

SUPPLEMENT NO. 10

INSERTION GUIDE

PLEASANTON PLANNING AND ZONING CODE

July 2013

(Covering Ordinances through 2068)

This supplement consists of reprinted pages replacing existing pages in the Pleasanton Planning and Zoning Code.

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This Guide for Insertion should be retained as a permanent record of pages supplemented and should be inserted in the front of the code.

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PREFACE

The Pleasanton Planning and Zoning Code is a codification of the planning and zoning ordinances of the City of Pleasanton, California, republished in June 2008 by Quality Code Publishing.

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18.08.005 Generally.

For the purposes of this title, certain words and terms used in this title are defined as provided in this chapter. (Prior code Title 2, Ch. 1, Art. 2)

18.08.010 City boards, commissions and officials.

A. City Boards and Commissions.

1. "City" means the city of Pleasanton, Alameda County, California.
2. "City council" and "council" mean the city council of the city of Pleasanton.
3. "City planning commission," "planning commission" and "the commission" mean the planning commission duly appointed by the city council of the city of Pleasanton.

B. City Officials.

1. "Building inspector" means the building inspector of the city of Pleasanton.
2. "Chief of police" means the chief of police of the city of Pleasanton.
3. "City attorney" means the city attorney of the city of Pleasanton.
4. "City clerk" means the city clerk of the city of Pleasanton.
5. "City engineer" means the city engineer of the city of Pleasanton.
6. "Community development director" means the community development director of the city of Pleasanton, or designee.
7. "Operations services director" means the operations services director of the city of Pleasanton, or designee.
8. "Secretary" means the secretary of the city planning commission.
9. "Zoning administrator" means the zoning administrator of the city of Pleasanton, or his or her deputy designated by the city manager of the city of Pleasanton. (Ord. 2000 § 1, 2009; prior code § 2-5.16)

18.08.015 Access corridor.

"Access corridor" means a portion of the site providing access from a street and having a minimum dimension less than the required site width, except that no portion of a site having side lot lines radial to the center of curvature of a street from the street property line to the rear lot line shall be deemed an access corridor. The area of an access corridor shall not be included in determining the area of a site. (Prior code § 2-5.17(a))

18.08.017 Agriculture.

"Agriculture" means the cultivation of land and raising of plants or animals for commercial use and includes agricultural processing, crop storage and related facilities and structures, and housing of agricultural employees. Retail sales of products is limited to the sale of wine at wineries and products grown on the premises from roadside stands. (Ord. 2062 § 2, 2013)

18.08.020 Alley.

"Alley" means a public way permanently reserved primarily for vehicular service access to the rear or side of properties otherwise abutting on a street. (Prior code § 2-5.17(b))

18.08.025 Alter.

"Alter" means to make a change in the supporting members of a structure, such as bearing walls, columns, beams or girders, which will prolong the life of the structure. (Prior code § 2-5.17(c))

18.08.030 Amateur radio facility.

"Amateur radio facility" means antennas and related equipment for the purpose of self-training, intercommunication, or technical investigations carried out by an amateur radio operator who is interested in radio technique solely for personal interests and without pecuniary interest, who holds a written authorization from the federal communications commission to operate an amateur radio facility. (Ord. 1743, 1998)

18.08.035 Antenna.

“Antenna” means any system of poles, panels, rods, or similar devices used for the transmission and reception of radio frequency signals. (Ord. 1743, 1998)

18.08.040 Antenna, façade mounted.

“Antenna, façade mounted” means an antenna that is directly attached or affixed to any façade of a building. (Ord. 1743, 1998)

18.08.045 Antenna, ground mounted.

“Antenna, ground mounted” means an antenna with its support structure placed directly on the ground. (Ord. 1743, 1998)

18.08.050 Antenna, roof mounted.

“Antenna, roof mounted” means an antenna generally freestanding, directly attached or affixed to the roof of an existing building or structure other than a personal wireless service facility tower. (Ord. 1743, 1998)

18.08.055 Bar.

“Bar” means any premises in which alcoholic beverages are regularly offered for sale and on-site consumption excluding restaurants that only sell alcoholic beverages between 6:00 a.m. and 11:00 p.m. A restaurant which sells alcoholic beverages any time after 11:00 p.m. and before 6:00 a.m. shall be classified as a bar for purposes of this zoning code. (Ord. 2055 § 2, 2012; Ord. 2017 § 2, 2011; Ord. 1743, 1998; Ord. 1665 § 1, 1995; Ord. 1346 § 1, 1987)

18.08.057 Basement commercial storage, public.

“Basement commercial storage, public” means storage space located in the basement of any commercial building that is made available to the public. (Ord. 2017 § 2, 2011)

18.08.060 Small bed and breakfast.

“Small bed and breakfast” means a residential building offering overnight accommodations to guests on a temporary basis. A small bed and breakfast may serve meals to guests and shall contain between three and five guest sleeping rooms, inclusive. (Ord. 2017 § 2, 2011; Ord. 1636 § 2, 1994)

18.08.065 Bed and breakfast inn.

“Bed and breakfast inn” means a residential building or buildings offering overnight accommodations to guests on a temporary basis. A bed and breakfast inn may serve meals to guests and shall contain between six and 15 guest sleeping rooms, inclusive. (Ord. 1636 § 2, 1994)

18.08.068 Birthing center.

“Birthing center” means a health facility, place, or institution which is not a hospital or in a hospital and where births are planned to occur away from the mother’s usual residence following normal, uncomplicated pregnancy. (Ord. 1810, 2000)

18.08.070 Best available control technology.

“Best available control technology” means commercially available equipment, processes, and actions to reduce air pollution to the greatest extent possible. (Ord. 1880, 2003)

18.08.072

18.08.072 Block.

“Block” means the properties abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting street and railroad right-of-way, unsubdivided land, watercourse, or city boundary. (Ord. 1880, 2003; prior code § 2-5.17(d))

18.08.075 Bio diesel.

“Bio diesel” means a fuel processed from soybean oil, other vegetable oil, and/or recycled cooking oil. (Ord. 1880, 2003)

18.08.077 Brew pub.

“Brew pub” means a business that brews and sells beer for on site consumption. Ancillary retail sales are also permitted. A brew pub may be operated separately or in conjunction with a restaurant. (Ord. 1880, 2003; Ord. 1665 § 1, 1995)

18.08.080 Brewery and distillery.

“Brewery and distillery” means a business taking up 10,000 square feet or more in floor area that brews beer and/or distills spirits for wholesale sales. No on site consumption of beer and/or spirits is permitted except as part of quality testing and/or tours. Ancillary retail sales are also permitted. (Ord. 1665 § 1, 1995)

18.08.085 Building.

“Building” means any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals, chattels or property of any kind. (Prior code § 2-5.17(e))

18.08.090 Business sign.

“Business sign” means a sign devoted to directing attention to a business, profession, commodity or service that is the primary business, profession, commodity, or service sold, manufactured, conducted or offered on the site on which the sign is located. (Prior code § 2-5.18(a))

18.08.095 Car wash.

- A. “Car wash, full service” means a place where motor vehicles are manually vacuumed and cleaned, drawn by mechanical conveyor through an enclosed building tunnel to be manually and/or automatically washed, dried and/or waxed, and taken to a final area for finishing. All such operations are performed by the car wash operator. Incidental services may include special wax, polish and detail operations, sales of gasoline and other motor fuels, sales of small gift items, and personal services to waiting car wash customers.
- B. “Car wash, self-service” means a place where motor vehicles are manually vacuumed, cleaned, washed and/or waxed by the vehicle operator.
- C. “Car wash, drive-through” means a place where motor vehicles are driven by the vehicle operator through a fully enclosed building tunnel to be automatically washed, dried and/or waxed. Drive-through car washes are typically operated in conjunction with a service station or self-service car wash. (Ord. 1494 § 1, 1991)

