian space landscaping shall include a combination of shade trees and pedestrian shading devices (e.g., canopies, awnings, and umbrellas) placed so as to cover 60 percent of the total space with a shade canopy within 15 years of securing building permit.
- I. **Signs.** Landscaping shall be provided at the base of the supporting structure of freestanding signs equal to twice the area of one face of the sign. For example, 50 square feet of sign area requires 100 square feet of landscaped area. See Chapter 17.52 (Signs).
- J. **Buffering Between Uses.** A landscape buffer shall be provided between residential and non-residential uses and between single-family uses and multi-family uses containing three or more units. Buffer areas shall include a minimum ten-foot-wide planter strip with shrubs and both deciduous and evergreen trees planted a maximum of 30 feet on center.
- K. **Sound Walls/Masonry Walls.** Where setback and open space areas are screened from public view by walls or similar approved structures, landscaping shall be provided such that 50 percent of the wall shall be covered by landscape material within five years.
- L. **Parking Lot Landscape.** Parking lot landscape includes perimeter planters, abutting parking lots and drive aisles, tree planting for parking lot shade, and a combination of continuous planting strips, planting fingers, and parking islands throughout the parking lot. Parking lot landscape requirements applicable to parking lots commercial, industrial, mixed-use, and multi-family parking lots with five or more spaces are listed below:
1. **Parking areas.** All surface parking areas shall be screened from streets and adjoining properties, and the open space areas between the property line and public street right-of-way shall be landscaped with a combination of trees, shrubs, and ground cover. Screening between residential and nonresidential uses shall not be less than five feet in height. Parking lot landscaping shall be located so that pedestrians are not required to cross unpaved areas to reach building entrances from parked cars.
  2. **Parking lot screening.** Landscaping within the perimeter planter abutting any street right-of-way shall be designed and maintained for partial screening of vehicles to a minimum height of 30 inches measured from the finished grade of the parking lot. Screening materials may include a combination of plant materials, earthen berms, solid masonry walls, raised planters, or other screening devices authorized by the designated Approving Authority which meet the intent of this screening requirement. Planting materials shall be designed to ensure that planting within the clear vision triangle at driveway and street intersections will not exceed 30 inches in height at full maturity.
  3. **Parking Lot Shade.** Parking lot landscaping shall include shade trees placed so as to cover at least 50 percent of the total parking area with tree canopies within 15 years of securing building permit and 85 percent coverage at full maturity. Shade tree selection shall be approved by the Community Development Director to ensure that shade canopy will be achieved. The percentage of the area required to be shaded shall be based on the number of above-ground and uncovered parking spaces provided. Tree coverage shall be determined by the approximate crown diameter of each tree at 15 years, as estimated on the approved tree list. Trees shall be a minimum 15-gallon size at planting.

- 4. Existing Trees. Existing mature trees on the site in good health shall be preserved whenever possible.

**17.44.070 Removal and Replacement of Landscaping and Trees from Approved Plans**

- A. **Replacement Sizes.** All plant material removed from a project in which the Community Development Department has approved the landscape plan shall be replaced with the following replacement sizes: shrubs – five-gallon size, ground cover – flats. Replacement of trees shall be as specified below in Table 17.44.070-1 (Tree Replacement Schedule). Trees removed or severely and improperly trimmed shall be replaced according to Table 17.44.070-1.

**TABLE 17.44.070-1  
TREE REPLACEMENT SCHEDULE**

Size of Damaged/Removed Tree	Replacement Tree Required
2 inches	15-inch box
4 inches	24-inch box
6 inches or greater	36-inch box

- B. **Tree Removal Requirements.** Requirements for tree removal shall be pursuant to Chapter 17.96 (Tree Removal).

**17.44.080 Landscape Care and Maintenance**

- A. **Irrigation.**
  - 1. All new single-family and multi-family development, excluding additions and infill development, shall comply with the following requirements.
    - a. Sprinklers and sprays shall not be used in areas less than eight feet wide.
    - b. Sprinkler heads with a precipitation rate of .85 inches per hour or less shall be used on slopes exceeding 15 percent or on slopes exceeding ten percent within ten feet of hardscapes to minimize runoff.
    - c. Valves and circuits shall be separated based on water use.
    - d. Drip or bubbler irrigation systems are required for trees. Bubblers shall be used that do not exceed one and one-half gallons per minute per device.
    - e. Sprinkler heads must have matched precipitation rates within each control valve circuit.
    - f. Check valves are required where elevation differences may cause low head drainage.
    - g. Sprinkler head spacing shall be designed for head-to-head coverage. The system should be designed for minimum runoff and overspray onto nonirrigated areas.



**Chapter 17.46 Lighting**

**Sections:**

17.46.010	Purpose.....	17.46-1
17.46.020	Applicability.....	17.46-1
17.46.030	Exempt Lighting.....	17.46-1
17.46.040	Prohibited Lighting.....	17.46-2
17.46.050	General Lighting Requirements.....	17.46-2

***Draft Zoning Code Changes:***

*This new chapter consolidates and expands existing lighting requirements that apply to all new development. No additional plans or materials are required to assess project lighting unless requested by the Community Development Director.*

**17.46.010 Purpose**

The purpose of this chapter is to regulate lighting to balance the safety and security needs for lighting with the City’s desire to preserve dark skies and to ensure that light trespass and glare have negligible impact on surrounding property (especially residential) and roadways.

**17.46.020 Applicability**

The requirements of this chapter apply to all new multi-family, residential, and non-residential development. Whenever a person is required to obtain a building permit, electrical permit and/or approval of a planning entitlement, the applicant shall submit sufficient information for the Approving Authority to determine whether the proposed lighting will comply with the requirements of this chapter. No additional applications or plans are required unless the Community Development Director requires specified additional information.

**17.46.030 Exempt Lighting**

The following items shall be exempt from the requirements of this chapter:

- A. All outdoor light fixtures producing light directly by the combustion of fossil fuels, such as kerosene lanterns or gas fixtures.
- B. Temporary lights used for holiday decorations.
- C. Emergency lighting erected for official purposes by local, state, or federal agencies.
- D. Lighting for temporary uses and special events permitted consistent with this Code.

**17.46.040 Prohibited Lighting**

The following types of lighting are prohibited

- A. Neon tubing or band lighting along buildings and/or structures as articulation, except as approved through Administrative Design Review (Section 17.12.080) or Comprehensive Design Review (Section 17.12.140).
- B. Search lights, laser source lights, or any similar high-intensity light, except for emergency use by police or fire personnel or at their discretion, or for approved temporary lighting for a special event approved by the City.
- C. Lighting fixtures operated in such a manner as to constitute a hazard or danger to persons or to safe vehicular travel.
- D. Illumination of entire buildings.
- E. Roof-mounted lighting except for security purposes.
- F. Moving, flashing, or animated lighting.

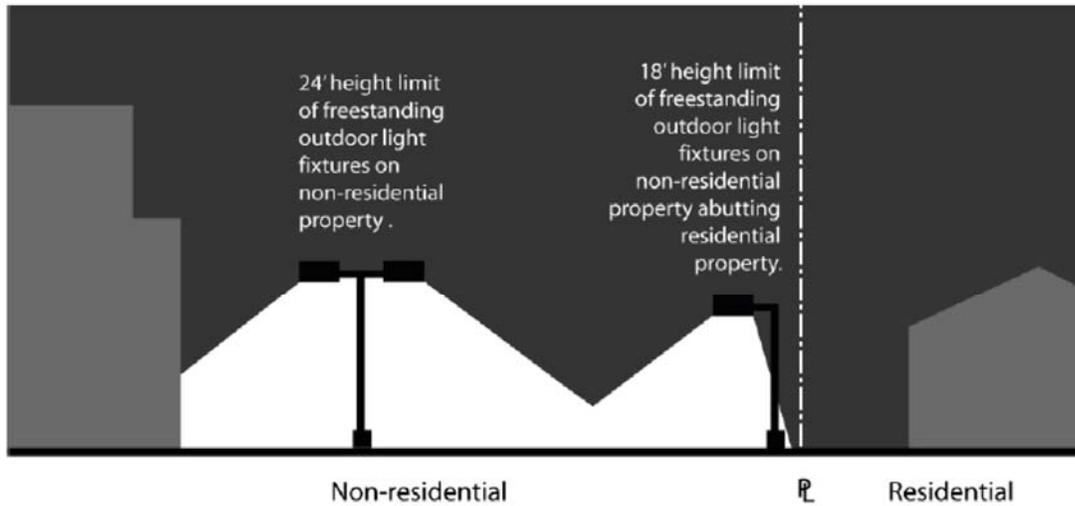
**17.46.050 General Lighting Requirements**

The requirements listed below shall apply to all outdoor lighting.

- A. **Nuisance Prevention.** All outdoor lighting shall be designed, located, installed, directed downward or toward structures, fully shielded, and maintained in order to prevent glare, light trespass, and light pollution.
- B. **Maintenance.** Fixtures and lighting shall be maintained in good working order and in a manner that serves the original design intent.
  - 1. Burnt out and broken light bulbs shall be replaced.
  - 2. Lighting fixtures shall remain free of graffiti and rust.
  - 3. Painted light fixtures shall be maintained to minimize chipping or peeling.
- C. **Shielding.** Except as otherwise exempt, all outdoor lighting shall be recessed and/or constructed with full downward shielding in order to reduce light and glare impacts on trespass to adjoining properties and public rights-of-way. Each fixture shall be directed downward and away from adjoining properties and public rights-of-way, so that no light fixture directly illuminates an area outside of the project site intended to be illuminated. See Figure 17.46.050-1 (Shielding and Maximum Height of Freestanding Outdoor Light Fixtures).
- D. **Level of Illumination.** Outdoor lighting shall be designed to illuminate at the minimum level necessary for safety and security and to avoid the harsh contrasts in lighting levels between the project site and adjacent properties. Illumination requirements are as follows:

1. Public, civic, and religious buildings are permitted to be fully illuminated during hours of operation. After hours of operation, lighting may be dimmed or turned off such that only lighting essential of security or safety shall be maintained.
  2. In general, parking lots, driveways, trash enclosures/areas, public phones, and group mailboxes shall be illuminated with a minimum maintained one foot-candle of light and an average not to exceed four foot-candles of light. Parking lots for banks, convenience stores, card rooms, check cashing businesses, and emergency shelters shall provide a minimum level of illumination of 1.5 foot-candles across the parking lot during operating hours.
  3. Pedestrian walkways intended for use after dark shall be illuminated with a minimum maintained one-half foot-candle of light and an average not to exceed two foot-candles of light.
  4. Entryways and exterior doors of non-residential structures shall be illuminated during the hours of darkness, with a minimum maintained one foot-candle of light, measured within a five-foot radius on each side of the door at ground level.
  5. To minimize light trespass on abutting residential property, illumination measured at the nearest residential structure or rear yard setback line shall not exceed the moon's potential ambient illumination of one-tenth foot-candle.
  6. **Signs.** Lighting of signs shall be in compliance with Chapter 17.52 (Signs) of this Code.
  7. **Sports Fields/Outdoor Activity Areas.** Where playing fields or other specialty activity areas are to be illuminated, lighting fixtures shall be mounted, aimed, and shielded so that the light falls within the primary playing area and no significant off-site light trespass is produced. Additionally, the lights shall be turned off within one hour after the end of the event.
  8. **Wireless Telecommunication Facilities.** Wireless telecommunication facilities and related equipment shall be unlit except as provided in Chapter 17.76 (Wireless Communication Facilities).
- E. **Maximum Height of Freestanding Outdoor Light Fixtures.** The maximum height of freestanding outdoor light fixtures abutting residential development shall be 18 feet. Otherwise, the maximum height for freestanding outdoor light structures shall be 24 feet. Height shall be measured from the finish grade, inclusive of the pedestal, to the top of the fixture. See Figure 17.46.050-1 (Shielding and Maximum Height of Freestanding Outdoor Light Fixtures).

FIGURE 17.46.050-1  
SHIELDING AND MAXIMUM HEIGHT OF FREESTANDING OUTDOOR LIGHT FIXTURES



\*Outdoor lighting shall be constructed with full shielding and/or recessed to reduce light trespass to adjoining properties.

- F. **Energy-Efficient Fixtures Required.** Outdoor lighting shall utilize energy-efficient fixtures and lamps, such as high pressure sodium, metal halide, low pressure sodium, hard-wired compact fluorescent, or other lighting technology that is of equal or greater efficiency. All new outdoor lighting fixtures shall be energy efficient with a rated average bulb life of not less than 10,000 hours.
- G. **Accent Lighting.** Architectural features may be illuminated by uplighting provided that the lamps are low intensity to produce a subtle lighting effect and no glare or light trespass is produced. Wherever feasible, solar-powered fixtures shall be used.
- H. **Alternative Designs, Materials, and Installations.** The designated Approving Authority may grant approval of alternatives to this section as part of Comprehensive Design Review (Section 17.12.140).

