

ORDINANCE NO. __

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANT HILL AMENDING PLEASANT HILL MUNICIPAL CODE SECTIONS 18.20.040 RELATED TO ADDITIONAL DEVELOPMENT REGULATIONS CORRESPONDING TO SCHEDULE 18.20.030, 18.20.050 & CHAPTER 18.140 RELATED TO ACCESSORY STRUCTURES, 18.20.060 RELATED TO INCLUSIONARY HOUSING, 18.20.090 RELATED TO MANUFACTURED HOMES, 18.20.100 (& 18.20.050 ACCESSORY STRUCTURES) RELATED TO ACCESSORY DWELLING UNITS, 18.30.050 RELATED TO PLANNED UNIT DEVELOPMENT CONCEPT PLANS, 18.50.020 RELATED TO BUILDING PROJECTIONS INTO YARDS AND COURTS AND CHAPTER 18.67 RELATED TO PERMITTING OF WIRELESS TELECOMMUNICATIONS FACILITIES

WHEREAS, amendments to Title 18 of the Pleasant Hill Municipal Code are proposed to amend provisions related to accessory dwelling units, clarify permitting procedures for wireless telecommunications facilities in the public right-of-way, allow flexibility for projects that would result in an improved product within Planned Unit Development Zoning Districts and clarify deck/slab provisions and fence related exhibits; and

WHEREAS, Assembly Bill 494 (Bloom, Chapter 602, Stats. 2017) and Senate Bill 229 (Wieckowski, Chapter 594, Stats. 2017), which become effective January 1, 2018, amended Government Code Section 65852.2 and imposed new restrictions on local authority to regulate accessory dwelling units; and

WHEREAS, the City desires to amend its local regulatory scheme for the construction of accessory dwelling units to meet new state law; and

WHEREAS, the City has received numerous applications and inquiries for wireless telecommunication facilities within the City public right-of-way and to address other project types that benefit from additional development standard flexibility; and

WHEREAS, to minimize the amount of planning permit applications that may result from these proposals and provide greater flexibility to projects, zoning ordinance amendments are proposed; and

WHEREAS, after notice thereof having been duly, regularly and lawfully given, a public hearing on the proposed ordinance amendments was noticed for January 8, 2019 and subsequently continued by the Planning Commission to January 22, 2019, February 5, 2019 and February 26, 2019 where all interested persons might appear and be heard; and

WHEREAS, the Planning Commission adopted Resolution No. __ recommending that the City Council adopt the proposed amendment; and

WHEREAS, after notice having been duly given, a public hearing on the proposed ordinance was noticed by the City Council on April 15, 2019, where all interested persons might appear and be heard.