18.08.100 Charitable institution.

“Charitable institution” means a nonprofit institution devoted to the housing, training or care of children, or of aged, indigent, disabled or underprivileged persons, but does not include the following: lodging houses or dormitories providing temporary quarters for transient persons; organizations devoted to collecting or salvaging new or used materials; or organizations devoted principally to distributing food, clothing or supplies on a charitable basis. (Ord. 2061 § 2, 2013; prior code § 2-5.18(b))

18.08.105 Cogeneration facility.

“Cogeneration facility” means an electrical power generation facility that produces electricity and another useful form of energy (such as heat or steam) used for other purposes, such as heating or an industrial process. (Ord. 1880, 2003)

18.08.107 Collocation.

“Collocation” means when more than one personal wireless service facility owned or used by more than one personal wireless service provider is sited on a single building, tower, monopole, or other supporting structure. (Ord. 1880, 2003; Ord. 1743, 1998)

18.08.110 Combined cycle facility.

“Combined cycle facility” means an electrical power generation facility that consists of one or more turbines and one or more boilers with a portion of the energy input to the boiler(s) provided by the exhaust gas of the turbine. (Ord. 1880, 2003)

18.08.112 Commercial mobile services.

“Commercial mobile services” means a category of services which encompasses all mobile telecommunications services that are provided for profit, are interconnected with the public switched telephone network, and make service available to the public or to such classes of eligible users as to be effectively available to a substantial portion of the public. The one common element of all commercial mobile services is that they use a radio frequency or channel instead of a wire to communicate to and from one or more devices which are mobile, such as pager or cellular phone. The definition of commercial mobile services includes fixed/local loop services. (Ord. 1880, 2003; Ord. 1743, 1998)

18.08.115 Convenience market.

“Convenience market” means a food market limited to 2,500 square feet of gross floor area which carries a limited inventory of food, beverages and convenience items, but excluding liquor stores, delicatessens and specialty food shops. (Ord. 1494 § 1, 1991)

18.08.117 Cottage food operation.

“Cottage food operation” means an enterprise within the registered or permitted (by the Alameda County department of environmental health food safety division) area of a private home or apartment, or other multi-family housing (i.e., condominiums or townhomes), where the individual, who proposes to operate the cottage food operation in his or her private residence and is the owner of the cottage food operation, prepares and/or packages cottage food products that are not potentially hazardous foods for direct or indirect sale to consumers. See California Health and Safety Code Section 113758. (Ord. 2056 § 1, 2013)

18.08.120 Court.

“Court” means an unoccupied open space on the same site with a building, which is bounded on three or more sides by exterior building walls. (Prior code § 2-5.18(c))

18.08.125 Coverage area.

“Coverage area” means the geographical area that is served by an antenna which transmits and receives radio frequency signals. (Ord. 1743, 1998)

18.08.130 Depth.

“Depth” means the horizontal distance between the front and rear property lines of a site measured along a line midway between the side property lines. (Prior code § 2-5.18(d))

18.08.135 Direct to home satellite services.

“Direct to home satellite services” means the distribution or broadcasting of programming or services by satellite directly to the subscriber’s premises without the use of ground receiving or distribution equipment, except at the subscriber’s premises. (Ord. 1743, 1998)

18.08.140 District.

“District” means a portion of the city within which the use of land and structures and the location, height and bulk of structures are governed by this chapter. (Prior code § 2-5.18(e))

18.08.145 Drive-In.

“Drive-in” means an establishment selling food or beverages to customers, some or all of whom customarily consume their purchases outdoors in or near their cars. (Prior code § 2-5.19(a))

18.08.150 Driveway.

“Driveway” means a private road, the use of which is limited to persons residing or working on the site and their invitees, licensees and business visitors, and which provides access to off-street parking or loading facilities. (Prior code § 2-5.19(b))

18.08.155 Dwelling.

“Dwelling” means a one-family or multi-family dwelling other than mobilehomes, automobile trailers, hotels, motels, camp cars, tents, railroad cars and temporary structures. (Ord. 2062 § 2, 2013; prior code § 2-5.19(c))

18.08.160 Dwelling unit.

“Dwelling unit” means one or more rooms with a single kitchen, designed for occupancy by one family for living and sleeping purposes. (Prior code § 2-5.19(d))

18.08.165 Electricity generator facility.

“Electricity generator facility” means one or more electrical power generators on a site that converts a substance or substances (not including nuclear fuel or heat produced by a nuclear reaction) into electricity through the utilization of an engine or a turbine, and which is further defined as follows:

- A. “Large.” Eleven to less than 50 megawatts in combined total size, and for which some or all of the electricity produced is exported off site.
- B. “Medium.” Either: (1) one to 10 megawatts in combined total size; or (2) 11 to less than 50 megawatts in combined total size, if no electricity is exported off site.
- C. “Small.” Less than one megawatt in combined total size.

The size of an electricity generator facility does not pertain to emergency standby electricity generator facilities, as defined by this chapter. (Ord. 1880, 2003)

18.08.166 Employee housing (agricultural).

“Employee housing (agricultural)” means housing as described in California Health and Safety Code Sections 17021.5 and 17021.6, and employee housing as defined in California Health and Safety Code Section 17008. (Ord. 2062 § 2, 2013)

18.08.167 Family.

“Family” means an individual or two or more persons who are related by blood or marriage; or otherwise live together in a dwelling unit. (See Housing Code Chapter 20.28 and 24 C.C.R. Section 202, as amended.) (Ord. 2062 § 2, 2013; Ord. 1880, 2003; prior code § 2-5.19(e))

18.08.170 Emergency standby electricity generator, fuel cell, or battery facility.

“Emergency standby electricity generator, fuel cell, or battery facility” means one or more electrical power generators (not including nuclear power generators), fuel cells, and/or batteries on a site which produce electricity via an engine, turbine, fuel cell, or battery, and which are only operated during interruptions of electrical service to the electrical power grid in Pleasanton or when the generators, fuel cells, or batteries are tested or serviced. (Ord. 1880, 2003)

18.08.172 Family daycare home.

“Family daycare home” means a home which regularly provides care, protection and supervision of children in the provider’s own home for periods of less than 24 hours per day while the children’s parents or guardians are away, including the following:

- A. Small Family Daycare Home. A home providing family daycare to six or fewer children, including children who reside at the home;
- B. Large Family Daycare Home. A home providing family daycare to seven to 12 children, inclusive, including children who reside at the home. (Ord. 1880, 2003; Ord. 1126 § 1, 1984; prior code § 2-5.19(f))

18.08.175 Firearm.

“Firearm” means a gun, pistol, revolver, rifle or any device, designed or modified to be used as a weapon, from which is expelled through a barrel a projectile by the force of explosion or other form of combustion. (Ord. 1738 § 1, 1998)

18.08.180 Firearm sales.

“Firearm sales” or “sale of firearms” means the sale, transfer, lease, offer, registration, or advertising for sale, transfer, lease, offer or registration of a firearm. (Ord. 1738 § 1, 1998)

18.08.185 Firearm sales, antique.

“Antique firearm sales” means the sale of any firearm not designed or redesigned for using rimfire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898), and also any firearm using fixed ammunition manufactured in or before 1898, for which the ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade. (Ord. 1738 § 1, 1998)