**Chapter 17.48 Parking and Loading Requirements**

**Sections:**

17.48.010	Purpose.....	17.48-1
17.48.020	Applicability.....	17.48-1
17.48.030	Permit and Plan Check Requirements and Exemptions.....	17.48-2
17.48.040	General Parking and Loading Berth Requirements .....	17.48-3
17.48.050	Number of Parking Spaces Required .....	17.48-5
17.48.060	Reductions in Parking Requirements .....	17.48-7
17.48.070	Parking Requirements for the Disabled .....	17.48-8
17.48.080	Compact Car Requirements .....	17.48-8
17.48.090	Parking and Driveway Design and Development Requirements .....	17.48-8
17.48.100	Loading Area Requirements.....	17.48-10
17.48.110	Bicycle Parking Requirements.....	17.48-11
17.48.120	Maintenance.....	17.48-13

***Draft Zoning Code Changes:***

- The parking standards listed herein reflect the general requirements found in the current Zoning Code with appropriate residential updates as approved by the City Council last March.*
- Several other parking ratios were slightly decreased in keeping with required parking ratios in the east bay.*
- A special condition has been added to allow the Planning Commission the ability to consider parking studies for special parking situations that may not be best served by established standards.*
- A maintenance section was added to regulate that a minimum number of parking spaces, parking loading and bicycle parking areas are maintained.*

**17.48.010 Purpose**

This chapter establishes parking, loading and bicycle parking regulations in order to provide for safe, attractive, and convenient parking and ensure that parking areas are compatible with surrounding land uses.

**17.48.020 Applicability**

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

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

- A. **New Uses and Structures.** For all buildings or structures erected and all uses of land established after the effective date of this Title, parking for vehicles and bicycles, and loading facilities shall be provided as required by this chapter.
- B. **Change in Use.** When the use of any building, structure, or premises is changed, resulting in the required number of parking spaces to increase more than ten percent, additional parking shall be provided consistent with Section 17.48.050 (Number of Parking Spaces Required). Previous parking modifications granted by the Approving Authority shall be null and void.
- C. **Change of Occupancy.** Where a new business license is required, additional parking spaces shall be provided if the new occupancy would result in an increase of more than ten percent in the required number of parking spaces.
- D. **Modification to Existing Structures.** Whenever an existing building or structure is modified such that it creates an increase of more than ten percent in the number of parking spaces required, additional parking spaces shall be provided in accordance with the requirements of this chapter.

#### 17.48.030 Permit and Plan Check Requirements and Exemptions

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

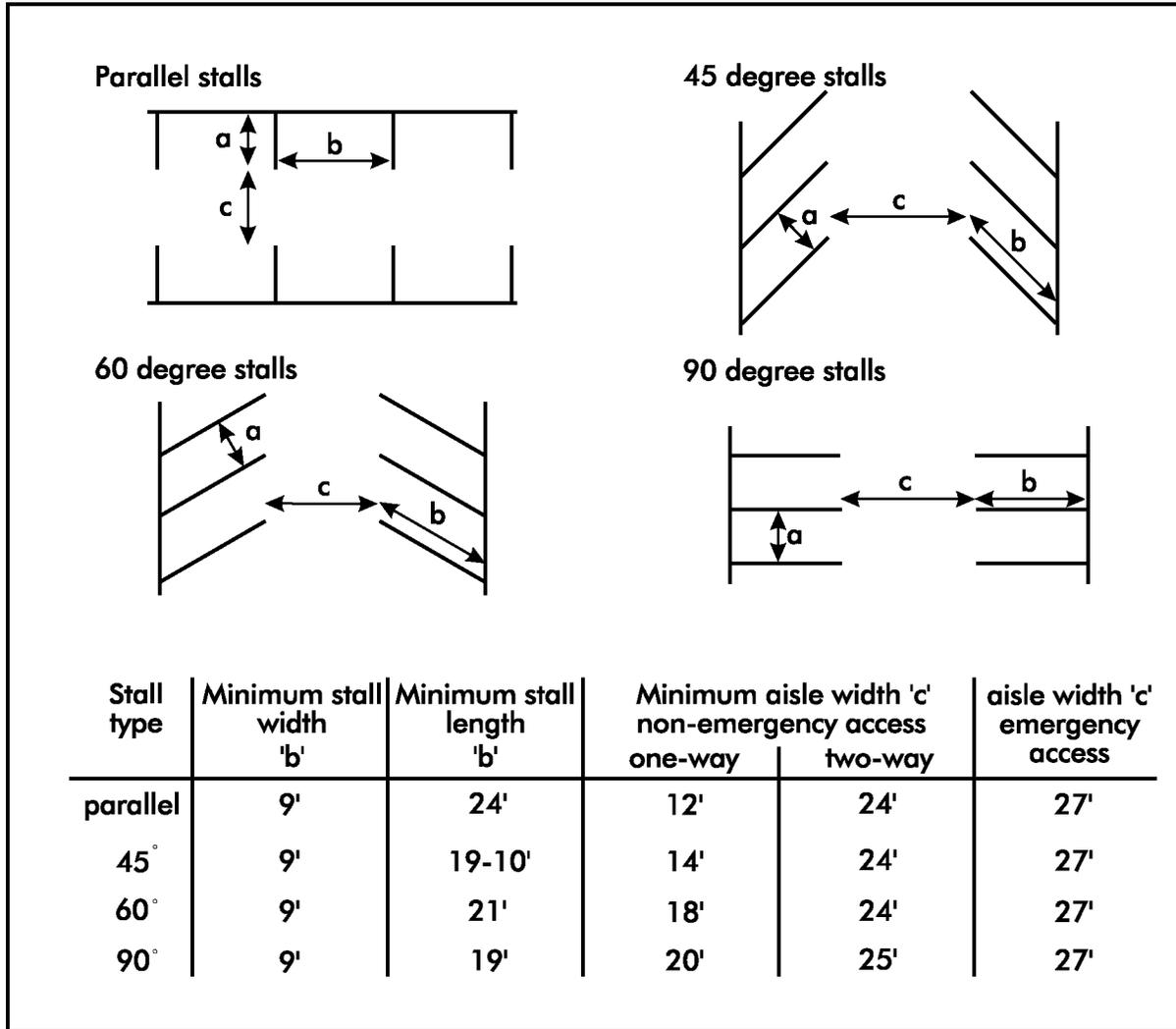
- A. **Building Permit.** New parking lot design and modifications to existing parking lots in conjunction with a substantial change in use to an existing structure shall be reviewed in conjunction with the building permit and any other land use or development permit.
- B. **Plan Check.** Modification or improvements to an existing parking lot that impact the parking space layout, configuration, vehicular or pedestrian circulation, number of stalls or landscape planters shall require a site plan, drawn to scale, to authorize the change as consistent with the Zoning Code.
- C. **Exempt Activities.** Parking lot improvements listed below shall be considered minor in nature if they do not alter the number or configuration of parking stalls and therefore exempt from Plan Check requirements located in Section 17.12.030 (Plan Check). However, exempt activities listed herein may require other ministerial permits (e.g., building permit, grading permit).
  - 1. Repair of any defects in the surface of the parking area, including repairs of holes and cracks;
  - 2. Resurfacing, slurry coating, and restriping of a parking area with identical delineation of parking spaces;
  - 3. Repair or replacement in the same location of damaged planters and curbs; and
  - 4. Work in landscape areas, including sprinkler line repair, or replacement of landscape materials.

**17.48.040 General Parking and Loading Berth Requirements**

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

- A. The required parking spaces, loading berths, and parking aisles may not be located on any street right-of-way.
- B. **Parking Space and Drive Aisle Dimensions.** Each parking space shall have a minimum size of nine feet by 18 feet when outdoors and shall be free of obstructions such as columns or walls. Each parking space shall be ten feet by 20 feet when indoors or where columns or walls are located within the parking area. Each loading berth shall be a minimum size of 12 feet by 30 feet whether indoors or outdoors. Parking aisles shall have a minimum width of 12 feet when spaces are parallel to the aisle or up to an angle of 40 degrees, 17 feet when spaces are at an angle of between 40 degrees and 70 degrees, and 23 feet when spaces are at an angle between 70 degrees and 90 degrees. See Figure 17.48.040-1 (Parking Space and Drive Aisle Dimensions) below for additional requirements.

FIGURE 17.48.040-1  
PARKING SPACE AND DRIVE AISLE DIMENSIONS



- C. Parking spaces and aisles shall have a maximum grade of seven percent.
- D. Each parking space and aisle shall have a minimum eight-foot vertical clearance.
- E. Each loading berth and access thereto shall have a minimum 15-foot vertical clearance.
- F. Each parking space and loading berth shall have vehicular access to the street, without passing over other parking spaces, unless as specifically allowed as tandem parking spaces.
- G. Neither a required side yard abutting a street nor a front yard shall be used for off-street parking.

**17.48.050 Number of Parking Spaces Required**

- A. The following number of parking spaces shall be required to serve the uses or buildings listed, as established in Table 17.48.050-1 (Parking Requirements by Land Use). Multiple property owners may apply for a use permit for shared parking pursuant to Section 17.48.060 (Reductions in Parking Requirements), otherwise all uses must provide the sum of the requirements for each individual use. Where the requirements result in a fractional space, the next larger whole number shall be the number of spaces required. In addition, the requirements listed below shall apply.
1. "Square feet" means "gross square feet" and refers to the sum gross square feet of the floor area of a building and its accessory buildings unless otherwise specified.
  2. For the purpose of calculating residential parking requirements, dens, studies, or other similar rooms that may be used as bedrooms shall be considered bedrooms.
  3. Where the number of seats is listed to determine required parking, seats shall be construed to be fixed seats. Where fixed seats provided are either benches or bleachers, such seats shall be construed to be not more than 18 linear inches for pews and 24 inches for dining, but in no case shall seating be less than determined as required by the Building Code.
  4. When the calculation of the required number of off-street parking spaces results in a fraction of a space, the total number of spaces shall be rounded up to the nearest whole number.
  5. Where private streets are proposed for residential development, resident and guest parking shall be provided as determined by the Approving Authority in conjunction with the required planning entitlement(s).

**TABLE 17.48.050-1  
PARKING REQUIREMENTS BY LAND USE**

Land Use Type	Required Parking Spaces
<b>Residential Uses</b>	
Boarding and Rooming Houses	1 space per family (based on designed capacity) plus 0.8 spaces/employee during the peak employment shift and 0.8 spaces per full-time resident staff
Dwelling, Single-Family – studio	1 space per dwelling unit (garage enclosed or covered)
Dwelling, Single-Family – one bedroom	2 spaces per dwelling unit (garage enclosed or covered), tandem parking spaces permitted
Dwelling, Single-Family – two to four bedrooms	2 spaces per dwelling unit (1 space must be garage enclosed or covered), tandem parking spaces permitted in Old Town
Dwelling, Single-Family – five or more bedrooms	3 spaces per dwelling unit (2 spaces must be garage enclosed or covered and accessed independently; the third space may be tandem)

Land Use Type	Required Parking Spaces
Dwelling, Multiple-Family Studio units	1 space per dwelling unit (garage enclosed or covered) plus 0.3 spaces per dwelling unit for visitor parking
Dwelling, Multiple-Family One-bedroom units	1.5 spaces per dwelling unit (1 space must be garage enclosed or covered) plus 0.3 spaces per dwelling unit for visitor parking
Dwelling, Multiple-Family Three+ bedroom units	2 assigned spaces per dwelling unit (1 space must be garage enclosed or covered) plus 0.3 spaces per dwelling unit for visitor parking
Second Dwelling Unit	1 space per bedroom, with a maximum of 2 bedrooms and 2 parking spaces; tandem parking is permitted
Senior units, studio, one- and two-bedroom units	1 space per dwelling unit
Senior units, three+ bedroom units	1 space per dwelling unit plus 1 additional off-street space
Mobile Home Park	2 parking spaces per home site
<b>Recreation, Education, and Public Assembly Uses</b>	
Arena, Auditorium, Theater, Assembly Hall, and Religious Institutions with Fixed Seats	Lesser of the following calculations: 1 space per 4 seats of maximum seating capacity; or 1 space per 300 sq. ft. of gross floor area
Dancehall, Assembly Halls without Fixed Seats, Exhibition Halls	1 space per 50 sq. ft. of gross floor area used for dancing or assembly
<b>Retail, Service, Medical and Office Uses</b>	
Grocery Store, Food Market	1 space per 250 sq. ft. of gross floor area
Retail Sales, Banks	1 space per 300 sq. ft. of gross floor area
Retail (furniture, appliances)	1 space per 500 sq. ft. of gross floor area
Retail (building materials, autos, boats, RVs)	1 space per 200 sq. ft. of gross floor area used for offices and 1 space per 300 sq. ft. of gross floor area for sales and sales display; plus 1 space per 600 sq. ft. of gross floor area used for repair or service; plus 1 space per 2,000 sq. ft. of outdoor sales, sales displays and storage areas
Restaurants, Bars, and Night Clubs	1 space per 100 sq. ft. of gross floor area designated for dining
Veterinary Hospitals	1 space per 250 sq. ft. of gross floor area
Animal Boarding and Grooming	1 space per 500 sq. ft. of gross floor area
Offices, Business and Professional, including medical	1 space per 250 sq. ft. of gross floor area
Hotels and Lodging Places	1 space per unit plus 1 space/full-time resident staff and 1 space/employee during the peak employment shift
Nursing Homes	1 space per 3.5 beds