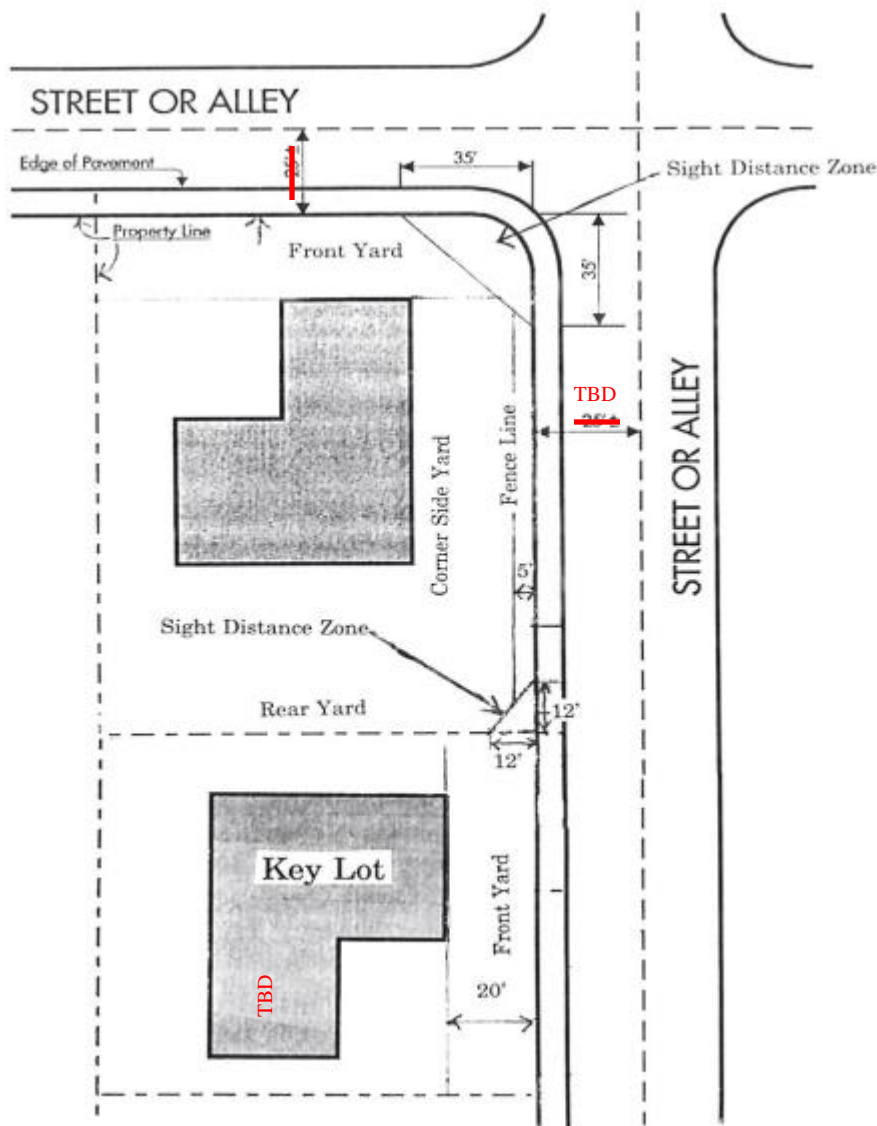
NOW, THEREFORE, the City Council of the City of Pleasant Hill does ordain as follows:

Section 1. The City Council hereby finds that it can be seen with certainty that there is no possibility that the adoption of this ordinance may have a significant effect on the environment. The ordinance does not authorize construction and will not result in a direct or indirect physical change in the environment. The adoption of this ordinance is therefore exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations. Staff is hereby directed to file a Notice of Exemption with the County Clerk within five days of the adoption of this ordinance pursuant to Section 15062 of Title 14 of the California Code of Regulations; and

Section 2. Subsection I of Section 18.20.040, related to “Additional development regulations corresponding to Schedule 18.20.030” of the Pleasant Hill Municipal Code is hereby amended as follows:

“I. Fences and walls. The maximum height of any fence or wall (including a retaining wall) is six feet within required interior side and rear yards, and three feet within required front and corner side yards, unless otherwise specified below. For single-family residences on corner lots, a five-foot setback from the corner side property line is required for a wall or fence over three feet in height. (See also subsection C of this section.) Height is measured pursuant to PHMC § [18.145.050.B](#).

1. Key lots. Where a corner lot abuts a key lot, a triangular area, 12 feet on each side, must remain unfenced.



**The above exhibit is provided for illustrative purposes only.*

KEY LOTS

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

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

4. Sight distance. All fences are subject to the visibility requirements of PHMC § [18.50.100](#).

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

Section 3. Section 18.20.050.A.1, B.1, C.1 & D.1 of the Pleasant Hill Municipal Code is hereby amended as follows:

“18.20.050 Accessory structures.