18.08.190 Floor area, basic.

“Basic floor area” means the total amount of gross floor area a building contains, expressed as a percentage of the total area of the lot. (Prior code § 2-5.20(a))

18.08.195 Floor area, gross.

“Gross floor area” means the sum of the gross horizontal area of the several floors of a building and its accessory buildings on the same site excluding: basement or cellar areas used only for storage; space used for off-street parking or loading; steps, patios, decks, terraces, porches, and exterior balconies, if not enclosed on more than three sides. Unless excepted above, floor area includes, but is not limited to, elevator shafts and stairwells measured at each floor (but not mechanical shafts), penthouses, enclosed porches, interior balconies and mezzanines. (Prior code § 2-5.20(b))

18.08.200 Frontage.

“Frontage” means the property line of a site abutting on a street, other than the side line of a corner lot. “Frontage” shall be measured as the shortest distance between the points at which the side property lines intersect the street property line. (Prior code § 2-5.20(c))

18.08.205 Fuel cell facility.

“Fuel cell facility” means one or more electrical power generators which convert either hydrogen or a hydrocarbon based fuel into electricity through an electrochemical reaction, and which is further defined as follows:

- A. “Large.” Eleven to less than 50 megawatts in combined total size, and for which some or all of the electricity produced is exported off site.
- B. “Medium.” Either: (1) one to 10 megawatts in combined total size or, (2) 11 to less than 50 megawatts in combined total size, if no electricity is exported off site.
- C. “Small.” Less than one megawatt in combined total size.

The size of a fuel cell facility does not pertain to emergency standby fuel cell facilities, as defined by this chapter. (Ord. 1880, 2003)

18.08.207 Game arcade.

“Game arcade” means any business which provides for public use two or more commercial “amusement devices” as defined by Section 6.04.010 of this code, or any business with fewer such devices where their operation is the primary business function. (Ord. 1071 § 1, 1983; prior code § 2-5.20(d))

18.08.210 Garage or carport.

“Garage” or “carport” means a class I accessory structure or a portion of a main structure, having a permanent roof, and designed for the storage of motor vehicles. (Prior code § 2-5.20(e))

18.08.215 Garage, parking.

“Parking garage” means a structure or part thereof used for the storage, parking or servicing of motor vehicles, but not for the repair thereof. (Prior code § 2-5.21(a))

18.08.220 Garage, repair.

“Repair garage” means a structure or part thereof where motor vehicles or parts thereof are repaired or painted. (Ord. 1071 § 1, 1983; prior code § 2-5.20(f))

18.08.225 Garden center.

“Garden center” means a site or structure where, in addition to the services offered by a nursery, flora materials, garden accessories (such as lawn and garden furniture, statuary, swimming pool supplies and equipment, irrigation supplies, greenhouses, lawn mowers, etc.) and landscape and garden construction and bulk materials (such as decking, decorative rock, tan bark, paving stones, bender board, etc.) may be sold and garden or landscape related services (such as lawn mower sharpening and repair, garden equipment rental, etc.) may be offered. (Prior code § 2-5.21(b))

18.08.230 Grid.

“Grid” means the electrical distribution and transmission system in Pleasanton. (Ord. 1880, 2003)

18.08.232 Habitable room.

“Habitable room” means a room meeting the requirements of the uniform building code for sleeping, living, cooking or dining purposes, excluding such enclosed spaces as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, unfinished attics, foyers, storage spaces, cellars, utility rooms and similar spaces. (Ord. 1880, 2003; prior code § 2-5.21(c))

18.08.235 Home occupation.

“Home occupation” means the conduct of an art or profession, the offering of a service, the conduct of a business, or the handcraft manufacture of products in a dwelling in accord with the regulations prescribed in Chapter 18.104 of this title. (Prior code § 2-5.21(d))

18.08.237 Homeless shelter.

“Homeless shelter” means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less. (See California Health and Safety Code Section 50801(e).) (Ord. 2061 § 2, 2013)

18.08.240 Hotel.

See definition of Motel or Hotel. (Prior code § 2-5.20(e))

18.08.245 Household pet.

“Household pet” means any animal of a domesticated species kept inside a dwelling or any dog or cat kept on the same premises by the occupant of a dwelling. The term shall not be deemed to include any rabbit, fowl, pigeon, sheep, goat, hog or other livestock kept in the open or in an accessory structure. (Prior code § 2-5.21(i))

18.08.250 Illumination, diffused.

“Diffused illumination” means illumination by means of light which travels through a material, other than the bulb or tubing necessary to enclose the light source, so that the light is spread evenly over the surface of the diffusing material. (Prior code § 2-5.21(f))

18.08.255 Illumination, direct.

“Direct illumination” means illumination by means of light which travels directly from its source to the viewer’s eye. (Prior code § 2-5.21(g))

18.08.260 Illumination, indirect.

“Indirect illumination” means illumination by means only of light cast upon an opaque surface from a concealed source. (Prior code § 2-5.21(h))

18.08.265 Intersection, street.

“Street intersection” means the area common to two or more intersecting streets. (Prior code § 2-5.22(a))

18.08.505 Single ownership.

“Single ownership” means holding record title, possession under a contract to purchase, or possession under a lease, by a person, firm, corporation or partnership, individually, jointly, in common, or in any other manner whereby the property is or will be under unitary or unified control. (Prior code § 2-5.28(d))

18.08.510 Site area.

“Site area” means the total horizontal area included within the property lines of a site, exclusive of the area of access corridors, streets, portions of the site within future street plan lines; provided, however, all lots in subdivisions with acute angles less than 45 degrees formed by adjacent sides shall be discouraged by the planning commission at the time of tentative map approval. (Prior code § 2-5.29(a))

18.08.515 Site or lot.

“Site” or “lot” means a parcel of land or a portion thereof, considered as a unit, devoted to or intended for a use or occupied by a structure or a group of structures that are united by a common interest or use. A “site” or “lot” shall have frontage on a street. (Prior code § 2-5.28(e))

18.08.520 Skateboard ramp.

“Skateboard ramp” means any structure greater than two feet high at its highest point containing either an inclined plane or concave surface, whether in the form of a quarter or half ellipse, which is designed for and intended for use by skateboarders. (Ord. 1238 § 1, 1986; prior code § 2-5.29 (b))

18.08.523 Special downtown accessory entertainment use.

“Special downtown accessory entertainment use” means the following type of accessory use approved by the city on or after January 4, 2013 in the area designated downtown hospitality central core or downtown hospitality transition area: live entertainment, including music, poetry readings, stand-up comedy, and performance art; disc jockey music; dancing; or other similar use as determined by the zoning administrator. A special downtown accessory entertainment use does not include adult entertainment establishment uses, as defined in Chapter 18.114 of this code. (Ord. 2055 § 2, 2012)

18.08.525 Stealth techniques.

“Stealth techniques” means design techniques and architectural treatments which blend personal wireless service facilities into the surrounding environment and make them visually unobtrusive. Examples of stealth techniques may include personal wireless service facilities designed to look like trees which are located in landscaped areas, or a roof-mounted facility which is designed to be a flagpole. (Ord. 1743, 1998)

18.08.530 Street.

“Street” means a thoroughfare right-of-way, dedicated as such or acquired for public use as such, other than an alley, which affords the principal means of access to abutting land. (Prior code § 2-5.29(b))

18.08.535 Structure.

“Structure” means anything constructed or erected which requires a location on the ground, including a building or a swimming pool, but not including a fence or a wall used as a fence if the height does not exceed 6 feet, or access drives or walks. (Prior code § 2-5.29(c))