Land Use Type	Required Parking Spaces
Hospitals and Sanitariums	Parking study required to determine parking needs
<b>Auto-Related Services</b>	
Automobile/Vehicle Service and Repair, Minor	1 space per 300 sq. ft. of any convenience store and/or office space plus 1 space per service bay if repair occurs on-site (in addition to spaces at pumps, queuing areas for pumps, and self-service water and air areas)
Automobile/Vehicle Service and Repair, Major	1 space per service bay (not including areas for auto service or auto storage), plus parking for any towing vehicles used in the operation, and 1 space per 300 sq. ft. of office area
Auto Washing	1 space per 300 sq. ft. of any indoor sales, office, or lounge areas
<b>Schools, Private</b>	
Business, trade and other schools or colleges	1 space per 2 full-time equivalent students enrolled plus 1 space per employee during the peak employment shift
Elementary Schools	1.2 spaces per employee during the peak employment shift
Small Family Daycare	No additional spaces required (besides the required spaces for the residential dwelling)
Large Family Daycare	1 space per employee, with a minimum of 3 spaces provided
High Schools	1 space per 4 daytime students plus 1 space for each employee during the peak employment shift
<b>Industrial, Manufacturing, and Processing Uses</b>	
Warehousing, Wholesaling, Research, and Other Industrial	1 space per 1000 sq. ft. of gross floor area plus 1 space per four employees

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

**17.48.060 Reductions in Parking Requirements**

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

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

1. Use permit for shared parking. A use permit may be approved for shared parking facilities serving more than one use on a site or serving more than one property. The use permit may allow for a reduction of the total number of spaces required by this chapter if the following findings are made:
    - a. The peak hours of parking demand from all uses do not coincide so that peak demand will not be greater than the parking provided;
    - b. The efficiency of parking provided will equal or exceed the level that can be expected if parking for each use were provided separately.
  2. Shared parking agreement. A written agreement between the landowners and in some cases the City that runs with the land shall be filed, in a form satisfactory to the City Attorney, and include:
    - a. A guarantee that there will be no substantial alteration in the uses that will create a greater demand for parking without application for approval of an amended use permit;
    - b. A reciprocal grant of nonexclusive license among the business operator(s) and the landowner(s) for access to and use of the shared parking facilities; and
    - c. Evidence that the agreement has been recorded in the County Recorder's office.
- B. **Other Parking Reductions.** Required parking for any use except a single-family dwelling, second dwelling unit, or two-family dwelling may be reduced through approval of a use permit by the Planning Commission.
1. Criteria for approval. The Planning Commission will only grant a Conditional Use Permit for reduced parking if it finds that the project meets all of the Conditional Use Permit criteria in Section 17.12.130 (Conditional Use Permits) and that three or more of the circumstances listed below are true.
    - a. The use will be adequately served by the proposed parking due to the nature of the proposed operation; proximity to frequent transit service; transportation characteristics of persons residing, working, or visiting the site; or because the applicant has undertaken a travel demand management program that will reduce parking demand at the site.
    - b. Parking demand generated by the project will not exceed the capacity of or have a detrimental impact on the supply of on-street parking in the surrounding area.
    - c. The site plan is consistent with the objectives of the Zoning District and incorporates features such as unobtrusive off-street parking placed below the ground level of the project with commercial uses above or enclosed parking on the ground floor.
    - d. The applicant has provided on-site parking for car share vehicles via a recorded written agreement between the landowner and the City that runs with the land. Agreement shall provide for proof of a perpetual

agreement with a car share agency to provide at least one car share vehicle on-site.

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

#### **17.48.070 Parking Requirements for the Disabled**

- A. **Number of Spaces, Design Standards.** Parking spaces for the disabled shall be provided in compliance with the Building Code and state and federal law.
- B. **Reservation of Spaces Required.** The number of disabled accessible parking spaces required by this chapter shall be reserved by the property owner/tenant for use by the disabled throughout the life of the approved land use.
- C. **Upgrading of Markings Required.** If amendments to state or federal law change standards for the marking, striping, and signing of disabled access parking spaces, disabled accessible spaces shall be upgraded in the time and manner required by law.

#### **17.48.080 Compact Car Requirements**

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

- A. Up to 25 percent of the required number of parking spaces may be sized for compact cars.
- B. Compact car parking spaces shall be at least eight feet in width and 16 feet in length, and shall be clearly marked, "COMPACT CARS ONLY," "COMPACT," or "C."
- C. Compact car spaces shall be distributed throughout the parking lot.
- D. Where a section of the parking lot is restricted to compact parking with an angle of 90 degrees, the aisle width may be reduced from the standard 23 feet to 21 feet. Such compact sections should be located so as to minimize the distance from the section to the appropriate building or activity.

#### **17.48.090 Parking and Driveway Design and Development Requirements**

- A. **Surface Parking Area.** All surface parking areas shall have the following improvements:
  1. Each parking space and aisle, except those accessory to one-family and two-family dwellings, shall be graded, drained, and surfaced so as to prevent dust, mud, or standing water, and shall be identified by pavement markings, wheel stops, entrance and exit signing, and directional signs, to the satisfaction of the City Engineer.
  2. Lighting, giving a ground-level illumination of one to five foot-candles, shall be provided in the parking area during the time it is accessible to the public after daylight. Lighting shall be shielded to prevent glare on contiguous residential properties.

3. Where such parking area abuts a street, it shall be separated by an ornamental fence, wall, or compact evergreen hedge having a height of not less than two feet and maintained at a height of not more than four feet. Such fence, wall, or hedge shall be maintained in good condition.
  4. Parking spaces shall be marked and access lanes clearly defined. Bumpers and wheel stops shall be installed as necessary.
  5. Landscape materials are permitted to overhang the curb/wheel stop creating a reduction in impervious surface material.
- B. **Driveway Location Standards.** Development projects located at intersections shall be accessed as follows:
1. Driveways to access parcels located at the intersection of two streets shall be gained through driveways from the lesser street. Determination of which street is lesser shall be made based on total paving width, amount of traffic, adjacent traffic controls, and likely destinations along each street in question.
  2. Driveways serving parcels located at the intersection of two streets shall be situated at the maximum practical distance from the intersection.
  3. Where a proposed driveway is located at least 75 feet from the nearest cross street, the requirements of subsection 17.48.90.B.1 and 17.48.90.B.2 may be waived.
- C. **Driveway Size and Composition.** All residential driveways shall be a minimum of 20 feet in length and shall be constructed with a lasting, durable surface (i.e., concrete, asphalt, grasscrete, or similar material) and shall be constructed to appropriate requirements as determined by the City.

#### 17.48.100 Loading Area Requirements

- A. **Required Loading Spaces for Delivery and Distribution.** A building, or part thereof, having a floor area of 10,000 square feet or more that is to be occupied by any use requiring the receipt or distribution by vehicles or trucks of material or merchandise must provide at least one off-street loading space, plus one additional such loading space for each additional 40,000 square feet of floor area. The off-street loading space(s) must be maintained during the existence of the building or use it is required to serve. Truck-maneuvering areas must not encroach into required parking areas, travelways, or street rights-of-way.
- B. **Required Loading Spaces for Customers.** Customer loading spaces allow bulky merchandise to be loaded into customers' vehicles. Each home improvement sales and service use shall provide at least two customer loading spaces per business establishment or one customer loading space per 40,000 square feet of floor area, whichever is greater. Customer loading spaces shall be located adjacent to the building or to an outdoor sales area where bulky merchandise is stored and shall be clearly visible from the main building entry or through directional signage visible from the main entry. Customer loading spaces shall not be located in such a way that they impede on-site traffic circulation, as determined by the Director of Public Works.

C. **Requirements for Off-street Loading Spaces.**

1. Minimum size. Each off-street loading space required by this section must be not less than 12 feet wide, 30 feet long, and 15 feet high, exclusive of driveways for ingress and egress and maneuvering areas. Loading spaces for customers may be 12 feet wide, 26 feet long, and 12 feet high.
2. Driveways for ingress and egress and maneuvering areas. Each off-street loading space required by this section must be provided with driveways for ingress and egress and maneuvering space adequate for trucks, per City standards.
3. Location of loading areas. An off-street loading space (excluding loading spaces for customers) required by this section must not be located closer than 30 feet to any lot or parcel of land in a residential district, unless such off-street loading space is wholly enclosed within a building or on all sides by a wall not less than eight feet in height. Except in industrial zoning districts, a loading door or loading dock that is visible from a public street must be screened with an eight-foot-high, solid masonry or other sound-absorbing wall, with landscaping planted between the wall and the right-of-way.

**17.48.110 Bicycle Parking Requirements**

- A. **Applicability.** Bicycle parking shall be provided for all new construction, additions of 10 percent or more floor area to existing buildings, and changes in land use classification. Single-family homes, duplexes, and multi-family dwellings of less than four units are exempt.
- B. **Number of Required Bicycle Parking Spaces.** The required minimum number of bicycle parking spaces for each use category is shown on Table 17.48.110-1. Uses that are not listed in the table are not required to provide bicycle parking. Required bicycle parking may be provided in floor, wall, or ceiling racks.

**TABLE 17.48.110-1  
REQUIRED BICYCLE PARKING**

Use Classification	Bicycle Parking Spaces
<b>Residential</b>	
Multiple-Family Residential, Group Housing, or Transitional Housing	1 space per 4 units
<b>Public, Semipublic, and Service</b>	
Community Center, Religious Facility, or Cultural Institution	1 space per 40 seats or 1 space per 500 sq. ft. of assembly area, whichever is greater
Government Offices	1 space per 10,000 sq. ft.
<b>Hospitals and Clinics</b>	
Hospitals	1 space per 50 beds
Clinics	1 space per 3,000 sq. ft.
Park and Recreation Facilities	To be determined by the Zoning Administrator
Parking Facilities, Public	1 space per 20 auto spaces

Use Classification	Bicycle Parking Spaces
<b>Schools, Public or Private</b>	
Elementary	2 spaces per classroom
Junior High, High School	4 spaces per classroom
<b>Commercial and Entertainment</b>	
Animal Sales and Services (except Kennels)	1 space per 10,000 sq. ft., minimum of 2 spaces per establishment
Banks and Other Financial Institutions	1 space per 10,000 sq. ft., minimum of 2 spaces per establishment
Business Services	1 space per 10,000 sq. ft., minimum of 2 spaces per establishment
Commercial Recreation	To be determined by the Zoning Administrator
Eating and Drinking Establishments	1 space per 10,000 sq. ft., minimum of 2 spaces per establishment
Food and Beverage Sales Offices	1 space per 10,000 sq. ft., minimum of 2 spaces per establishment
Live/Work Unit	1 space per 4 units
Retail Sales	1 space per 10,000 sq. ft., minimum of 2 spaces per establishment
Theaters	1 space per 40 seats
<b>Business and Professional Offices</b>	
Medical and Dental	1 space per 10,000 sq. ft., minimum of 2 spaces per establishment
Personal Service	1 space per 10,000 sq. ft., minimum of 2 spaces per establishment

- C. **Location.** Bicycle parking must be located on the site of the use it serves, generally within 50 feet of an entrance to the building it serves unless otherwise approved. In the case of a multi-tenant shopping center, bike parking must be located within 50 feet of an entrance to each use it serves.
- D. **Bicycle Lockers.** Where required bicycle parking is provided in lockers, the lockers must be securely anchored.
- E. **Bicycle Racks.** Required bicycle parking may be provided in floor, wall, or ceiling racks. Where required bicycle parking is provided in racks, the racks must meet the following requirements:
  - 1. The bicycle frame and one wheel can be locked to the rack with a high-security U-shaped shackle lock if both wheels are left on the bicycle;

2. A bicycle six feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheels or components; and
  3. The rack must be securely anchored.
- F. **Special Requirements for Long Term Bicycle Parking.** Mixed-use and high-density residential development have special long-term bicycle parking needs. As such, required spaces for such uses shall be designed and located to maximize security in one or more of the following locations/ways:
1. In a locked room.
  2. In an area that is enclosed by a fence with a locked gate. The fence must be either eight feet high or be floor to ceiling.
  3. Within view of an attendant, security guard or employee work area.
  4. In an area that is monitored by a security camera.
  5. Within a dwelling unit, dormitory, or other group housing unit, live/work unit, or artists studio. If provided within a unit, racks or lockers are not required.
- G. **Parking and Maneuvering Areas.** Each required bicycle parking space must be accessible without moving another bicycle. There must be an aisle at least five feet wide adjacent to all required bicycle parking to allow room for bicycle maneuvering. Where the bicycle parking is adjacent to a sidewalk, the maneuvering area may extend into the right-of-way. The area devoted to bicycle parking must be hard surfaced.
- H. **Visibility.** If required bicycle parking is not visible from the street or main building entrance, a sign must be posted at the main building entrance indicating the location of the bicycle parking.