The following regulations apply to accessory structures in R districts:

A. On parcels zoned R-6, R-7, R-10, R-10A and comparable PUDs:

1. The total floor area of each accessory structure more than four feet in height shall not exceed 500 square feet. The maximum cumulative total for all accessory structures on the property shall not exceed 600 square feet, except detached accessory dwelling units may be up to 1,200 square feet; ~~however, when a detached accessory structure or detached accessory dwelling unit exceeds the cumulative total, no existing or new square footage for other accessory structures is allowed.~~

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

B. On parcels zoned R-15, R-20 and comparable PUDs:

1. The total floor area of each accessory structure more than four feet in height shall not exceed 600 square feet. The maximum cumulative total for all accessory structures on the property shall not exceed 800 square feet, except detached accessory dwelling units may be up to 1,200 square feet; ~~however, when a detached accessory structure or detached accessory dwelling unit exceeds the cumulative total, no existing or new square footage for other accessory structures is allowed.~~

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

C. On multifamily residential zoned parcels and comparable PUDs:

1. The total floor area of each accessory structure more than four feet in height shall not exceed 500 square feet. The maximum cumulative total for all accessory structures on the property shall not exceed 600 square feet, except detached accessory dwelling units may be up to 1,200 square feet; ~~however, when a detached accessory structure or detached accessory dwelling unit exceeds the cumulative total, no existing or new square footage for other accessory structures is allowed.~~

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

D. In all other zoning districts:

1. The total floor area of each accessory structure more than four feet in height shall not exceed 600 square feet. The maximum cumulative total for all accessory structures on the property shall not exceed 800 square feet, except detached accessory dwelling units may be up to 1,200 square feet; ~~however, when a detached accessory structure or detached accessory dwelling unit exceeds the cumulative total, no existing or new square footage for other accessory structures is allowed.~~

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

Section 4. Subsection B.1 of Section 18.20.090 of the Pleasant Hill Municipal Code is hereby amended as follows:

“1. Location criteria. Manufactured homes are not allowed:

- a. On substandard lots that do not meet the dimensional standards of PHMC § 18.20.030; or

b. ~~As a second or additional unit on an already developed lot; or~~

~~b.e.~~ On a lot with an average slope of more than 10%, or on any portion of a lot where the slope exceeds 15%.”

Except as modified herein, all other provisions contained in Section 18.20.090 of the Pleasant Hill Municipal Code shall remain in full force and effect.

Section 5. Subsection A.4 of Section 18.20.060 of the Pleasant Hill Municipal Code is hereby amended as follows:

“18.20.060 Inclusionary housing.

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

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

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

Section 6. Section 18.20.100, related to “Accessory dwelling units,” of the Pleasant Hill Municipal Code is hereby amended as follows:

“18.20.100 Accessory dwelling units.

The following supplemental regulations are intended to implement the general plan housing policy on accessory dwelling units, by allowing accessory dwelling units subject to approval of a zoning permit under PHMC Chapter [18.85](#) and compliance with the standards listed below, except for those accessory dwelling units which only require a building permit as provided in subsection H of this section. The accessory dwelling unit zoning permit application shall be considered ministerially without any discretionary review or a hearing and shall be approved or denied within 120 days after receipt of a complete application.

A. Design and development standards.

1. Zoning. The lot is zoned for single-family or multifamily use and contains an existing single-family dwelling or a single-family dwelling will be constructed in conjunction with the accessory dwelling unit.

2. Size. An attached accessory dwelling unit shall be within or attached to the primary structure with a common wall (providing a minimum five lineal feet of attachment), and shall have a living area not to exceed fifty percent of the living area of the primary dwelling unit, up to a maximum of one thousand two hundred square feet; however, if the floor area of the primary dwelling unit is less than one thousand two hundred square feet, then, notwithstanding the foregoing, the floor area of an attached secondary dwelling unit may exceed fifty percent of the living area of the primary dwelling unit, up to a maximum of one thousand two hundred square feet as long as all other requirements of this chapter are met. ~~shall not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet, In addition, the accessory dwelling unit shall not~~ ~~nor~~ be less than 150 square feet in size. Alternatively, the accessory dwelling unit may be detached from the primary structure, located on the same lot, and the total area of floorspace (including any attached vehicular garage space if parking is deficient for the primary residence or required for the accessory dwelling unit) shall not exceed 1,200 square feet, nor be less than 150 square feet in size. “Living area” means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