18.08.540 Structure, accessory Class I.

“Class I accessory structure” means a subordinate structure, the use of which is appropriate, subordinate, and customarily incidental to that of the main structure or the main use of the land, and which is located on the same site with

the main structure or use. "Class I accessory structures" shall include those accessory structures designed for possible habitation and include covered patios, garages and carports, any covered or enclosed area with a height greater than six feet and an area greater than 80 square feet. (Prior code § 2-5.29(d))

18.08.545 Structure, accessory Class II.

"Class II accessory structure" means a subordinate structure, the use of which is appropriate, subordinate and customarily incidental to that of the main structure or Class I accessory structure, or the main use of the land, and which is located on the same site with the main structure or use. Class II accessory structures shall include those accessory structures not designed for habitation, and include plant shelters and lathe area and tool storage sheds with a height no greater than six feet and an area no greater than 80 square feet. (Prior code § 2-5.29(e))

18.08.550 Structure, main.

"Main structure" means a structure housing the principal use of a site or functioning as the principal use. (Prior code § 2-5.29(f))

18.08.552 Supportive housing.

"Supportive housing" means housing with no limit on length of stay, that is occupied by the target population and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. (See California Health and Safety Code 50675.14(b)(2).) (Ord. 2061 § 2, 2013)

18.08.555 Swimming pool.

"Swimming pool" means a pool, pond, lake or open tank capable of containing water to a depth greater than one and one-half feet at any point, including therapeutic pools and hot tubs. All pools shall be deemed Class II accessory structures. (Prior code § 2-5.30(a))

18.08.560 Trailer.

"Trailer" means a mobilehome or similar portable structure having no foundation other than wheels, jacks or skirtings, and so designed or constructed as to permit occupancy for dwelling or sleeping purposes. (Prior code § 2-5.30(b))

18.08.565 Trailer park.

"Trailer park" means a site or portion of a site which is used or intended to be used by persons living in trailers or mobilehomes on a permanent or transient basis. (Prior code § 2-5.30(c))

18.08.568 Transitional housing.

"Transitional housing" means buildings configured as rental housing development, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months. (See California Health and Safety Code 50675.2(h).) (Ord. 2061 § 2, 2013)

18.08.570 Transmission lines.

"Transmission lines" means an electric power line bringing power to a receiving substation or a distribution substation. (Prior code § 2-5.30(d))

18.08.575 Unlicensed wireless services.

“Unlicensed wireless services” means the offering of wireless telecommunication services using duly authorized devices which do not require individual licenses from the Federal Communications Commission. The provision of direct-to-home satellite services is not incorporated into this definition. (Ord. 1743, 1998)

18.08.580 Unreinforced masonry (URM) building.

“Unreinforced masonry (URM) building” is a building or structure which is constructed with unreinforced masonry bearing walls and shall include, but not be limited to:

- A. Buildings with masonry walls which lack reinforcing;
- B. Buildings with walls which are not structurally tied to the roof and floors;
- C. Buildings whose ground floors have open fronts with little or no crosswise bracing;
- D. Buildings with unbraced parapets. (Ord. 1586 § 1, 1993)

Chapter 18.28

A AGRICULTURAL DISTRICT

Sections:

- 18.28.010 Purpose.**
- 18.28.020 Required conditions.**
- 18.28.030 Permitted uses.**
- 18.28.040 Conditional uses.**
- 18.28.045 Prohibited uses.**
- 18.28.050 Off-street parking.**
- 18.28.060 Off-street loading.**
- 18.28.070 Signs.**
- 18.28.080 Design review.**

18.28.010 Purpose.

In addition to the objectives prescribed in Section 18.04.010 of this title, the A agricultural district is included in this title to achieve the following purposes:

- A. To permit the conduct of certain agricultural pursuits on land in the city;
- B. To prevent premature urban development of certain lands which eventually will be appropriate for urban uses, until the installation of drainage works, streets, utilities, and community facilities makes orderly development possible;
- C. To ensure adequate light, air and privacy for each dwelling unit, and to provide adequate separation between dwellings and facilities for housing animals;
- D. To permit certain nonagricultural uses that are incompatible with intensive urban development to locate in undeveloped portions of the city. (Prior code § 2-6.00)

18.28.020 Required conditions.

- A. All uses shall comply with the regulations prescribed in Chapter 18.84 of this title;
- B. No use shall be permitted and no process, equipment or materials shall be employed which are found by the city planning commission to be objectionable to persons residing or working in the vicinity or injurious to property located in the vicinity by reason of odor, fumes, dust, smoke, cinders, dirt, refuse, water carried wastes, noise, vibrations, illumination, glare, unsightliness or traffic, or to involve any hazard of fire or explosion, provided that permitted agricultural pursuits conducted in accord with good practice shall not be deemed a nuisance. (Prior code § 2-6.01)

18.28.030 Permitted uses.

The following uses shall be permitted in the A district:

- A. One-family dwellings and second units. Not more than one dwelling unit and a second unit, shall be permitted on each site;
- B. Agriculture for commercial purposes, limited to the growing of field and truck crops and horticultural specialties; nurseries, greenhouses and botanical conservatories; orchards and vineyards; farming and ranching facilities and structures;
- C. Raising of fruits, nuts, vegetables and horticultural specialties for private noncommercial use;
- D. Home occupations conducted in accordance with the regulations prescribed in Chapter 18.104 of this title;

- E. Livestock and poultry raising for private, noncommercial use, and private kennels and stables; provided, that any building or enclosure in which animals or fowl, except household pets, are contained shall be at least 100 feet from any R, O, C, I-P or P district;
- F. Photovoltaic facilities;
- G. Accessory structures and uses located on the same site with a permitted use, including barns, stables, coops, tank houses, storage tanks, windmills (not including wind energy facilities), other farm outbuildings, private garages and carports, or guesthouse or accessory living quarters without a kitchen for each dwelling on the site, storehouses, garden structures, greenhouses, recreation rooms and hobby shops, and storage of petroleum products for persons residing on the site and the following accessory structures and uses located on the same site with a permitted use or with a conditional use which has been granted a use permit in accord with the provisions of Chapter 18.124 of this title:
 - 1. Emergency standby electricity generator, fuel cell, and/or battery facilities provided that the facilities shall be tested from 8:00 a.m. to 5:00 p.m. Monday through Friday or from 10:00 a.m. to 12:00 noon on Saturday or Sunday only; the facilities shall not be tested for more than one hour during any day, and no testing shall be on federal holidays or on "Spare The Air Days" in Alameda County,
 - 2. Portable, temporary electricity generator, fuel cell, or battery facilities,
 - 3. Photovoltaic facilities,
 - 4. Small electricity generator facilities that meet the following criteria:
 - a. The fuel source for the generators shall be natural gas, bio diesel, or the byproduct of an approved cogeneration or combined cycle facility,
 - b. The facilities shall use the best available control technology to reduce air pollution,
 - c. The facilities shall not create any objectionable odors at any point outside of the property plane where the facilities are located,
 - d. The facilities shall not exceed a noise level of 45 dBA at any point on any residentially zoned property outside of the property plane where the facilities are located,
 - e. On a site with fuel cell facilities, small electricity generator facilities shall not be permitted unless the aggregate wattage of the two facilities is less than one megawatt. If the aggregate wattage of the two facilities is one megawatt or greater, the small electricity generator facilities shall be subject to all requirements and processes prescribed in this title for medium or large electricity generator facilities, whichever is the most applicable, in the subject zoning district, and
 - f. The facilities shall be cogeneration or combined cycle facilities, if feasible,
 - 5. Small fuel cell facilities that meet the following criteria:
 - a. The facilities shall not create any objectionable odors at any point outside of the property plane where the facilities are located,
 - b. The fuel cell facilities shall not exceed a noise level of 45 dBA at any point on any residentially zoned property outside of the property plane where the facilities are located, and
 - c. On a site with electricity generator facilities, small fuel cell facilities shall not be permitted unless the aggregate wattage of the two facilities is less than one megawatt. If the aggregate wattage of the two facilities is one megawatt or greater, the small fuel cell facilities shall be subject to all requirements and processes prescribed in this title for medium or large fuel cell facilities, whichever is the most applicable, in the subject zoning district,