#### 17.48.120 Maintenance

The minimum number of parking spaces required in this chapter shall be provided and continuously maintained. A parking, loading or bicycle parking area provided for the purpose of complying with the requirements of this chapter shall not be eliminated, reduced or converted unless equivalent facilities approved by the Approving Authority are provided elsewhere in compliance with this chapter.



**Chapter 17.50 Property and Utility Improvement**

*Sections:*

17.50.010	Purpose.....	17.50-1
17.50.020	Curbs, Gutters, and Sidewalks .....	17.50-1
17.50.030	Underground Utilities.....	17.50-2

***Draft Zoning Code Changes:***

*This new chapter provides the legal path for Pinole to facilitate as well as regulate the creation of city improvements like curbs as well as undergrounding essential utilities.*

**17.50.010 Purpose**

The purpose of this chapter is to establish rules and regulations that govern the installation of curbs, gutters, and sidewalks and the undergrounding of all utilities in the city. These requirements, in conjunction with other applicable requirements of this Title, are intended to establish the applicability of said requirements of development in all new industrial, commercial, residential subdivisions, and infill projects. This section addresses the applicability of public utility improvements and is not intended to supersede the City’s construction improvement standards.

**17.50.020 Curbs, Gutters, and Sidewalks**

Installation of curbs, gutters, and sidewalks shall be required for all new development projects, including new industrial, commercial, residential subdivisions, and residential or mixed-use infill projects, subject to the requirements listed below.

- A. The requirement for sidewalks for an infill project may be waived by the Planning Commission during the project review process if the Planning Commission determines, based on discussions with the Public Works Director and the Zoning Administrator, that continuous sidewalks within the area in which the infill project is located are not feasible and/or necessary. Where no other Planning Commission review of the project is required, sidewalk installation requirements may be waived through a variance procedure as described under Section 17.12.120 (Variance).
- B. The requirement for curb and gutter improvements for an infill project may be waived by the Planning Commission during the project review process if the Planning Commission determines, based on discussion with the Public Works Director, that such improvements are not and will not be necessary within the project vicinity. Where no other Planning Commission review of the project is required, curb and gutter installation requirements may be waived through a variance procedure as described under Section 17.12.120 (Variance).
- C. Some City streets will not require curbs, gutters, and/or sidewalks. Specific streets where the City will not require such improvements may be designated through action of the City Council, based on discussion with the Public Works Director and Zoning Administrator and recommendation of the Planning Commission.

**17.50.030 Underground Utilities**

The requirements listed below govern the undergrounding of utilities, including telephone facilities, electrical (69kV or less), fire alarm conduits, street lighting wiring, cable television and other wiring conduits, and similar facilities.

- A. **New Developments.** In new development areas of the city, all on-site utilities shall be installed underground, if feasible.
- B. **Existing Developments.** In existing areas of the city where utilities have not been undergrounded, the requirements listed below shall apply.
  - 1. For an existing development that is either being comprehensively redeveloped or undergoing an addition of building square footage totaling 25 percent or more of the existing gross floor area within any five-year period, all utility on the project site having the capacity to serve the project shall be undergrounded. All existing overhead utilities that cross or abut the subject property are also required to be undergrounded. “Comprehensively redeveloped” shall mean any instance where a demolition permit has or would be issued for a minimum of 50 percent of the existing building area.
  - 2. For development with less than 500 feet of public frontage or where utilities are located within a dedicated public utility easement, the applicant may elect to pay an in-lieu fee as established by City Council resolution, provided the project has been designed to the satisfaction of the Public Works Director and the project is accessible and can be easily improved at such time as the utilities are undergrounded.
- C. **Waiver of Undergrounding Requirement.** Above-ground meters, transformers, condensers, switches and other related equipment may be allowed if approved as part of the site development review process. If the applicant demonstrates that the City’s undergrounding requirement has the effect of prohibiting the requirement of telecommunications facilities, the Approving Authority shall waive the undergrounding requirement. Conditions for approval of above-ground equipment include, but are not limited to, enclosure in a building other than the principal building of the development, screening with the use of walls, partial subsurface locations and other architectural treatment consistent with the design of the development.

Chapter 17.52 Signs

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**Draft Zoning Code Changes:**

- This revised chapter is a significant reorganization of and expansion of existing sign requirements.*
- All existing exemptions and prohibitions have been incorporated and/or updated for continuity and legal adequacy.*
- Expanded and clarified definitions for sign types in the glossary (Chapter 17.98), with new graphics to illustrate definitions. Definition of a "sign" is modified to more clearly articulate and consolidate the existing Code's intent and scope. Other new definitions and graphics include blade sign, bracket sign, a-frame sign, and pylon sign.*
- New purpose and policies establish the City's legal intent, authority, scope, and commitment to satisfy and uphold all legal and constitutional requirements.*
- New requirements are more easily accessible, allow for a broader array of signs, and facilitate consistent application of laws.*
- A-frames are allowed as a type of temporary promotional sign, subject to placement, height, area, and duration requirements.*
- A maximum allowable sign area schedule based on square footage of an establishment, using the existing requirements from Section 17.28.030.A.3.*
- New regulations and graphics are provided to assist code users in understanding and applying the code, including clarified requirements and figures for the measurement of sign area, graphics depicting design standards for specific sign types, and a grouping of similar regulations into sections or tables.*
- A new section provides requirements for non-conforming signs, allowing for continued maintenance and repair, but ensuring their eventual removal.*
- Whereas the existing Code provides additional design standards for Commercial and Industrial Zoning Districts, a new organization and new requirements apply enhanced design standards to all signs and Zoning Districts. General design standards are provided that apply to all sign types, and additional design standards are provided that apply to special sign*

*types.*

*New requirements are provided for unique sign types, including maximum height, individual sign area, illumination, and location requirements. These are incorporated with existing requirements for freestanding signs and projecting signs. New graphics are used to illustrate requirements.*

#### **17.52.010 Purpose**

This chapter establishes regulations for signs on private property within the City for the purposes of safeguarding and protecting public health, welfare, and safety through appropriate prohibitions and requirements. The City recognizes that signs and other graphics are an essential element of a community's visual appearance and provide a means to identify and promote businesses, provide useful information to the public, and should not become visual distractions along public roadways. Consequently, the purpose of this chapter is to provide sign regulations for signs on private property that are consistent with the goals and objectives of the City's General Plan and the community's visual and aesthetic goals. In addition, these regulations are intended to:

- A. Promote an economically stable and visually attractive community;
- B. Promote signs and graphics that are attractive, pleasing, and harmonized with the physical character of the environment and surrounding properties, while serving the identifying needs of the business community;
- C. Prevent an inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message.
- D. Promote traffic safety and the smooth and efficient flow of pedestrians and vehicles to their destinations; and
- E. Direct persons to various activities and enterprises, in order to provide for maximum public convenience.

#### **17.52.020 General Sign Policies**

- A. **Permits Required.** Permits required, application procedures, and related information is outlined in Sections 17.12.090 (Sign Permit), 17.12.100 (Creative Sign Program), and 17.12.110 (Sign Program).
- B. **Regulatory Interpretations.** The requirements of this chapter shall not be interpreted to nullify any easements, covenants, or other private agreements that provide for more restrictive sign regulations than are required by this chapter.
- C. **Enforcement.** The Community Development Director is authorized and directed to enforce the requirements of this chapter. Whenever the application of this chapter is uncertain due to ambiguity of its requirements, the issue shall be referred to the Community Development Director for an interpretation and such interpretation shall be made by the Community Development Director within ten business days according to

the requirements of Chapter 17.06 (Interpretation). Any decision made by the Community Development Director may be appealed to the Planning Commission in accordance with Section 17.10.070 (Appeals).

- D. **Message Neutrality.** It is the City's policy and intent to regulate both commercial and noncommercial signs in a viewpoint-neutral and/or content-neutral manner. The message of the sign shall not be reviewed except to the minimum extent necessary to identify the type of sign.
- E. **Message Substitution.** Subject to the property owner's consent, a noncommercial message of any type may be substituted in whole or in part for the message displayed on any sign for which the sign structure or mounting device is authorized pursuant to this Code, without consideration of message content. Such substitution of message may be made without any additional approval or permitting. The purpose of this requirement is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. In addition, any on-site commercial message may be substituted, in whole or in part, for any other on-site commercial message, provided that the sign structure or mounting device is authorized pursuant to this Code, without consideration of message content. This requirement does not create a right to increase the total amount of signage on a parcel, lot, or land; does not affect the requirement that a sign structure or mounting device be properly permitted; does not allow a change in the physical structure of a sign or its mounting device; and does not allow for the substitution of an off-site commercial message in the place of an on-site commercial or noncommercial message.
- F. **On-Site/Off-Site Distinction.** Within this chapter, the distinction between on-site and off-site signs applies only to commercial messages.
- G. **General Prohibition.** Permanent signs not expressly permitted by this chapter are prohibited.

### 17.52.030 Permit Requirements and Review Procedures

- A. **Permit Required.** There are three types of sign permits in the City of Pinole as listed below:
  - 1. **Sign Permit.** A Sign Permit is required for all permanent signs (building attached or freestanding) prior to erection, relocation, alteration, or replacement of a sign, unless otherwise exempted by this chapter. The process for application, review, and decision regarding a Sign Permit is established in Section 17.12.090 (Sign Permit). A Sign Permit is not required for general maintenance of existing signs or the replacement of the sign face (including message) when the area of the sign is not being changed and a building permit is not required (e.g., the replacement of a sign face on a wall sign). A Sign Permit is also not required for the establishment of temporary signs; however, such signs shall be consistent with the development standards and time duration limits established in this chapter.
  - 2. **Creative Sign Program.** A Creative Sign Program provides a mechanism that is available for the benefit of property owners and businesses, yet is not a required permit type. It provides a way for property owners and business to propose and the City to consider special deviations from the regulations for on-site permanent signs provided in this chapter under certain circumstances. The intent of this process 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. The process for application, review, and decision of the Creative Sign Program shall be as established in Section 17.12.100 (Creative Sign Program). Upon approval of a Creative Sign Program, a Sign Permit is required to erect said signs.

3. Sign Program. To ensure compliance with the regulations of this chapter and except as otherwise exempted, a Sign Program shall be required for all new sites that (1) will have permanent signing requirements which exceed either five signs or 200 square feet total aggregate sign area or (2) the site 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. The process for application, review, and decision of the Sign Program shall be as established in Section 17.12.110 (Sign Program). In addition, a Sign Program is optional for all new sites that (1) consist of a lot or parcel, or a series of lots or parcels combined, which front on two or more publicly dedicated street rights-of-way; (2) consist of five or more separate business activities; or (3) consist of a lot or parcel, or a series of lots or parcels combined, to total a minimum of two acres.
- B. **Application Procedures.** An application for a Sign Permit, Creative Sign Program, or Sign Program shall be made on the application materials as provided by the Community Development Director. The application shall be accompanied by any fees as specified by City Council resolution. Further, the application contents, processing, and review procedures for each type of application shall be as specified in Section 17.12.090 (Sign Permit), Section 17.12.100 (Creative Sign Program), or Section 17.12.110 (Sign Program).
  - C. **Variances.** Applications for a variance from the terms of this Title shall be reviewed by the Planning Commission according to the variance procedures set forth in Section 17.12.120 (Variance).
  - D. **Appeals.** Decisions of the Community Development Director or Planning Commission may be appealed as specified in Section 17.10.070 (Appeals).

#### requirement 17.52.040 Exempt Signs

The City has a compelling interest in allowing signs in order to comply with State and local laws, promote public safety, protect life and private property, promote the identification of property, guide emergency response personnel, and permit minor changes to make sign maintenance a less onerous burden on property owners; therefore, the following sign types are expressly exempted from the entitlement requirements of this chapter and Zoning Code but still must satisfy any and all other applicable City of Pinole permit requirements when necessary (e.g., building, electrical, plumbing, grading, encroachment).

To qualify for any of the exemptions listed below, strict compliance with the exemption as established in this section is required.

- A. **Exempt Signs without Limitations.** The following signs are exempt from Sign Permit and City review requirements but must comply with all other requirements of this chapter unless specifically noted otherwise:

1. All devices which are excluded from the City’s definition of a “sign.”
2. Signs required by law.
3. Noncommercial utility company signs identifying underground facilities, cables, conduits, and dangerous situations.
4. Street address number signs on buildings and building identification signs consistent with the City-adopted Building Code/Fire Code or other relevant requirements of the City Municipal Code. Notwithstanding anything in this section, street address signs may be illuminated and may contain reflective paint or materials.
5. Barber pole, attached or freestanding, when previously approved by the City as to size, location, and design.
6. Change of copy that does not alter the size, location, or illumination of a sign.

- B. **Exempt Signs with Limitations.** The following signs are exempt from Sign Permits and City review requirements but must comply with all other requirements of this chapter (unless specifically noted otherwise) and the requirements as listed below:
1. Flags provided they meet the following requirements:
    - a. No flag may be placed within the clear vision triangle;
    - b. The pole may be a maximum of 25 feet tall when all on-site buildings are less than 25 feet tall; and
    - c. Standards listed in Table 17.52.040-1 (Standards for Flags).