3. Development Regulations. An accessory dwelling unit shall comply with the development regulations in Schedule 18.20.030 applicable to single family dwellings ~~(for attached or accessory dwelling units)~~ and PHMC 18.20.050 ~~(for detached accessory dwelling units)~~ including, but not limited to, the regulations for yards, building height, stories, lot coverage, and floor area ratio for the zoning district in which it is located, except as modified by this section.

a. the maximum height for a detached accessory dwelling unit shall not exceed 14 feet unless constructed above an existing detached garage, in which case, the maximum allowable height shall not exceed the height allowed for the primary dwelling as modified by this section.

b4. No setback shall be required for an existing garage that is fully or partially converted to an accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

c. A detached accessory dwelling unit may be located as close as five feet from a rear property line.

45. Living quarters. An accessory dwelling unit shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated.

56. Design. The exterior design, building materials, colors, window style, and exterior finishes shall be substantially the same as, or shall be complementary to, as those features on the existing dwelling and shall be in substantial conformance with City Wide Design Guidelines. A manufactured home proposed as an accessory dwelling unit shall also meet the design criteria of PHMC § 18.20.090, subsections B.2.a through B.2.h, but excluding B.2.d.

67. Access. No passageway shall be required in conjunction with the construction of an accessory dwelling unit. Outside access to the accessory dwelling unit shall be located or screened so as not to be visible from the abutting street.

78. Building code. An accessory dwelling unit shall meet the requirements of the building code, as adopted and amended by PHMC Title 14, that apply to detached dwellings, as appropriate. Exception: An accessory dwelling unit is required to have fire sprinklers only if the primary residence is also required to have fire sprinklers.

89. Sanitation. The accessory dwelling unit shall obtain approval by the local health officer where a private sewage disposal system is being used, if required.

940. Utilities. A new or separate utility connection directly between the accessory dwelling unit and the utility may be required. The connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

10. Distance. The minimum distance between a primary single family dwelling and a detached accessory dwelling unit shall be six (6) feet, or larger, if required by the California Building Standards Code.

11. Balconies, decks and landings. An accessory dwelling unit balcony, deck, or open stair landing shall comply with the setbacks applicable when such structures are attached to the primary single family dwelling unit.

B. Parking.

1. Except as provided in subsection B.2 of this section:

a. An accessory dwelling unit shall provide one parking space per unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.

b. The required parking spaces may be located within setback areas approved by the zoning administrator or tandem parking on an existing driveway, unless specific findings are made by the zoning administrator that such parking arrangements are not feasible based upon specific site or regional topographical or fire or life safety conditions.

c. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, the replacement spaces for the primary dwelling may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, tandem spaces, or by the use of mechanical automobile parking lifts.

a. Accessory dwelling units must meet the following parking standards:

~~i. For accessory dwelling units with no separate bedrooms, one off-street parking space shall be provided per unit.~~

~~ii. For accessory dwelling units with at least one separate bedroom, one off-street parking space shall be provided per bedroom.~~

b. If parking is required:

~~i. The required parking spaces may be located on setback areas approved by the zoning administrator unless specific findings are made under subsection B.1.b.ii of this section.~~

~~ii. Parking arrangements in subsection B.1.b.i of this section may be prohibited if the zoning administrator makes specific findings that such parking arrangements are not feasible based upon specific site or regional topographical or fire or life safety conditions, or that such arrangements are not permitted anywhere in the jurisdiction.~~

~~iii. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, covered spaces or uncovered spaces.~~

2. Parking standards shall not be imposed on an accessory dwelling unit in any of the following circumstances:

a. The accessory dwelling unit is located within one-half mile of public transit (public transit is defined as a transit stop or station).

b. The accessory dwelling unit is located within an architecturally and historically significant historic district as approved by the city pursuant to chapter 18.45.

c. The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.

d. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

e. When there is a car share vehicle located within one block of the accessory dwelling unit.