Small fuel cell facilities are encouraged to be cogeneration or combined cycle facilities;
- H. Administrative offices for on-site and off-site agricultural activities which are clearly ancillary to the agricultural pursuits taking place on the site;
- I. Small family daycare homes;

- J. Employee housing (agricultural) that complies with California Health and Safety Code Section 17008, 17021.5 or 17021.6 (depending on the number of employees accommodated) and the other applicable provisions of the Employees Housing Act at California Health and Safety Code Section 17000 et seq., and to include a residential safety management plan;
- K. Supportive housing that provides shelter for six or fewer persons in a dwelling unit, subject to the provisions of Chapter 18.107;
- L. Transitional housing that provides shelter for six or fewer persons in a dwelling unit, subject to the provisions of Chapter 18.107. (Ord. 2062 § 2, 2013; Ord. 2061 § 2, 2013; Ord. 1885 § 2, 2003; Ord. 1880, 2003; Ord. 1126 § 3, 1984; prior code § 2-6.02)

18.28.040 Conditional uses.

The following uses shall be permitted in the A district upon the granting of a use permit in accordance with the provisions of Chapter 18.124 of this title:

- A. Accessory structures and uses located on the same site as a conditional use and the following accessory structures and uses located on the same site as a permitted use or a conditional use that has been granted a use permit:
 - 1. Medium electricity generator facilities that meet the applicable standards of Section 18.124.290 of this title.
 - 2. Medium fuel cell facilities that meet the applicable standards of Section 18.124.290 of this title.
 - 3. Wind energy facilities that meet the following criteria:
 - a. The facilities shall not exceed a noise level of 45 dBA at any point on any residentially zoned property outside of the property plane where the facilities are located;
 - b. The design of the facilities shall be streamlined (without ladders and extra appurtenances) to discourage birds from roosting on the facilities;
 - c. Facilities on hillsides or ridges shall not be visible from a public right-of-way.
- B. Agriculture processing plants.
- C. Airports and heliports.
- D. Animal sales yards.
- E. Apiaries.
- F. Automobile and motorcycle racing stadiums and drag strips.
- G. Cemeteries, crematories, and columbariums.
- H. Charitable institutions and social service and social welfare centers.
- I. Churches, convents, monasteries, parish houses, parsonages, and other religious institutions.
- J. Commercial kennels.
- K. Commercial and private recreation facilities.
- L. Dairies and processing of dairy products.
- M. Drive-in theaters.
- N. Fertilizer plants and yards.
- O. Firearm sales at a rifle or pistol range.
- P. Garbage and refuse incineration.
- Q. Gas and oil wells.
- R. Golf courses and golf driving ranges.
- S. Guest ranches.
- T. Hog and livestock raising, not including feedlots where more than 50 percent of the feed is imported.

- U. Hospitals.
- V. Large family daycare homes in accordance with the provisions of Chapter 18.124, Article II of this title and if located a minimum of 300 feet away from any personal wireless service facility approved after the adoption of the city's personal wireless service facility ordinance, Chapter 18.110 of this title, not including those personal wireless service facilities exempted in Section 18.110.010 of this title.
- W. Nursery schools if located a minimum of 300 feet away from any personal wireless service facility approved after the adoption of the city's personal wireless service facility ordinance, Chapter 18.110 of this title, not including those personal wireless service facilities exempted in Section 18.110.010 of this title.
- X. Nursing homes, senior care/assisted living facilities, and sanitariums if located a minimum of 300 feet away from any personal wireless service facility approved after the adoption of the city's personal wireless service facility ordinance, Chapter 18.110 of this title, not including those personal wireless service facilities exempted in Section 18.110.010 of this title.
- Y. Poultry raising, egg processing, and hatcheries.
- Z. Private schools if located a minimum of 300 feet away from any personal wireless service facility approved after the adoption of the city's personal wireless service facility ordinance, Chapter 18.110 of this title, not including those personal wireless service facilities exempted in Section 18.110.010 of this title, and tutorial schools, and colleges.
- AA. Public utility and public service facilities including pumping stations, power transmission stations, power distribution stations, equipment buildings, service yards, drainageways and structures, water reservoirs, percolation basins, well fields, storage tanks, and railroad facilities. These facilities must be found by the planning commission to be necessary for the public health, safety, or welfare.
- BB. Rabbit raising.
- CC. Recreational vehicle storage facilities.
- DD. Riding academies and stables.
- EE. Rifle and pistol ranges.
- FF. Roadside stands for the sale of agricultural produce grown on the site.
- GG. Sanitary landfill operations.
- HH. Veterinarians' offices.
- II. Wineries, winery sales and tasting rooms.
- JJ. Wood sales and storage yards for unmilled lumber. (Ord. 2062 § 2, 2013; Ord. 1880, 2003; Ord. 1743, 1998; Ord. 1738 § 1, 1998; Ord. 1157 § 1, 1984; Ord. 1126 § 4, 1984; prior code § 2-6.03)

18.28.045 Prohibited uses.

The following uses shall not be permitted in the A district:

Any use not specifically or conditionally permitted by this chapter, unless a determination is made under Chapter 18.128 of this title. (Ord. 1880, 2003)

18.28.050 Off-street parking.

Off-street parking facilities shall be provided for each use in the A district as prescribed in Chapter 18.88 of this title. (Prior code § 2-6.04)

18.28.060 Off-street loading.

Off-street loading facilities shall be provided for each use in the A district as prescribed in Chapter 18.92 of this title. (Prior code § 2-6.05)

18.28.070 Signs.

No signs, outdoor advertising structure, or display of any character shall be permitted in the A district, except as prescribed in Chapter 18.96 of this title. (Prior code § 2-6.06)

18.28.080 Design review.

All uses shall be subject to design review as prescribed in Chapter 18.20 of this title. Applicants are advised to confer with the zoning administrator before preparing detailed plans. (Ord. 1656 § 1, 1995; prior code § 2-6.07)

Chapter 18.32

R-1 ONE-FAMILY RESIDENTIAL DISTRICTS

Sections:

18.32.010	Purpose.
18.32.020	Required conditions.
18.32.030	Permitted uses.
18.32.040	Conditional uses.
18.32.045	Temporary conditional uses.
18.32.050	Prohibited uses.
18.32.060	Off-street parking.
18.32.070	Off-street loading.
18.32.080	Signs.
18.32.090	Design review.