TABLE 17.52.040-1  
STANDARDS FOR FLAGS

Site	Maximum Number of Poles	Maximum Height	Maximum Number of Flags	Maximum Area of All Flags	Image Types	Illumination	Minimum Setback from ROW (1)
Commercial, Office, and Industrial Zoning Districts	2	Tallest building (2)	Not limited	24 sq. ft.	Commercial and non-commercial	(1), (2)	(3)
Residential	1	20 ft.	Not limited	15 sq. ft.	Non-commercial	(2)	10 ft.
All other properties	2	20 ft.	Not limited	15 sq. ft.	Non-commercial	(2)	10 ft.

Notes:

(1) *Illumination of commercial flags not allowed*

(2) *Non-commercial flags may be illuminated only in times of officially declared or commemorated emergency, mourning, or memorial, or as otherwise required by state or federal law.*

(3) *Pole must be setback from right-of-way a distance equal to that of the pole height. Minimum setback is 10 feet.*

2. Signs on property undergoing construction or remodeling not exceeding 24 square feet each in area and limited to one sign for each street frontage. Such signs may not be illuminated. Such signs shall be removed at the earliest of the following events: final building inspection approval, issuance of a valid certificate of occupancy, or opening for business to the public.
3. Signs on property for sale, lease or rental not exceeding 12 square feet or 12 square feet per acre of land, whichever is greater, not to exceed 40 square feet for all signs. Additionally, a maximum of three attached rider signs are permitted. All such signs shall be removed within fifteen days from the sale, lease or rental of the property. Such signs may not be illuminated. Additionally, windows on property for sale, lease, or rental may be papered over to screen construction; this screening shall not count toward the sign area limitation.
4. Signs on property where there is a one-day garage, yard, estate, or other one-day home-based sale taking place. Such signs may be posted for no more than 24 hours and must be removed at the end of the one-day sale. A maximum of four signs, each a maximum of six square feet, are allowed.
5. Exterior identification signs erected on or immediately adjacent to an entrance, exit, restroom, office door, telephone or similar property feature provided that the sign does not exceed 30 inches in height and four square feet in size for each sign (which typically contains information such as "no parking," "entrance," "service entrance," "restrooms," "manager," and "exit") so long as the number of exempt exterior signs does not exceed two per parcel for each street frontage.
6. Noncommercial signs consistent with the following requirements:
  - a. Noncommercial signs on all private property except residential property, not exceeding 16 square feet in area and not exceeding ten feet in height from finish grade.
  - b. Noncommercial signs on residential property, not exceeding 32 square feet in area, provided that they are set back at least five feet from the public right-of-way and do not project over the roofline of any structure.
  - c. Noncommercial signs on residential property, limited to one for each dwelling unit or rentable room on the property, that are no more than one-half square foot in area and which are attached to and parallel with the building. The maximum sign area for such signage shall be 12 square feet.
7. Signs on commercial property where there is a promotion or a discount in price for merchandise. Such signs only may be displayed for the duration of the specific sale or promotion, or thirty days, whichever is shorter, provided such signs are located on or immediately next to the merchandise on sale. The aggregate area of such signs visible from a public right-of-way or other premises shall not exceed 32 square feet in area.
8. Murals are allowed on facades of buildings other than the side with the main entrance. The mural may encompass the entire surface area of the wall but shall not project onto the roof.

9. Tablets and plaques, installed by the City or a historical organization, including names of buildings and date of erection, and not exceeding four square feet.
10. One board sign for each drive-in or drive-through aisle, provided that the sign does not exceed a maximum of 40 square feet in sign area and that the sign be limited in height to eight feet. The board sign does not count toward the total allowed signage for the establishment as described in Table 17.52.060-1 (Allowed Permanent On-Site Sign Standards).

### **17.52.050 Prohibited Signs**

The signs listed in this section are inconsistent with the purposes and requirements of this chapter as described below and as such are prohibited in all Zoning Districts, unless specifically authorized by another requirement of this chapter.

- A. Any sign not specifically in accordance with the requirements of this chapter.
- B. Roof signs or signs placed above the roof line (except for mansard roofs).
- C. Animated signs or flashing signs.
- D. Pennants, banners; balloons; pinwheels; signs that utilize two or more light bulbs in a wire string; paraphernalia composed of paper unless displayed inside a window; or signs displayed outdoors that are composed of paper or other lightweight material that could not be securely anchored, would easily degrade, or could not withstand limited exposure to the elements (e.g., a paper sign whose writing would become illegible if exposed to water, or a cardboard sign taped to a building exterior that could easily blow away).
- E. Signs which are mobile, rotate, or move.
- F. Signs placed on the public right-of-way or affixed to an element or structure on the public right-of-way, or located on a publicly owned tree, fence, or utility pole or otherwise posted on public property, except where required by a governmental agency or permitted as part of a Sign Program, or as provided in Chapter 17.54 (Signs on City Property); and signs on private property affixed to a fence (except as provided in Section 17.52.060 (Permanent On-Site Sign Requirements).; or signs affixed to a tree, shrub, rock, or other natural object on private property, except where required by a governmental agency or permitted as part of a Sign Program.
- G. A-frame signs.
- H. Inflatable balloon signs, including, but not limited to, individual balloons, balloon strings, and other inflatable objects made of a flexible material and inflated so as to be lighter than air, except as provided in Section 17.52.070 (Temporary On-Site Sign Requirements).
- I. Painted signs, such as signs painted upon a fence, excluding murals as exempted pursuant to Section 17.52.040 (Exempt Signs).
- K. Signs affixed to vehicles or trailers that advertise or promote a business. This prohibition does not apply to signs permanently affixed to the side of a business or commercial vehicle or to signs required by state or federal law (e.g., contractor's license number) as exempted in the definition of a sign.

- L. Signs attached to light standards unless part of a Sign Program or Street Banner Program.
- M. Signs affixed to a structure or property not owned by the person installing the signs without the written consent of an owner.
- N. Signs that are dilapidated, abandoned, or in disrepair or dangerous condition.

### 17.52.060 Permanent On-Site Sign Requirements

Table 17.52.060-1 (Allowed Permanent On-Site Sign Requirements) lists the development standards for all permanent on-site signs based on use type and Zoning District, as well as allowed sign type. Table 17.52.060-2 (Allowed Permanent On-Site Sign Area) lists the allowed areas for all sign types. As identified in Sections 17.12.090 (Sign Permit), 17.12.100 (Creative Sign Permit), and 17.12.110 (Uniform Sign Permit), a sign permit is required before any of the sign types listed herein are installed, erected, or otherwise established. Only those signs that may be permitted are listed. The following general requirements apply to permanent on-site signs:

- A. **Minimal Illumination.** Where illumination of a sign is allowed under this Title, such illumination may be achieved by any method that minimizes glare onto neighboring or abutting property, such as from behind the sign (e.g., light source behind the face of the sign, such as with the opaque, non-transparent face of channel letters; silhouette halo illumination behind letters) or by a low-level spotlight. In the case of electronic message signs, this standard is not applicable and, in such instances, the illumination level shall be such that the intensity of the illumination is appropriate based upon the level of lighting of the surrounding environment (e.g., illumination by the sun or moon during day, dusk, night time, and dawn) through the use of such means as light meters and programmed illumination regulation or LEDs that are designed to limit the spread of light.
- B. **Sign Area Allowance.** Generally, there is a maximum allowed sign area for each type of sign. In some instances, there is also a maximum combined sign area for all signs in that type of development. Where this is the case, the collective maximum allowed sign area is determined based upon the overall gross square footage of the individual establishment as described in Table 17.52.060-2 (Allowed Permanent On-Site Sign Standards)

**TABLE 17.52.060-1  
ALLOWED PERMANENT ON-SITE SIGN STANDARDS**

Sign Type (1)		Maximum Number Permitted	Maximum Area, Individually	Maximum Area, Total	Maximum Height	Minimum Setback from ROW (2)	Illumination Allowed
<b>Permanent Subdivision Identification Signs</b>							
Freestanding sign, project identification	Monument or on fence/wall not in ROW	2/entrance	24 sq. ft.	n/a	6 sq. ft.	5 ft.	Yes
<b>Multiple-family Residential Signs</b>							
Freestanding sign, project identification		1/entrance	25 sq. ft.	n/a	8 ft.	10 ft.	Yes
<b>Nonresidential Signs</b>							
Freestanding Signs	Monument sign	1/frontage	100 sq. ft.	See Table 17.52.060-2	6 ft.	10 ft.	Yes
	Pylon sign(3)	1/frontage	200 sq. ft.		35 ft. (4)	15 ft.	Yes
	Pole Sign (5)	1/frontage	60 sq. ft.		25 ft.	10 ft.	Yes
Building Attached Signs	Wall sign (6)	No Maximum	None		Roofline(7)	-	Yes
	Window sign (8)		None		-		No

Notes:

- (1) All monuments, mechanical sculptures, sculptures, service club signs, and any other unique sign type not allowed through these requirements shall only be allowed pursuant to approval of a Creative Sign Program.
- (2) Must be located outside the clear vision triangle.
- (3) Freestanding pylon signs shall only be permitted as part of a Sign Program or Creative Sign Program.
- (4) Applications for pylon signs along Highway 80 may be approved up to a maximum height of 75 feet with a maximum sign area of 750 square feet as part of a Creative Sign Program (CSP), Uniform Sign Program (USP), or application.
- (5) A pole sign shall only be permitted when the Community Development Director determines that otherwise permissible freestanding monument or pylon sign would not be sufficiently visible due to obstructions or where there is no space in which to place the sign between the sidewalk and building.
- (6) No individual wall sign shall exceed 25 percent of the building frontage; further, no individual projecting sign shall exceed 30 square feet of area per side.
- (7) In the case of a mansard roof, the sign may be incorporated in the roof if such sign is an integral part of the design of the building.
- (8) Window signs may not occupy more than 20 percent of the individual window area. The void rule shall apply when calculating the area of the window sign when it is stenciled on the window pane, as established in Subsection 17.52.090.E (Determination and Measurement of Sign Area).

**TABLE 17.52.060-2**  
**ALLOWED PERMANENT ON-SITE SIGN AREA**

Total Area of Establishment	Maximum Total Sign Area Permitted (1)
0 – 2,500 sq. ft.	200 sq. ft.
2,501 – 5,000 sq. ft.	250 sq. ft.
5,501 – 7,500 sq. ft.	300 sq. ft.
7,501 – 10,000 sq. ft.	400 sq. ft.
10,001 – 30,000 sq. ft.	450 sq. ft.
30,001 and over	500 sq. ft.

*Notes:*

(1) Establishments with more than one frontage may have an additional 20% of total sign area in addition to the amount provided here.

### 17.52.070 Temporary On-Site Sign Requirements

This section describes requirements for temporary promotional on-site signs. These signs do not require the issuance of a Sign Permit. Temporary signs may include, but are not limited to, commercial signs for grand openings or special product, sale, or event advertising, but exclude any temporary signs pertaining to subdivisions, which are governed through the requirements of Section 17.52.080 (Temporary Subdivision Signs). The development standards for temporary signs are listed in Table 17.52.080-1 (Temporary Sign Requirements). The following general requirements apply to temporary promotional signs:

- A. **Time Duration.** Display periods for temporary promotional signs shall be limited to a maximum of 60 days per calendar year, or as provided below. Longer time periods may be permitted with issuance of a Temporary Use Permit (see Section 17.12.070 (Temporary Use Permit)).
- B. **Illumination.** Temporary signs may not be illuminated.
- C. **Message.** Temporary signs displaying a commercial message shall be limited to on-site signage only. Temporary off-site signage displaying a commercial message is prohibited.
- D. **Encroachment.** Temporary promotional signs shall not encroach on or above the public right-of-way or be attached to utility poles, except as provided below for A-frame signs. See Figure 17.52.070 (Placement of A-Frames in the Right-of-Way).
- E. **Temporary Signs Allowed.** As established in Section 17.52.050 (Prohibited Signs), pennants, balloons, and other temporary signs are prohibited; temporary signs displayed outdoors that are composed of paper or other lightweight material that could not be securely anchored, would easily degrade, or could not withstand limited exposure to the elements (e.g., a paper sign whose writing would become illegible if exposed to water, or a cardboard sign taped to a building exterior that could easily blow away) are also prohibited. Temporary signs may be constructed of non-rigid material, provided it is displayed in a window or adequately anchored and able to withstand exposure to the elements.

TABLE 17.52.070-1  
TEMPORARY ON-SITE SIGN STANDARDS

Use Type	Maximum Temporary Number	Maximum Area	Maximum Height	Minimum Setback from ROW (1)
Multiple-family Residential, Apartment Rental	1 per complex	4 sq. ft.	5 ft. freestanding; Roofline wall	10 ft.
Nonresidential, Building-Attached	1 per establishment	12 sq. ft.; 20% of total window space if located in a window (3)	Roofline	n/a
Nonresidential, A-frames	3 per establishment	8 sq. ft.	4 ft.	(2)

Notes:

1. Must be located outside of the clear vision triangle.
2. See special sign standards in Section 17.52.110 (Special Sign Requirements).
3. Window includes any area of window glazing located within a glass door.