C. Nonconforming units. If the existing primary dwelling unit is a legally nonconforming unit, an accessory dwelling unit may be constructed only if the nonconformity of the existing primary dwelling unit is not expanded and the accessory dwelling unit meets all current applicable zoning and building standards.

D. No subdivision. No subdivision of land or air rights are authorized that would result in the accessory dwelling unit being located on a separate lot. The accessory dwelling unit shall not be intended for sale separate from the primary dwelling.

E. Occupancy. The owner of a parcel containing an accessory dwelling unit shall occupy either the primary or the accessory dwelling unit. The accessory dwelling unit may be rented only for terms of 30 or more days. The city shall require recordation of a deed restriction providing for these this restrictions before issuance of the certificate of occupancy. ~~The accessory dwelling unit may be rented only for terms longer than 30 days.~~

F. Preexisting units. An accessory dwelling unit constructed or converted without a building permit before adoption of the city's accessory dwelling unit regulations (effective October 1983) must obtain a building or code compliance permit and zoning permit to legalize the use.

G. One unit. There shall not be more than one accessory or junior accessory dwelling unit on any parcel.

H. Exception. An accessory dwelling unit is exempt from the requirements of this section subsections (A) and (B) and may proceed with a building permit if the unit meets all the requirements of subsection H.1 of this section:

1. The accessory dwelling unit:

a. Is one accessory dwelling unit per single-family lot located within a zone for single-family residential zoneuse;

b. Is contained within the existing space of a single-family residence or accessory structure (including, but not limited to, a studio, pool house, detached garage or other similar accessory structure);

- c. Has independent exterior access from the existing residence; and
- d. The side and rear setbacks are deemed sufficient for fire safety by the Fire Chief and Chief Building Official.
- e. For accessory dwelling units proposed to be located within an existing garage, the garage door shall either be left in place subject to compliance with all applicable building code requirements, or the garage door shall be removed and replaced with a design that is architecturally consistent with the home. Notwithstanding the above, required parking for the existing single family residence that was removed as a result of conversion or demolition of an existing garage must be replaced pursuant to Section B.1.c.

2. If requirements of subsection H.1 of this section are met, then the applicant:

- a. Is required to install fire sprinklers in the accessory dwelling unit if the primary residence is also required to have fire sprinklers;
- b. Is not required to install a new or separate utility connection directly between the accessory dwelling unit and the utility, or to be charged a related connection fee or capacity charge;
- c. Shall record a deed restriction as provided in subsection E of this section and obtain a building permit as required by PHMC Title 14.

I. Effect. An accessory dwelling unit that conforms to this section shall:

- 1. Be deemed an accessory use or an accessory building and not be considered to exceed the allowable density for the lot upon which it is located;
- 2. Be deemed a residential use that is consistent with the general plan and the zoning designations for the lot;
- 3. Not be considered in the application of any ordinance, policy, or program to limit residential growth; and
- 4. Not be considered a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service.”

Section 7. Pleasant Hill Municipal Code Schedule 18.30.050, related to “Planned Unit Development District” is hereby amended as follows:

“18.30.050 Concept plan

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

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

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

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

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

E. A development regulation schedule establishing the physical standards for development including, but not limited to, setbacks, building heights, building coverage and floor area ratios. ~~Minimum setback requirements for front, corner side, side and rear yards may not be reduced by more than 20% from those of the corresponding base-district(s), as shown in Schedule 18.30.030, that would otherwise apply to the site, except that residential projects on sites that have a multiple family or mixed use general plan land use designation shall not be limited to a 20% maximum reduction in setback requirements.~~

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

G. A statement of the relationship of the proposed rezoning to the general plan.”

Section 8. Pleasant Hill Municipal Code Section 18.50.020, related to “Building projections into yards and courts” is hereby amended as follows:

“18.50.020 Building projections into yards and courts.