18.32.010 Purpose.

In addition to the objectives prescribed in Section 18.04.010 of this title, the R-1 one-family residential districts are included in this title to achieve the following purposes:

- A. To reserve appropriately located areas for family living at reasonable population densities consistent with sound standards of public health and safety;
- B. To ensure adequate light, air, privacy and open space for each dwelling;
- C. To protect one-family dwellings from the lack of privacy associated with multi-family dwellings;
- D. To provide space for semipublic facilities needed to complement urban residential areas and for institutions that require a residential environment;
- E. To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the land around them;
- F. To preserve the natural beauty of hillsides and avoid slide and drainage problems by encouraging retention of natural vegetation and discouraging improperly controlled mass grading;
- G. To provide necessary space for off-street parking of automobiles and, where appropriate, for off-street loading of trucks;
- H. To protect residential properties from the hazards, noise and congestion created by commercial and industrial traffic;
- I. To protect residential properties from noise, illumination, unsightliness, odors, dust, dirt, smoke, vibration, heat, glare, and other objectionable influences;
- J. To protect residential properties from fire, explosion, noxious fumes and other hazards. (Prior code § 2-6.11)

18.32.020 Required conditions.

All uses shall comply with the regulations prescribed in Chapter 18.84 of this title. (Prior code § 2-6.12)

18.32.030 Permitted uses.

The following uses shall be permitted in the R-1 districts:

- A. One-family dwelling in which not more than two guest sleeping rooms may be used for lodging or boarding.
- B. Raising of fruits, nuts, vegetables and horticultural specialties for private, noncommercial consumption.
- C. Temporary subdivision sales offices conducted in accord with the regulations prescribed in Chapter 18.116 of this title.

- D. Accessory structures located on the same site with a permitted use, including private garages and carports, one guesthouse or accessory living quarters without a kitchen, storehouse, garden structures, greenhouses, recreation rooms and hobby areas within an enclosed structure and the following accessory structures and uses located on the same site with a permitted use or with a conditional use which has been granted a use permit in accord with the provisions of Chapter 18.124 of this title:
 - 1. Emergency standby electricity generator, fuel cell, and/or battery facilities provided that the facilities shall be tested from 8:00 a.m. to 5:00 p.m. Monday through Friday or from 10:00 a.m. to 12:00 noon on Saturday or Sunday only; the facilities shall not be tested for more than one hour during any day and no testing shall be on federal holidays or on "Spare The Air Days" in Alameda County;
 - 2. Portable, temporary electricity generator, fuel cell, or battery facilities in the R-1-40,000 district;
 - 3. Photovoltaic facilities.
- E. Private stable for the keeping of two horses on a site not less than 40,000 square feet in area, except that one additional horse may be kept for each additional 40,000 square feet of site areas, provided that no stable shall be located closer than 50 feet to any property line, closer than 50 feet to any dwelling on the site, or closer than 100 feet to any other dwelling.
- F. Household pets including up to six female chickens.
- G. Small family daycare homes.
- H. Second units meeting the requirements in Chapter 18.106 of this title.
- I. Employee housing (agricultural) that complies with California Health and Safety Code Sections 17008, 17021.5 and the other applicable provisions of the Employee Housing Act at California Health and Safety Code Sections 17000 et seq., and to include a residential safety management plan.
- J. Supportive housing that provides shelter for six or fewer persons in a dwelling unit, subject to the provisions of Chapter 18.107.
- K. Transitional housing that provides shelter for six or fewer persons in a dwelling unit, subject to the provisions of Chapter 18.107. (Ord. 2062 § 2, 2013; Ord. 2061 § 2, 2013; Ord. 1930 § 1, 2006; Ord. 1885 § 2, 2003; Ord. 1880, 2003; Ord. 1636 § 3, 1994; Ord. 1126 § 5, 1984; prior code § 2-6.13)

18.32.040 Conditional uses.

The following conditional uses shall be permitted in the R-1 districts upon the granting of a use permit in accord with the provisions of Chapter 18.124 of this title:

- A. Agriculture for commercial purposes limited to the raising of fruits, nuts, vegetables, horticultural specialties, and related facilities and structures.
- B. Charitable institutions.
- C. Churches, convents, monasteries, parish houses, parsonages and other religious institutions.
- D. Golf courses.
- E. Nursery schools if located a minimum of 300 feet away from any personal wireless service facility approved after the adoption of the city's personal wireless service facility ordinance, Chapter 18.110 of this title, not including those personal wireless service facilities exempted in Section 18.110.010 of this title.
- F. Nursing homes and senior care/assisted living facilities for not more than three patients if located a minimum of 300 feet away from any personal wireless service facility approved after the adoption of the city's personal wireless service facility ordinance, Chapter 18.110 of this title, not including those personal wireless service facilities exempted in Section 18.110.010 of this title.
- G. Private recreation parks and swim clubs.
- H. Private nonprofit schools if located a minimum of 300 feet away from any personal wireless service facility approved after the adoption of the city's personal wireless service facility ordinance, Chapter 18.110 of this title, not including those personal wireless service facilities exempted in Section 18.110.010 of this title, and tutorial

schools, and colleges, not including art, craft, music, dancing, business, professional or trade schools and colleges.

- I. Public utility and public service facilities including pumping stations, power transmission stations, power distribution stations, equipment buildings, service yards, drainageways and structures, water reservoirs, percolation basins, well fields, and storage tanks. These facilities must be found by the planning commission to be necessary for the public health, safety, or welfare.
- J. Accessory structures and uses located on the same site as a conditional use and the following accessory structures and uses located on the same site as a permitted use or a conditional use that has been granted a use permit:
 1. Small electricity generator facilities located on the same site as a charitable institution, religious institution, golf course, nursery school, nursing home, senior care/assisted living facility, private recreation facility, private recreation park, private swim club, private nonprofit school, or public facility and that meet the following criteria:
 - a. The fuel source for the generators shall be natural gas, bio diesel, or the byproduct of an approved cogeneration or combined cycle facility;
 - b. The facilities shall use the best available control technology to reduce air pollution;
 - c. The facilities shall not create any objectionable odors at any point outside of the property plane where the facilities are located;
 - d. The facilities shall not exceed a noise level of 45 dBA at any point on any residentially zoned property outside of the property plane where the facilities are located;
 - e. On a site with fuel cell facilities, small electricity generator facilities shall not be permitted unless the aggregate wattage of the two facilities is less than one megawatt. If the aggregate wattage of the two facilities is one megawatt or greater, the small electricity generator facilities shall be subject to all requirements and processes prescribed in this title for medium or large electricity generator facilities, whichever is the most applicable, in the subject zoning district; and
 - f. The facilities shall be cogeneration or combined cycle facilities, if feasible.
 2. Small fuel cell facilities that meet the following criteria:
 - a. The facilities shall not create any objectionable odors at any point outside of the property place where the facilities are located;
 - b. The fuel cell facilities shall not exceed a noise level of 45 dBA at any point on any residentially zoned property outside of the property plane where the facilities are located; and
 - c. On a site with electricity generator facilities, small fuel cell facilities shall not be permitted unless the aggregate wattage of the two facilities is less than one megawatt. If the aggregate wattage of the two facilities is one megawatt or greater, the small fuel cell facilities shall be subject to all requirements and processes prescribed in this title for medium or large fuel cell facilities, whichever is the most applicable, in the subject zoning district.

Small fuel cell facilities are encouraged to be cogeneration or combined cycle facilities.
- K. Home occupations conducted in accord with the regulations prescribed in Chapter 18.104 of this title.
- L. Rabbit or fowl raising (including more than six female chickens) consistent with the provisions of Section 7.36.010 of this code.
- M. Any grading requiring a permit by Section 7006 of the building code of the city on property having a “weighted incremental slope,” as defined in Chapter 18.76 of this title, of 10 percent or greater. This subsection shall not apply to any recorded lot or to any property on which an approved tentative map exists at the effective date hereof.
- N. Large family daycare homes in accordance with Chapter 18.124, Article II of this title.
- O. Skateboard ramps.
- P. Small bed and breakfasts in accordance with Chapter 18.124, Article III of this title.