**17.52.080 Temporary Subdivision Signs**

- A. **Applicability.** The requirements of this section shall apply to all temporary subdivision signs. All permanent subdivision identification signs shall be as provided for in Section 17.52.060 (Permanent On-Site Sign Requirements). Temporary Subdivision Signs shall be allowed in addition to the real estate signs allowed pursuant to Section 17.52.040 (Exempt Signs).
- B. **Sign Permit Required.** Prior to the erection of any temporary subdivision signs pursuant to this section, approval of a Sign Permit is required pursuant to Section 17.12.090 (Sign Permit).
- C. **Deposit and Permission Required.** In addition to the conditions that the designated Approving Authority may impose through the Sign Permit, prior to the erection of any temporary subdivision signs, the sign applicant shall provide the following:
  - 1. A deposit as determined by the Community Development Director for each sign guaranteeing the maintenance and removal of all such signage upon expiration of the Sign Permit.
  - 2. Permission to remove and dispose of all signs should the sign not be removed as required by the Creative Sign Program, and a covenant to reimburse the City for any costs of any such removal and disposal.
- D. **Display Period and Sign Removal.** All such signs approved pursuant to this section shall be displayed for no more than six months, or as otherwise required by the Sign Permit. Upon completion of the approved display period, all such signage shall be completely removed and the sites returned to their original, pre-sign conditions.

- E. **Display within Public Right-of-Way.** All such signs are allowed in the public right-of-way provided they do not extend into the clear vision triangle, do not obstruct pedestrian and wheelchair access, and when located on a sidewalk are within six inches of the curb. Further, a-frames must remain portable and shall not be attached or anchored to trees or any public property.

**TABLE 17.52.080-1  
TEMPORARY SUBDIVISION SIGNS**

Use Type	Maximum Number	Maximum Area	Maximum Height	Minimum Setback from ROW (1)
On- and Off-Site, Subdivision Identification Signs (2)	4 per subdivision (3)	32 sq. ft.	10 ft.	10 ft.
On-Site Subdivision, Directional Signs	1 per subdivision entrance, max 6	32 sq. ft.	10 ft.	
On-Site Subdivision, Flags	10 poles per subdivision	15 sq. ft. of flag per pole	20 ft.	

Notes:

- (1) *Must be located outside of the clear vision triangle.*
- (2) *Such signs shall not be located within 50 feet of an occupied residence unless the designated Approving Authority finds pursuant to approval of the Creative Sign Program that such distance is not feasible. Illumination of such signs is prohibited.*
- (3) *No more than 2 of which shall be off-site.*

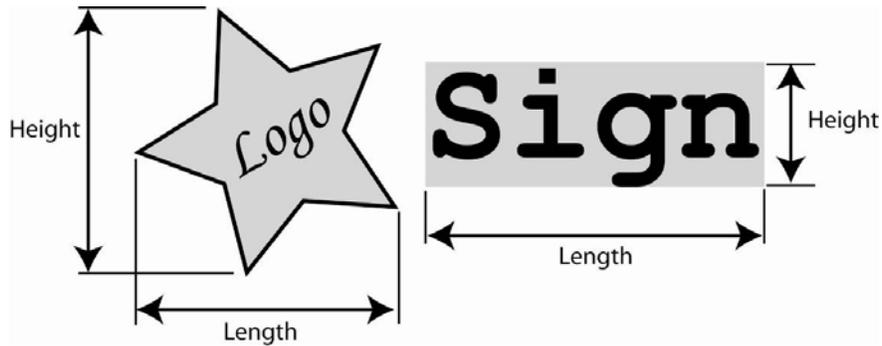
**17.52.090 Sign Construction, Maintenance, and Removal Requirements**

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

- A. **Construction of Signs.** Every sign and all parts, portions, and materials thereof shall be manufactured, assembled, and erected in compliance with all applicable state, federal, and City laws and regulations, including the locally adopted Building Code. All signs shall comply with the following criteria:
  1. All transformers, equipment, programmers, and other related items shall be screened and/or painted to match the building or shall be concealed within the sign.
  2. All permanent signs shall be constructed of quality, low-maintenance materials such as metal, concrete, natural stone, glass, and acrylics. Techniques shall be incorporated during construction to reduce fading and damage caused by exposure to sunlight or degradation due to other elements.
  3. All freestanding signs that incorporate lighting shall have underground utility service.
  4. All temporary signs and banners shall be made of a material designed to maintain an attractive appearance for as long as the sign is displayed.

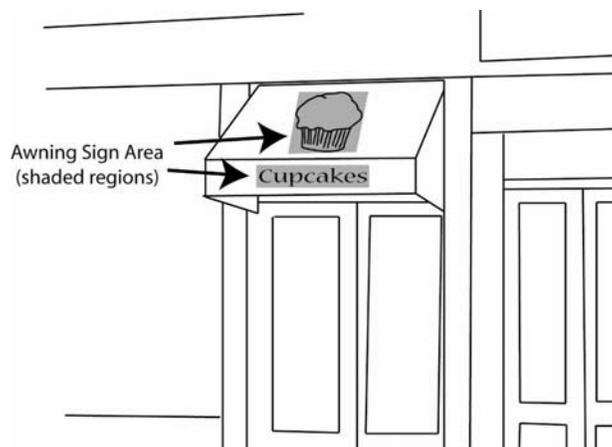
- B. **Maintenance of Signs.** Every sign and all parts, portions, and materials thereof shall be maintained and kept in proper repair. The display surface of all signs shall be kept clean, neatly painted, and free from rust and corrosion. Any cracked, broken surfaces, malfunctioning lights, missing sign copy, or other non-maintained or damaged portions of a sign shall be repaired or replaced within 30 days following notification by the City. Noncompliance with such a request will constitute a nuisance condition and zoning violation and will be enforced as such.
- C. **Interference with Motorist's or Pedestrian's Vision**
1. No sign shall be located in a manner which may obstruct or interfere with the view of a traffic signal or other traffic regulatory signs. No sign shall, as determined by the Public Works Director, be so located as to create a hazard to the life or property of any person using the public right-of-way.
  2. Any required landscaping may be trimmed as needed to provide maximum visibility of the sign or signs.
  3. Signs shall not be located within the clear vision triangle.
- D. **Clearance from Public Utility Facilities.** The person erecting a sign and the owner of the premises shall maintain any legally required clearance from communications and electric facilities. A sign may not be constructed, erected, installed, maintained, or repaired in any manner that conflicts with a rule, regulation, or order of the California Public Utilities Commission pertaining to the construction, operation, and maintenance of public utilities facilities.
- E. **Determination and Measurement of Sign Area**
1. **Area Limitations.** All permanent on-site signs shall be counted towards the maximum sign area requirement as established in Section 17.52.060 (Permanent On-Site Sign Requirements), unless exempt pursuant to Section 17.52.040 (Exempt Signs).
  2. **General area calculation.** Generally, the area of a sign shall be measured as the overall length of the sign multiplied by the overall height of each segment of copy or logo exclusive of background.
  3. **Void Rule.** When the sign is composed of individual letters applied to the building without a distinctive background (e.g., channel letters), the area of the sign shall be measured as 75 percent of the area of the sign copy (height of the letters multiplied by the length of each line of letters, e.g., length x height x 75 percent). This practice of taking 75 percent of the area shall be known as the void rule. See Figure 17.52.090-1 (Sign Area).

FIGURE 17.52.090-1  
SIGN AREA



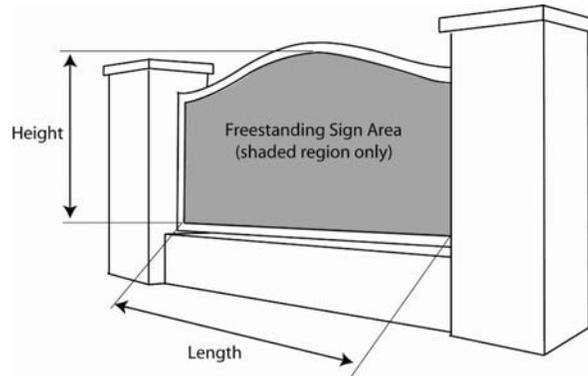
4. Awning or canopy signs. Sign copy which is applied to an awning or canopy shall be computed at 100 percent of the area within a single rectangle enveloping the sign copy. See Figure 17.52.090-2 (Awning or Canopy Sign Area).

FIGURE 17.52.090-2  
AWNING OR CANOPY SIGN AREA



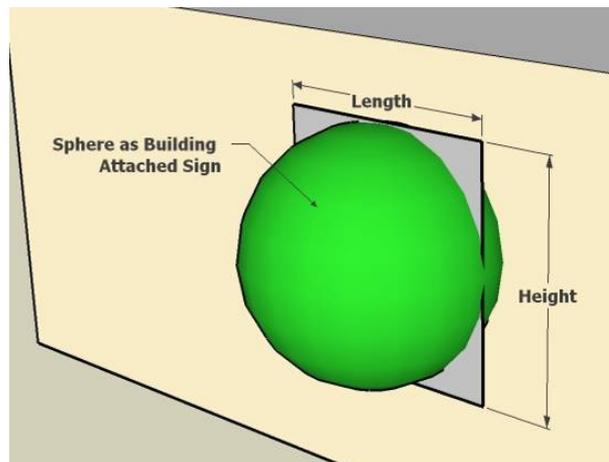
5. Freestanding signs. Freestanding signs are to be computed as total height by the total length of the sign for one side for double-faced signs, excluding framework of separate single wood post or masonry column and single wood or masonry beam. The base of a monument sign is not part of the sign when made of wood, stucco, or masonry. See Figure 17.52.090-3 (Freestanding Sign Area).
- a. Freestanding signs that are spread with two faces (e.g., marquee sign) shall be computed as the greater of the area of one side or the projected area of two sides.
  - b. Freestanding signs that are spread with three faces shall be computed as the greater of the area of one side or the projected area of two sides or three sides.
  - c. Freestanding signs that are four-sided shall be computed as the greater of the area of two sides or the projected area of two sides.

**FIGURE 17.52.090-3  
FREESTANDING SIGN AREA**



6. Three-dimensional objects. Where a sign consists of one or more three-dimensional objects (e.g., balls, cubes, clusters of objects, sculptures, or statue-like trademarks), the sign area shall be measured at its maximum projection upon a vertical plane, as viewed from a position in the public right-of-way which produces the largest visual projection. See Figure 17.52.090-4 (Area of Three-Dimensional Objects).

**FIGURE 17.52.090-4  
AREA OF THREE-DIMENSIONAL OBJECTS**



A.

- F. **Measurement of Sign Height.** Sign height shall be measured from the uppermost part of the sign used in determining the area of the sign to the lowest elevation at the base of the sign.
- G. **Setback and Spacing of Freestanding Signs**
  1. The minimum setback distance for freestanding signs shall be measured from the back of the public right-of-way or side of a driveway, unless an encroachment permit is granted. All freestanding signs shall be located outside of the public right-of-way and any required clear vision triangle.

2. The minimum spacing distance between permanent freestanding signs, excluding on-site directory signs, shall be 50 feet. The designated Approving Authority will review a proposed sign location on a case-by-case basis to ensure the sign is located outside the required clear vision triangle and does not otherwise inhibit motorist safety.
- H. **Sign Removal or Replacement.** When a sign is removed or replaced, all brackets, poles, and other structural elements that support the sign shall also be removed. Affected building surfaces shall be restored to match the adjacent portion of the structure. This requirement does not apply to routine maintenance.

### 17.52.100 General Sign Design Requirements

The following criteria shall be utilized for permanent advertising displays and signs. Signs shall comply with general design standards as provided here in addition to design standards applicable only to unique sign types are provided in Section 17.52.110 (Special Sign Requirements).

- A. **Sign type.** Signs shall be compatible with the architectural style of the main building or building upon the site where such sign is located. The applicant shall consider construction materials, color, letter style, and other design details in designing an architecturally compatible sign. Multiple signs on any building, or on buildings within the same development, shall have the same primary type of building-attached sign. Signs located on commercial sites but in a predominantly residential area shall be unobtrusive and designed to be compatible with such residential area.
- B. requirement this chapter. **Sign illumination.** The artificial illumination of signs, either from an internal or external source, shall be designed so as not to cast stray light on surrounding rights-of-way and properties. The following requirements shall apply to all illuminated signs:
1. External light sources shall be directed and shielded to limit direct illumination of an object other than the sign;
  2. The light from an illuminated sign shall not be of an intensity or brightness that will create glare or other negative impacts on residential properties in direct line of sight to the sign;
  3. Unless otherwise permitted by another requirement of this chapter, signs shall not have blinking, flashing, or fluttering lights, or other illumination devices that have a changing light intensity, brightness, or color;
  4. Colored lights shall not be used at a location or in a manner so as to be confused or constructed as traffic control devices;
  5. Reflective type bulbs and incandescent lamps that exceed 15 watts shall not be used on the exterior surface of signs so that the face of the bulb or lamp is exposed to a public right-of-way or adjacent property; and
  6. Light sources shall utilize energy-efficient fixtures to the greatest extent possible and shall comply with Title 24 of the California Code of Regulations (California Building Standards Code).