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

A. Fireplace or chimney: 18 inches;

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

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

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

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

Rear yard setbacks as specified below:

Deck height, measured from finished grade	Minimum rear yard setback
<u>Up to 6 inches</u>	None
<u>6 Up to 18 inches</u>	5 feet
Over 18 inches up to 3 feet	10 feet
More than 3 feet	Setback applicable to structures in the zoning district

Section 9. Pleasant Hill Municipal Code Schedule 18.67.020, related to “Wireless Telecommunications Facilities, Definitions” a new definition is added, in alphabetical order as follows:

“18.67.020 Definitions

Public Property is commonly used as a designation of those things which are considered owned by “the public,” the state or community, and not restricted to dominion of a private person. It may also apply to any property owned by a state, nation, or municipality.

Right-of-way means and includes all land or interest in land which by deed, conveyance, agreement, easement, dedication, usage, or process of law is reserved for or dedicated to the use of the general public for road or highway purposes.”

Section 10. Pleasant Hill Municipal Code Schedule 18.67.120, related to “Wireless Telecommunications Facilities” is hereby amended as follows:

“18.67.120 Permits required.

A person who proposes to install or operate a wireless telecommunications facility shall first obtain approval, as set forth below in subsection A (if the facility would be located on public property and/or public right of way.) or as set forth below in subsection B (if the facility would be located on private property), unless the facility is exempt under PHMC § 18.67.110 (Exemptions).

A. Public Property and Public Right of Way

1. Encroachment permit. An encroachment permit shall be required for any facility located within public property or within the public right of way. Approval of the facility

shall be in substantial conformance with the “Guidelines for Wireless Communications Facilities” within the public right of way and subject to review and approval by the city engineer. If the project proposes any exceptions or deviations from engineering guidelines and standards such exceptions or deviations shall be considered through a use permit subject to planning commission review pursuant to Section 18.67.120. In the event a use permit is required, the encroachment permit application, and all required accompanying documentation and information, shall be submitted to the Planning Commission. Exceptions or deviations may be granted at the discretion of the Planning Commission if the applicant demonstrates that the findings for approval of a use permit (Section 18.67.140) and for approval of an exception/deviation (Section 18.67.160) have been satisfied.

2. Lease/License. A lease/license shall be entered into with the City and required for any facility located within public property or within the public right of way.

3. Cost Recovery. The processing of an encroachment permit for purposes of a wireless telecommunications facility, shall be subject to full cost recovery for City staff time processing the permit.

B. Private Property

1. Architectural review permit. With the exception of any facility eligible for a Section 6409(a) permit, an architectural review permit under PHMC Chapter 18.115 is required for the following facilities:

a1. A monopole or any other antenna structure constructed by or for an FCC-licensed amateur radio operator which, when fully extended, is between 35 and 60 feet in height, and/or has a turning radius exceeding 26 feet (when the antennas are rotated).

b2. A wireless telecommunications facility, monopole or any other antenna structure constructed by or for a service provider.

2B. Use permit. With the exception of any facility eligible for a Section 6409(a) permit, a use permit issued in accordance with the procedures set forth PHMC Chapter 18.95 is required for the installation of:

a1. An amateur radio antenna that does not meet the standards of PHMC § 18.67.110.C or which, when fully extended, exceeds 60 feet in height.

b2. A wireless telecommunications facility, monopole or any other antenna structure constructed by or for a service provider.

3C. Section 6409(a) permit. A Section 6409(a) permit shall be required for any Section 6409(a) modification. No architectural review permit shall be required for a Section

6409(a) modification, provided all prior conditions of approval related to concealment or reasonably related to public health and safety are met.