- Q. Employee housing (agricultural) that complies with California Health and Safety Code Sections 17008, 17021.6 and the other applicable provisions of the Employee Housing Act at California Health and Safety Code Section 17000 et seq., and to include a residential safety management plan. (Ord. 2062 § 2, 2013; Ord. 1930 § 1, 2006; Ord. 1885 § 2, 2003; Ord. 1880, 2003; Ord. 1812, 2000; Ord. 1743, 1998; Ord. 1690 § 3, 1996; Ord. 1636 § 4, 1994; Ord. 1238 § 3, 1986; Ord. 1126 § 6, 1984; prior code § 2-6.14)

18.32.045 Temporary conditional uses.

The following conditional uses shall be permitted in R-1 districts upon the granting of a temporary conditional use permit in accord with the provisions of Section 18.116.050 of this title:

- A. Christmas tree sales lots. (Ord. 1443 § 1, 1989)

18.32.050 Prohibited uses.

The following uses shall not be permitted in the R-1 districts:

- A. Any use not specifically or conditionally permitted by this chapter, unless a determination is made under Chapter 18.128 of this title.
- B. Barbed wire fences or any fence which has attached to it, for purposes of prohibiting people or animals from climbing the same, barbed wire regardless of type, with the following exceptions:
1. Where this title specifically allows for the keeping of horses,
 2. Where property, although zoned for residential use, has not yet developed pursuant to that zoning and, thus, a great deal of open acreage still remains and is used for the keeping of horses and other animals included in the agricultural district, such usage becoming nonconforming as a result in change in zoning.
- C. Gunsmiths.
- D. Firearm sales.
- E. Any process, equipment or material which has been determined by the planning commission to be detrimental or harmful to the public health, safety or welfare or injurious to property. This determination shall be made at a public hearing set and noticed pursuant to Section 18.12.040 of this title and shall be subject to review by or appeal to the city council as set forth in Section 18.124.090 of this title. (Ord. 1880, 2003; Ord. 1738 § 1, 1998; prior code § 2-6.12(a))

18.32.060 Off-street parking.

Off-street parking facilities shall be provided for each use in the R-1 districts as prescribed in Chapter 18.88 of this title. (Prior code § 2-6.15)

18.32.070 Off-street loading.

Off-street loading facilities shall be provided for each use in the R-1 districts as prescribed in Chapter 18.92 of this title. (Prior code § 2-6.16)

18.32.080 Signs.

No sign, outdoor advertising structure, or display of any character shall be permitted in the R-1 districts except as prescribed in Chapter 18.96 of this title. (Prior code § 2-6.17)

18.32.090 Design review.

All uses shall be subject to design review as prescribed in Chapter 18.20 of this title. Applicants are advised to confer with the zoning administrator before preparing detailed plans. (Ord. 1656 § 1, 1995; prior code § 2-6.18)

Chapter 18.36

RM MULTI-FAMILY RESIDENTIAL DISTRICTS

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18.36.010 Purpose.

In addition to the objectives prescribed in Section 18.04.010 of this title, the RM multi-family residential districts are included in this title to achieve the following purposes:

- A. To reserve appropriately located areas for family living in a variety of types of dwellings at a reasonable range of population densities consistent with sound standards of public health and safety;
- B. To preserve as many as possible of the desirable characteristics of the one-family residential district while permitting higher population densities;
- C. To ensure adequate light, air, privacy and open space for each dwelling unit;
- D. To provide space for semipublic facilities needed to complement urban residential areas and space for institutions that require a residential environment;
- E. To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the land around them;
- F. To provide necessary space for off-street parking of automobiles and, where appropriate, for off-street loading of trucks;
- G. To protect residential properties from the hazards, noise and congestion created by commercial and industrial traffic;
- H. To protect residential properties from noise, illumination, unsightliness, odors, dust, dirt, smoke, vibration, heat, glare and other objectionable influences;
- I. To protect residential properties from fire, explosion, noxious fumes and other hazards. (Prior code § 2-6.22)

18.36.020 Required conditions.

All uses in the RM districts shall comply with the regulations prescribed in Chapter 18.84 of this title. (Prior code § 2-6.23)

18.36.030 Permitted uses.

The following uses shall be permitted in the RM multi-family residential districts:

- A. One-family dwellings in which not more than two guest sleeping rooms may be used for lodging or boarding.

- B. Multi-family dwellings.
- C. Combinations of attached or detached dwellings, including duplexes, multi-family dwellings, dwelling groups, row houses and townhouses.
- D. Nursing homes and senior care/assisted living facilities for not more than three patients if located a minimum of 300 feet away from any personal wireless service facility approved after the adoption of the city's personal wireless service facility ordinance, Chapter 18.110 of this title, not including those personal wireless service facilities exempted in Section 18.110.010 of this title.
- E. Accessory structures and uses located on the same site as a permitted use and the following accessory structures and uses located on the same site with a permitted use or with a conditional use which has been granted a use permit in accord with the provisions of Chapter 18.124 of this title:
 - 1. Emergency standby electricity generator, fuel cell, and/or battery facilities provided that the facilities shall be tested from 8:00 a.m. to 5:00 p.m. Monday through Friday or from 10:00 a.m. to 12:00 noon on Saturday or Sunday only; the facilities shall not be tested for more than one hour during any day, and no testing shall be on federal holidays or on "Spare The Air Days" in Alameda County;
 - 2. Photovoltaic facilities.
- F. Not more than two weaned household pets, excepting fish and caged birds.
- G. Small family daycare homes.
- H. Second units meeting the requirements in Chapter 18.106 of this title.
- I. Employee housing (agricultural) that complies with California Health and Safety Code Sections 17008, 17021.5 and the other applicable provisions of the Employee Housing Act at California Health and Safety Code Section 17000 et seq., and to include a residential safety management plan.
- J. Supportive housing, subject to the provisions of Chapter 18.107.
- K. Transitional housing, subject to the provisions of Chapter 18.107. (Ord. 2062 § 2, 2013; Ord. 2061 § 2, 2013; Ord. 1885 § 2, 2003; Ord. 1880, 2003; Ord. 1743, 1998; Ord. 1636 § 5, 1994; Ord. 1126 § 7, 1984; prior code § 2-6.24)

18.36.040 Conditional uses.

The following conditional uses shall be permitted in the RM districts upon the granting of a use permit, in accord with the provisions of Chapter 18.124 of this title:

- A. Charitable institutions.
- B. Churches, convents, monasteries, parish houses, parsonages and other religious institutions.
- C. Golf courses.
- D. Hospitals and sanitariums, not including hospitals and sanitariums for mental, drug addict or liquor addict cases.
- E. Lodging houses.
- F. In the RM-1,500 district only, motels.
- G. Nursery schools if located a minimum of 300 feet away from any personal wireless service facility approved after the adoption of the city's personal wireless service facility ordinance, Chapter 18.110 of this title, not including those personal wireless service facilities exempted in Section 18.110.010 of this title.
- H. Private recreation parks and swim clubs.
- I. Private schools if located a minimum of 300 feet away from any personal wireless service facility approved after the adoption of the city's personal wireless service facility ordinance, Chapter 18.110 of this title, not including those personal wireless service facilities exempted in Section 18.110.010 of this title, and tutorial schools, and colleges, not including art, craft, music, dancing, business, professional or trade schools or colleges.
- J. Private noncommercial clubs and lodges, not including hiring halls.