- C. **Sign copy.** The maximum coverage of copy allowed on a sign shall be 80 percent of the sign face.
- D. **Sign structure.** The sign’s supporting structure shall be simple, yet adequate for supporting the sign face.

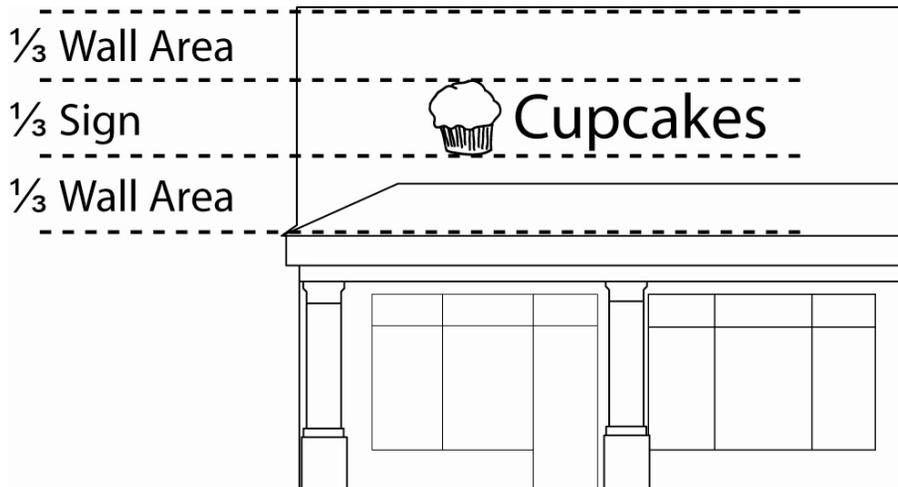
**17.52.110 Special Sign Requirements**

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

**A. Wall Signs.**

- 1. Wall signs shall be compatible with the predominant visual architectural elements of the building façade.
- 2. Wall signs shall not project more than 12 inches from the building façade.
- 3. Wall signs shall utilize a consistent proportion of signage to building scale, such as 1/3 text to 2/3 wall area or 1/4 text to 3/4 wall area. See Figure 17.52.110-1 (Text Scale).

**FIGURE 17.52.110-1  
TEXT SCALE**

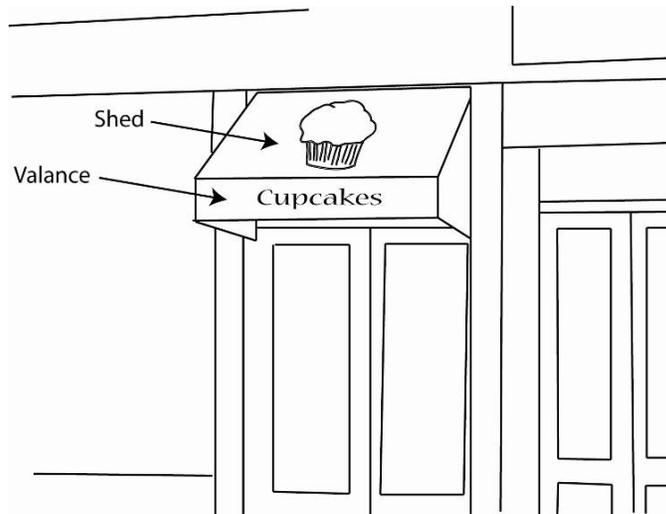


- 4. Wall sign raceways shall be concealed from public view (e.g., within the building wall or otherwise integrated with the design of the sign and building so as to not detract from the architectural character of the building).
- 5. Channel letters, reverse channel letters, and push pin letters are preferred in place of can signs. Letters may not utilize gold-colored (or a shade of gold) trim cap.
- 6. Signage containing multiple elements (e.g., logo and text) on one façade shall be designed so that the multiple elements are located and scaled with relationship to each other.

B. **Awning and Canopy Signs.** Awning and canopy signs may be permitted only as an integral part of the awning or canopy to which they are attached or applied and shall be considered wall signs for signage area calculation purposes. The following requirements shall apply:

1. Lettering shall be allowed on awning valances only and shall not exceed 18 inches in height. Logos, symbols, and graphics that do not include text may be allowed on the shed (slope) portion of an awning and shall not exceed four square feet in area for each awning. All awning signage, text and/or other graphics, whether located on the shed or valance, shall count towards the total sign area, pursuant with the measurement rules provided in Subsection 17.52.090.E (Determination and Measurement of Sign Area). See Figure 17.52.110-2 (Awning and Canopy Sign).

**FIGURE 17.52.110-2  
AWNING AND CANOPY SIGN**



2. Lettering shall be located within the middle 70 percent of the valance area.
3. Only permanent signs that are an integral part of the awning or architectural projection shall be allowed. Temporary signs shall not be placed on awnings.
4. Awning signs shall only be allowed for first and second story occupancies.
5. Awnings shall not be lighted from under the awning (backlit) so that the awning appears internally illuminated. Lighting directed downwards that does not illuminate the awning is allowed.

C. **Projecting Signs.** Projecting signs, including, but not limited to, blade signs, bracket signs, and marquee signs, and shall be considered wall signs for the purposes of sign area calculations. Projecting signs shall only be permitted as follows:

1. Location. Projecting signs shall be placed only on ground-floor facades, except for businesses located above the ground level with direct exterior pedestrian access. In the case of a one-story building, the top of the sign shall, exclusive of the suspension structure, be no higher than the roof eave line.

2. Angle of Projection. Projecting signs shall either be located at right angles to the building front along the building façade, or, when located on the corner of a building, at a 45 degree angle to the corner of the building.
  3. Height. The lowest point of a blade or bracket sign shall be a minimum of seven and a half feet above grade.
  4. Projection. The sign may project a maximum of five and a half feet from the building.
  5. Suspension. The sign shall be suspended with a clear space of at least six inches between the sign and the building.
  6. Sign structure. Sign supports and brackets shall be compatible with the design and scale of the sign.
  7. Encroachment. Blade, bracket, or marquee signs may not encroach into the public right-of-way or be located above it, or into City-owned property except with an encroachment permit.
  8. Spacing. Projecting signs shall be spaced to maximize the visibility of signage.
- D. **Freestanding Signs.** Freestanding signs, including monument signs, pole signs, and pylon signs, shall only be permitted as follows:
1. Pole Signs. The bottom of the pole sign (excluding the sign structure) shall be no lower than 7.5 feet above ground level. The pole sign shall have no exposed connecting, or supporting wires.
  2. In an effort to promote full architectural integration of signs, voids between the sign face and the sign structure are prohibited. Either the sign face shall utilize the full width of the sign structure or coverings that are architecturally consistent with the rest of the sign shall be used to fill any voids.
  3. Materials and design for freestanding signs shall be complementary to the materials and design of the buildings for the related development. For example, if the façade of the building is made of brick or brick veneer, a complementary freestanding sign would also include brick.
  4. Landscaping shall be provided at the base of the sign equal to the area of the sign. Landscaping shall be complementary to and designed in concert with the landscaping for the overall site. The design of the landscaping shall be such that natural growth will not obscure the sign from the public right-of-way.
  5. The minimum letter height on a freestanding sign shall be 12 inches. The intent is to limit the clutter of text on the sign and increase readability for the public, thereby providing for public safety.
  6. The maximum letter height on a freestanding sign shall be 36 inches. The intent is to limit the visual impact of large text size. For applicants requesting signage visible to freeway motorists, the maximum letter height for a freestanding sign shall be 48 inches. For any further deviations from this requirement, the applicant may apply for a Creative Sign Program or Variance.

- E. **Marquee or Changeable Copy Sign.** These types of signs shall be considered to be the same as any other type of sign and shall be regulated based on their location; i.e., if located on a wall, they shall be deemed wall signs.
- F. **Electronic Message Signs.**
1. Off-site electronic message signs. Off-site electronic message signs shall only be allowed in conjunction with pylon signs along Interstate 80 pursuant to the requirements provided in Table 17.52.110-1 (Electronic Message Signs).
  2. Sign area and height. Maximum sign area for all electronic messages shall be 100 square feet and maximum height of sign structure containing electronic message shall be 100 feet.
  3. If an electronic message sign displays more than one type of electronic message as categorized by Table 17.52.110-1 (Electronic Message Signs) (e.g., time and temperature message and electronic display), each type of electronic message shall be subject to the relevant regulations for such message type when that message type is displayed. For instance, when a time and temperature message is displayed, it may only be displayed pursuant to the requirements for time and temperature signs; when an electronic graphic display message is displayed, it may only be displayed pursuant to the requirements for electronic graphic displays; even if multiple message types are displayed on one sign, each message type shall be governed by the relevant regulations for that message type. Electronic displays or electronic graphic displays shall not be allowed to use the text and message limits established for time and temperature messages, even if a time and temperature message is displayed on the sign in addition to other electronic message types. The regulations provided below shall apply to the specified message type whenever such message type is displayed, regardless of alterations between message types.

TABLE 17.52.110-1  
ELECTRONIC MESSAGE SIGNS

Description/ Requirement	Message Type			
	Electronic Display	Electronic Graphic Display	Video Display	Time and Temperature
Description	Text Only – No Picture	Images and Text	Moving Pictures	Informational Only
Allowed	Yes	Yes	No	Yes
Text Limit (1)	10 words	No Limit	n/a	Time and Temperature Only
Minimum Message Duration	1 hour	1 hour	4 ft.	5 seconds
Brightness (NITs) (2) – Day/Night	7,000/2,500	7,000/2,500	n/a	7,000/2,500

Notes:

- (1) Scrolling messages are prohibited.
- (2) NITs is a unit of intensity (candelas/square meter).

**17.52.120 Nonconforming Signs and Abandoned Signs**

- A. **Nonconforming Signs.** Except as otherwise provided by this section, all existing signs which do not meet the requirements of this chapter shall be deemed nonconforming signs and shall either be removed or brought into compliance with the City’s Municipal Code when a substantial alteration to the sign is made. Change of copy shall not be deemed a substantial alteration. For purposes of this section, a “substantial alteration” shall be defined as repair or refurbishing of any sign that alters its physical dimensions or height, or replaces any integral component of the sign including, but not limited to, alterations to exterior cabinets, bases, or poles. In addition, substantial alteration shall also include any repair or refurbishing of a sign that exceeds 50 percent of the depreciated value of the sign and structure, but excepting customary maintenance. “Customary maintenance” shall be defined as any activity or work performed for the purpose of actively maintaining the sign in its existing approved physical configuration and size dimensions at the specific location approved by the City and includes the following:
  - 1. Repainting the sign text, cabinet, or other component of the sign without changing the advertising message; or
  - 2. Routine replacement of border and trim with substantially the same colors and materials.
  
- B. A nonconforming sign may remain in use provided no additions or enlargements are made thereto and no structural alterations are made therein, except as permitted for customary maintenance in subsection 17.52.090.B of this chapter. If said nonconforming sign is destroyed or removed, or ceases to be used for the use in existence as of the effective date of the Ordinance codified in this chapter, every future sign at the same location must be in conformance with the requirements of this chapter.

- B. **Abandoned Signs.** Abandoned signs may be abated by the City. For regulatory purposes, any factors indicating abandonment shall not begin occurring until 120 days after this chapter first goes into effect.



**Chapter 17.54 Signs on City Property**

**Sections:**

17.54.010	Purpose and Proprietary Capacity .....	17.54-1
17.54.020	Intent as to Public Forum .....	17.54-1
17.54.030	General Prohibition.....	17.54-1
17.54.040	Signs Allowed on City Property .....	17.54-1
17.54.050	Temporary Signs Displaying Noncommercial Messages .....	17.54-2
17.54.060	Street Banner Program.....	17.54-2

***Draft Zoning Code Changes:***

*This new chapter focuses on signs located on City property in keeping with relevant laws. New topics include banner and noncommercial temporary signs, while some of the existing sign ordinance language has been clarified.*

**17.54.010 Purpose and Proprietary Capacity**

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

**17.54.020 Intent as to Public Forum**

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

**17.54.030 General Prohibition**

Unless specifically authorized by this chapter, no signs may be affixed to City property by private parties. Any sign posted on City property in violation of this chapter may be summarily removed by the City as a trespass and a public nuisance.

**17.54.040 Signs Allowed on City Property**

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

- A. Traffic control and traffic directional signs erected by the City or another governmental unit;
- B. Signs required by law;
- C. Signs erected and maintained by a public agency on public property;
- D. Safety and emergency signs, including identification and warning signs concerning potential hazards or hazardous conditions, utility installations, flood hazards or flood

- control facilities, emergency conditions or services and crime and accident scene control;
- E. Signs allowable under Section 17.54.050 (Temporary Signs Displaying Noncommercial Message) of this chapter;
  - F. Signs authorized under Section 17.54.060 (Street Banner Program); and
  - G. Signs authorized pursuant to a temporary use permit issued pursuant to Section 17.12.070 of the Pinole Municipal Code.