~~4D~~. Building permit. Each antenna or antenna structure requires a building permit, unless it is specifically exempted.

~~5E~~. Encroachment permit. An encroachment permit shall be required for accessing, working, or staging within the public right-of-way or on public property.”

Section 11. Pleasant Hill Municipal Code Schedule 18.67.150, related to “Wireless Telecommunications Facilities” is hereby amended as follows:

“18.67.150 General development standards.

A. General development standards. Each wireless telecommunications facility located on private property shall be designed, installed and operated in compliance with these development standards, unless specifically stated otherwise in this section. Wireless telecommunication facilities approved under a Section 6409(a) permit shall only be required to comply with the development standards in subsections A.1.b, 2.h, 3.a, 3.b, 6, 9, 10, and 11 of this section. Wireless telecommunication facilities located on public property and/or in the public right of way and approved under an encroachment permit by the city engineer shall only be required to comply with the development standards in subsections A.1.b, 2.h, 3.a, 3.b, 6, 9, 10, and 11 of this section in addition to the requirements of Section 18.67.120 A.”

Section 12. Pleasant Hill Municipal Code Schedule 18.67.320, related to “Wireless Telecommunications Facilities” is hereby amended as follows:

“18.67.320 Peer review.

In addition, the city engineer, zoning administrator and/or the hearing body considering the encroachment permit, zoning permit, architectural review permit, use permit, or Section 6409(a) permit may require the application, proposed findings, and conditions to be reviewed by an independent third party peer review consultant. The cost of the third-party peer review shall be the responsibility of the applicant.”

Section 13. Pleasant Hill Municipal Code Schedule 18.67.400, related to “Wireless Telecommunications Facilities” is hereby amended as follows:

“18.67.400 Appeal.

A decision of the zoning administrator may be appealed to the planning commission, and a decision of the planning commission may be appealed to the city council, all in accordance with the appeal procedures of PHMC Chapter 18.130. A decision of the city engineer concerning an encroachment permit for a wireless telecommunications facility may be appealed per PHMC Chapter 1.10.”

Section 14. Chapter 18.140, Definitions, adding a new definition in alphabetical order is hereby amended as follows:

“Conditioned/Habitable Space for Accessory Structures. Areas of a structure that include living areas or areas including, but not limited to, heating, air conditioning, power, and plumbing. This area does not include areas such as garages, storage areas, patio covers and other landscape structures.”

Section 15. The City Council makes the following findings:

1. The new ordinance section shall be consistent with the policies of the General Plan;
See Section 15 below.

2. The ordinance amendment shall be consistent with the purpose of the Zoning Ordinance which is to protect and promote the public health, safety and general welfare and implement the policies of the General Plan, more specifically:

a. Provide a precise guide for the physical development of the City to preserve the character and quality of the residential neighborhoods, foster convenient, harmonious and workable relationships among land uses and achieve the arrangement of land uses described in the General Plan.

The proposed amendment would not affect or conflict with the development of the City. The amendment would clarify a review procedure for wireless telecommunication facilities within public property and will provide greater flexibility for projects in PUD zoning districts. Project in both cases still requires subsequent City review prior to any construction.

The proposed amendments would clarify provisions for accessory dwelling units within residential areas consistent with recent changes to State Law. In addition, the proposed ordinance would provide greater consistency with the City’s General Plan.

b. Promote the economic stability of existing land uses.

The proposed amendment establish a review process for wireless telecommunication facilities within the public right-of-way, thus would not affect existing land uses. In addition, the PUD amendment would allow greater flexibility for a wider array of development projects that would help development, particularly related to sites that are ready for redevelopment.

The proposed ordinance amendment would clarify and update regulations to conform with current State law thereby promoting the stability of residential land uses and will continue to allow accessory dwelling units that could provide additional housing opportunities for workers in need of more affordable housing.

c. Prevent excessive population densities and overcrowding of land and buildings.

The proposed ordinance amendment related to wireless telecommunications facilities would not affect population densities as the ordinance does not propose any modifications that would lead to increased densities or overcrowding of land and buildings. The PUD Concept Plan amendment could result in development that may have reduced setbacks, however, it does not modify provisions that would allow an increase in density, floor area ratio or lot coverage within PUD zoning districts that would tend to result in increased mass and intensity.

The proposed ordinance amendment would only clarify provisions related to accessory dwelling units and to be consistent with State law. The proposed ordinance amendment would not allow increases in size of or number of units beyond what is currently allowed. New additions and accessory structures would still be subject to development standards, including lot coverage limits and setbacks, which would avoid overcrowding.

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

The proposed ordinance amendment related to wireless telecommunications facilities would not affect population densities as the ordinance does not propose any modifications that would lead to increased densities or overcrowding of land and buildings. The PUD Concept Plan amendment could result in development that may have reduced setbacks that may impact open space adjacent to property lines, however, a PUD is reviewed by the City prior to any approval, with specific findings that have to be made to ensure no negative effects result from the project.

The proposed ordinance amendment would be in accordance with State requirements that could allow increased structures in residential zones of the City, however, the State has found that these provisions are necessary to address housing shortages throughout the State and still allows jurisdictions to have lot coverage and setback provisions that would provide adequate open space for light, air and fire safety.

- e. Ensure that service demands of new development will not exceed the capacities of existing streets, utilities or public services.

The proposed ordinance amendment would not result in new development that would exceed the capacities of existing infrastructure as the proposal would not change any allowed densities, floor area ratio or lot coverage throughout the City. The proposed amendment would still require review by the City prior to approval.

The proposed ordinance amendment would be in accordance with State requirements and would not allow more than one accessory dwelling unit on a residential site. Since the City already allows one accessory dwelling unit per residential site, thus, this ordinance amendment should have minimal effects on streets, utilities and public services.

Section 16. This ordinance is consistent with the following General Plan Policies and Programs:

1. *Community Development Policy 2A – Encourage uses needed by the community at appropriate locations.*

The proposed ordinance amendment would establish provisions related to wireless telecommunications facilities in locations that are needed to provide adequate coverage for residents of the City.

2. *Community Development Goal 3 – Generate thriving, attractive and cohesive development at vacant or underutilized sites.*

The proposed ordinance amendment would provide greater flexibility for PUD development that would result in a higher-quality project by fostering creative design as flexibility through the amendment would allow increased design options that may have previously been constrained by certain development standards.

3. *Economic Strategy Goal 1 & 2 – Promote the economic health of the downtown and the City as a whole and create and maintain a dynamic and diverse economic base*

The proposed amendment would allow greater flexibility for PUD development that may help to encourage project to be constructed that may not otherwise be allowed with the current less flexible provisions related to setbacks.

4. *Housing Policy 2A: “Allow a variety of housing types to be built on residential sites.”*

The proposed ordinance amendment would continue to allow for ADU’s that are both different types of housing from traditional single and multi-family residential units.

5. *Housing Program 3.4. “Continue to publicize the opportunity to construct secondary units.”*

The proposed ordinance amendment would bring the City’s provisions consistent with recent State legislation that in part, would address California’s shortage of housing supply.

Section 17. This ordinance shall be effective 30 days after its adoption.

Section 18. Within fifteen days after the passage of this ordinance, the City Clerk shall cause it to be posted in the four places designated by resolution of the City Council.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Pleasant Hill held on the 15th day of April, 2019.

ADOPTED and ordered posted at a meeting of the City Council of the City of Pleasant Hill, held on the ___th day of _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

KENNETH CARLSON, Mayor

ATTEST:

CAROL W. WU, City Clerk

APPROVED AS TO FORM:

JANET E. COLESON, City Attorney