#### **17.54.050 Temporary Signs Displaying Noncommercial Messages**

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

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

#### **17.54.060 Street Banner Program**

- A. The Street Banner Program is limited to signs, banners, pennants or other displays placed by the City and/or Redevelopment Agency relating to any civic events or activities organized or sponsored by the City or Redevelopment Agency on public property.
- B. For purposes of this Section, "civic event or activity" shall mean the following: any event or activity organized or sponsored by the City or Redevelopment Agency, including but not limited to: (a) any public program or educational activity; and (b) the commemoration or celebration of any historical date, event or person, holiday or persons or events of local, state or national significance.

- C. For purposes of this Section, “sponsored by” shall mean the following: The City and/or Redevelopment Agency is: (a) participating in an official capacity in the planning, preparation or promotion of the event or activity; and (b) contributing 25% of the total estimated costs of the civic event or activity, or at least \$1,000, whichever is less. This contribution may take the form of funds, labor, staff time, materials, fee subsidies, or any combination of the foregoing.
  
- D.



**Chapter 17.56 Yard and Setback Regulations**

*Sections:*

17.56.010	Purpose.....	17.56-1
17.56.020	Applicability.....	17.56-1
17.56.030	General Yard and Setback Regulations.....	17.56-1
17.56.040	Residential Yard and Setback Regulations.....	17.56-4
17.56.050	Allowed Encroachments or Projections into Required Yards.....	17.56-4

***Draft Zoning Code Changes:***

*This new chapter consolidates all regulations pertaining to yards and setbacks. Provides new regulations for calculation of yard area and setback lines.*

*Allowed encroachments are clarified and expanded.*

**17.56.010 Purpose**

The purpose of this chapter is to establish requirements for yard areas, setbacks, and encroachments. These requirements, in conjunction with other applicable requirements of the Zoning Code, are intended to ensure open areas around primary structures; maintain clear visibility for traffic safety and pedestrian access, buffer between property and land uses; establish natural and visual light; establish air space privacy; and provide for landscaping, and recreation areas.

**17.56.020 Applicability**

The rules for measurement of setbacks, yard areas, and encroachments contained in this chapter shall apply to all properties in the city and shall be in addition to any other applicable development standards and measurement rules contained elsewhere within the Zoning Code. This chapter shall be used in the application of required setbacks and yard areas as described in, and shall only be authorized in concert with the requirements of, Article II (Zoning Districts, Allowed Uses, and Development Standards).

**17.56.030 General Yard and Setback Regulations**

- A. **Required Yard Area.** Except as otherwise specified in this Title, required yard areas shall be kept free of buildings and structures.
- B. **Exclusivity of Required Yard Area.** No yard or other open space provided around any building for the purpose of complying with this chapter shall be considered as providing a yard or open space for any other building or structure.
- C. **Vertical Clearance.** Except as otherwise provided in this Title, every part of a required yard shall be open from its lowest point to the sky unobstructed. Building overhangs, bay windows, and other such elements may intrude as permitted, pursuant to Section 17.56.050 (Allowed Encroachments or Projections into Required Yards).

- D. **Lots Abutting Two or More Streets.** In the case of a lot abutting two or more streets, the main buildings and accessory buildings shall be erected so as not to encroach upon the required yards of any of the streets.
- E. **Double-Frontage Lots.** Where a double-frontage lot has a depth of 125 feet or more, such lot may be treated as two lots, with the rear lie of each approximately equidistant from the front lot lines, provided all the yard requirements are met.
- F. **Lot Area, Depth, Width, and Setback Reduction.** Where a lot area or a lot width, depth, or setback has been reduced for an existing legally created lot by not more than 15 percent as a result of acquisition of dedication for a highway, road, drain, or other public purpose, as a result of dedication pursuant to a condition of approval, the lot area or yard so reduced may be included in determining compliance with lot area or yard requirements in the same manner as if the acquisition or dedication has not taken place.
- G. **Setback Measurement.** The setback of all buildings and structures shall be measured at a right angle from the property line and determined by the exterior boundaries of the streets and highways and their proposed widening and extensions as indicated on the Circulation Plan Roadway System and Sizing Map of the City's General Plan, or if it does not appear in the Circulation Plan, in the City's Improvement Standards. Except as permitted in Section 17.56.050 (Allowed Encroachments or Projections into Required Yards), structures shall not extend beyond required setback lines.
- H. **Special Yard Requirements Prevail.** Nothing contained in these general requirements shall be deemed to reduce special yard requirements as set forth in the regulations in Article II (Zoning Districts, Allowed Uses, and Development Standards).

FIGURE 17.56.030-1  
SETBACK DETERMINATION OF IRREGULAR LOTS

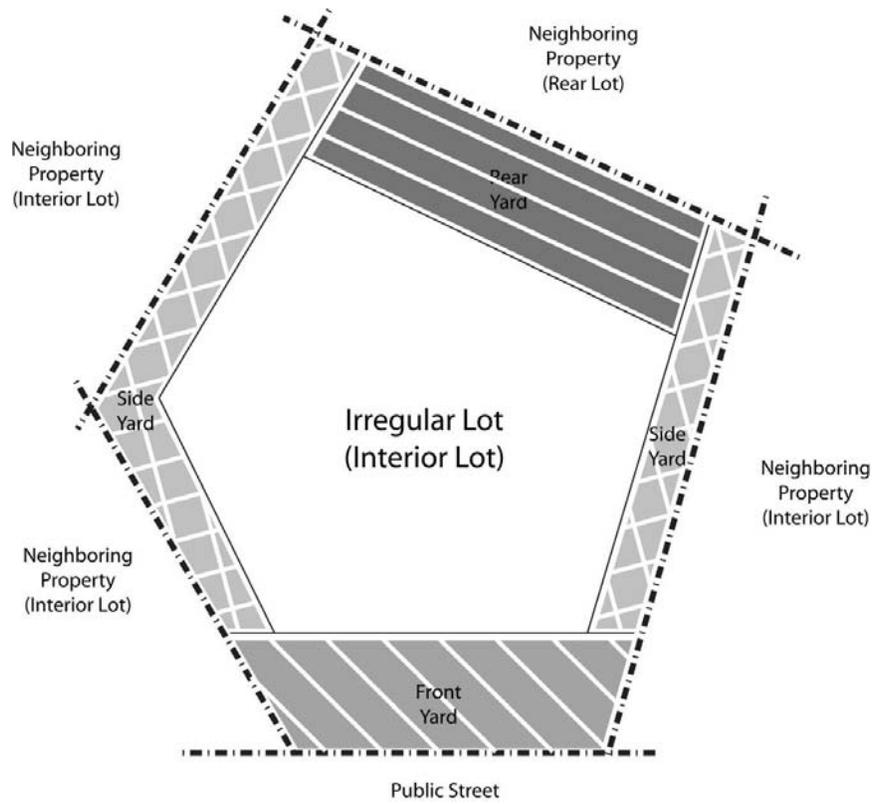
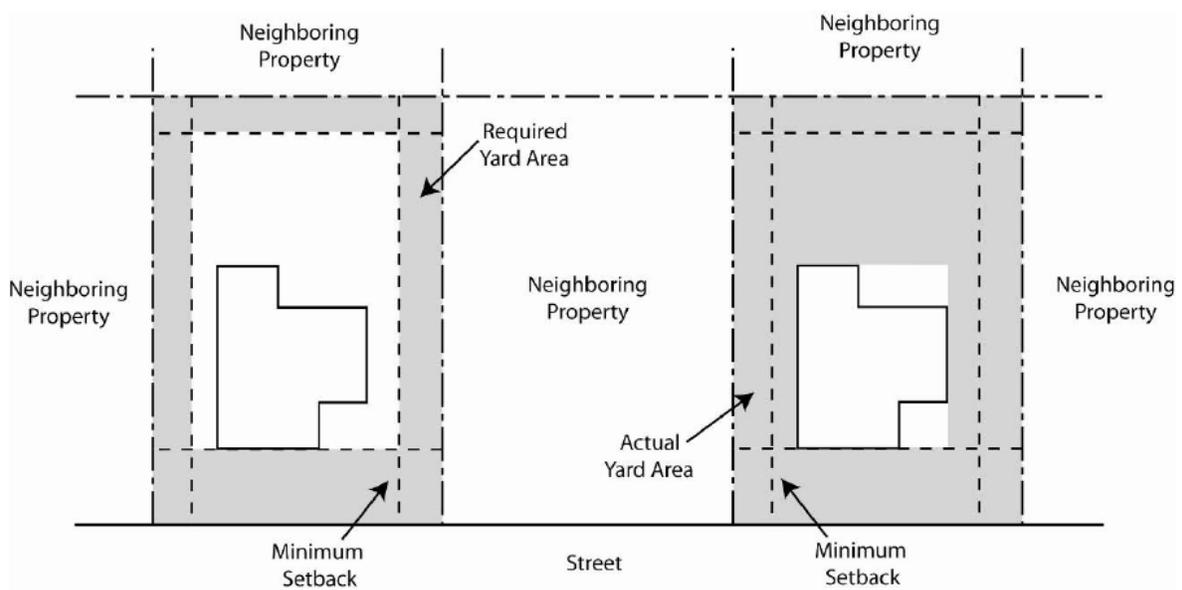


FIGURE 17.56.030-2  
YARD AREA



**17.56.040 Residential Yard and Setback Regulations**

For yard requirements in Residential Districts, refer to Table 17.20.040-2: Residential Zoning Districts Development Standards in Article II (Zoning Districts, Allowed Uses, and Development Standards).

- A. **Front Yard Variation.** In any full block of lots, the front yards may be varied so that the required yard depth is not reduced more than five feet, the average of all lots equals the required yard depth, and the corner lot yards are not reduced.
- B. **Computation of Yards in Residential Zoning Districts**
1. In any residential district where 50 percent or more of the parcels in any one block, or portion thereof in the same district, have been improved with buildings, the required front yard shall be of a depth equal to the average of the front yard of the improved sites, to a maximum requirement of ten feet.
  2. In any residential district where adjoining lots are improved with buildings, the front yard required for a vacant site shall be the average of the yards within 60 feet of the site on each side thereof.
  3. In case a dwelling is to be located so that the front yard or rear yard thereof faces any side lot line, such dwelling shall be located not less than ten feet from such lot line. The shorter of the street frontages of a corner lot shall be considered in the front of the lot.
  4. Corner Lot. A corner lot shall have a front setback along each property line adjacent to a street. Where the rear line of a corner lot lies along the side line of an adjoining interior lot in any residential district, the yard setback on the street side of the corner lot within 20 feet of the side line of the interior lot shall be equal to the front yard required for the interior lot, and a clear five-foot yard shall be maintained adjacent to the rear line of the corner lot.
- C. **Side Yard Computation.** In cases where side yards are to be computed on the basis of 20 percent of the width of the lot under the terms of this chapter, no such side yard shall exceed 16 feet in width unless so required by other requirements.
- D. **Computation of Yards for Residential Buildings Permitted with a Conditional Use Permit.** Yards required for residential buildings that are permitted with a Conditional Use Permit shall be as required for that particular district or as required for the R-4 Very High Density Zoning District, whichever yard requirements are greater.

**17.56.050 Allowed Encroachments or Projections into Required Yards**

- A. In addition to the structures listed in Chapter 17.30 (Accessory Structures) and Chapter 17.42 (Fences, Walls and Screening), the following structures and architectural features attached to the main building may project into the required yards as depicted in Table 17.56.050-1 (Encroachment/Projections of Attached Structures into Required Yard Areas).

**TABLE 17.56.050-1  
ENCROACHMENT/PROJECTIONS OF ATTACHED STRUCTURES INTO REQUIRED YARD AREAS**

Structures	Encroachment Distance into Required Yard
Fireplaces, bay windows, porches, pergolas, awnings, trellis, and decks and patios higher than 30 inches above finish grade	2 feet (1), (2), (3)
Cornices, eaves, canopies, roof overhangs, and similar architectural features	2 feet (1), (2)
Uncovered ground-floor porches, stairs, landings, or open fire escapes higher than 30 inches above finish grade	2 feet (1), (2)
Solar Energy Systems	2 feet (2)

Notes:

- (1) Not including any flat wall or window surface.
- (2) All such encroachments shall maintain a minimum three-foot setback from all property lines and a minimum distance of six feet from any other structure.
- (3) The combined length of all such features shall not account for more than 25 percent of the length of the wall surface on which the features are located.

B. For single-family residential development, a portion of the main building may project into the required rear yard area, provided that an equal area of the buildable portion of the lot (this area can be anywhere on the lot) is provided as a yard or court. See Figure 17.56.050-1 (Single-Family Encroachment).

**FIGURE 17.56.050-1  
SINGLE-FAMILY ENCROACHMENT**