- K. Public utility and public service facilities including pumping stations, power transmission stations, power distribution stations, equipment buildings, service yards, drainageways and structures, water reservoirs, percolation basins, well fields, and storage tanks. These facilities must be found by the planning commission to be necessary for the public health, safety, or welfare.
- L. Trailer parks in accord with the regulations prescribed in Chapter 18.108 of this title.
- M. Accessory structures and uses located on the same site as a conditional use and the following accessory structures and uses located on the same site as a permitted use or a conditional use that has been granted a use permit:
 - 1. Small electricity generator facilities located on the same site as multi-family dwellings, a charitable institution, religious institution, golf course, hospital, sanitarium, lodging house, motel, nursery school, nursing home, senior care/assisted living facility, private recreation park, private swim club, private school, private noncommercial club, or public facility and that meet the following criteria:
 - a. The fuel source for the generators shall be natural gas, bio diesel, or the byproduct of an approved cogeneration or combined cycle facility;
 - b. The facilities shall use the best available control technology to reduce air pollution;
 - c. The facilities shall not create any objectionable odors at any point outside of the property plane where the facilities are located;
 - d. The facilities shall not exceed a noise level of 45 dBA at any point on any residentially zoned property outside of the property plane where the facilities are located; and
 - e. On a site with fuel cell facilities, small electricity generator facilities shall not be permitted unless the aggregate wattage of the two facilities is less than one megawatt. If the aggregate wattage of the two facilities is one megawatt or greater, the small electricity generator facilities shall be subject to all requirements and processes prescribed in this title for medium or large electricity generator facilities, whichever is the most applicable, in the subject zoning district;
 - f. The facilities shall be cogeneration or combined cycle facilities, if feasible;
 - 2. Small fuel cell facilities that meet the following criteria:
 - a. The facilities shall not create any objectionable odors at any point outside of the property plane where the facilities are located;
 - b. The fuel cell facilities shall not exceed a noise level of 45 dBA at any point on any residentially zoned property outside of the property plane where the facilities are located; and
 - c. On a site with electricity generator facilities, small fuel cell facilities shall not be permitted unless the aggregate wattage of the two facilities is less than one megawatt. If the aggregate wattage of the two facilities is one megawatt or greater, the small fuel cell facilities shall be subject to all requirements and processes prescribed in this title for medium or large fuel cell facilities, whichever is the most applicable, in the subject zoning district;

Small fuel cell facilities are encouraged to be cogeneration or combined cycle facilities.
- N. Home occupations conducted in accord with the regulations prescribed in Chapter 18.104 of this title.
- O. Large family daycare homes in accordance with the provisions of Chapter 18.124, Article II of this title.
- P. Small bed and breakfasts and bed and breakfast inns in accordance with provisions of Chapter 18.124 of this title. (Ord. 1885 § 2, 2003; Ord. 1880, 2003; Ord. 1812, 2000; Ord. 1743, 1998; Ord. 1690 § 4, 1996; Ord. 1636 § 6, 1994; Ord. 1153 §§ 1, 2, 1984; Ord. 1126 § 8, 1984; prior code § 2-6.25)

18.36.045 Temporary conditional uses.

The following conditional uses shall be permitted in RM districts upon the granting of a temporary conditional use permit in accord with the provisions of Section 18.116.050 of this title:

- A. Christmas tree sales lots. (Ord. 1443 § 2, 1989)

18.36.050 Prohibited uses.

The following uses shall not be permitted in the RM districts:

- A. Any use not specifically or conditionally permitted by this chapter, unless a determination is made under Chapter 18.128 of this title.
- B. Barbed wire fences or any fence which has attached to it, for purposes of prohibiting people or animals from climbing the same, barbed wire regardless of type, with the following exceptions:
 - 1. Where this title specifically allows for the keeping of horses,
 - 2. Where property, although zoned for residential use, has not yet developed pursuant to that zoning and, thus, a great deal of open acreage still remains and is used for the keeping of horses and other animals included in the agricultural district, such usage becoming nonconforming as a result of the change in zoning.
- C. Gunsmiths.
- D. Firearm sales.
- E. Any process, equipment or material which has been determined by the planning commission to be detrimental or harmful to the public health, safety or welfare or injurious to property. This determination shall be made at a public hearing set and noticed pursuant to Section 18.12.040 of this title and shall be subject to review by or appeal to the city council as set forth in Section 18.124.090 of this title. (Ord. 1880, 2003; Ord. 1738 § 1, 1998; prior code § 2-6.25(a))

18.36.060 RM-1,500 district—Reduced site area per dwelling unit with parking under or within structure.

In an RM-1,500 district where all required parking is located under or within the same structure as the dwelling units served, one dwelling unit shall be permitted for each 1,200 square feet of site area. (Prior code § 2-6.26)

18.36.070 Underground utilities.

Electric and communication service wires to a new structure shall be placed underground from the nearest utility pole. If the city engineer finds upon application by the property owner, that compliance is not feasible or economically justifiable, he or she shall permit different service arrangements. The property owner shall comply with the requirements of this section without expense to the city and shall make the necessary arrangements with the public utility involved. (Ord. 2000 § 1, 2009; prior code § 2-6.27)

18.36.080 Off-street parking.

Off-street parking facilities shall be provided for each use in the RM districts as prescribed in Chapter 18.88 of this title. (Prior code § 2-6.28)

18.36.090 Off-street loading.

Off-street loading facilities shall be provided for each use in the RM districts as prescribed in Chapter 18.92 of this title. (Prior code § 2-6.29)

18.36.100 Signs.

No sign, outdoor advertising structure, or display of any character shall be permitted in the RM districts except as prescribed in Chapter 18.96 of this title. (Prior code § 2-6.30)

18.36.110 Design review.

All uses shall be subject to design review as prescribed in Chapter 18.20 of this title. Applicants are advised to confer with the zoning administrator before preparing detailed plans. (Ord. 1656 § 1, 1995; prior code § 2-6.31)

	CR*(m)	CR**(p)	CN	CC	CS	CF	CA
Boat sales, no service or repair	P				P		
Bookbinding					C	C	
Bookstores and rental libraries	P	P	P	P			
Bottling works					C		
Bowling alleys	P	C		C	C		
Building materials sales		C			C		
Bus depots, provided buses shall not be stored on-site and no repair work shall be conducted on-site		P		P	P	P	
Candy stores	P	P	P	P			
Carpet, drapery and floor-covering stores	P	P	C	P	P		
Carpet and rug cleaning and dyeing					C		
Catalog stores, no firearm sales	P	P		P			
Catalog stores with firearm sales	C	C		C	C		
Catering establishments	P	P	P	P	P		
Charitable institutions and operations, including, but not limited to, lodging houses or dormitories providing temporary quarters for transient persons, organizations devoted to collecting or salvaging new or used materials, or organizations devoted principally to distributing food, clothing and other similar charitable operations				C	C		
Childcare centers, if located a minimum of 300 feet away from any personal wireless service facility approved after the adoption of the city's Personal Wireless Service Facility Ordinance, Chapter 18.110 of this title, not including those personal wireless service facilities exempted in Section 18.110.010 of this title, and provided that state-mandated outdoor play areas face new or existing landscaping sufficient to buffer the play area from view, are separated from customer parking areas by a heavy wood fence or comparable barrier, are isolated from loading docks and associated delivery truck circulation areas, and contain landscaping for outdoor children's activities	C	C	C				
Christmas tree sales lots	P	TC	TC	TC	TC	TC	TC
Churches, parsonages, parish houses, monasteries, convents and other religious institutions				C			
Circuses, carnivals and other transient amusement enterprises	P	TC	TC	TC	TC	TC	TC
Clothing and costume rental establishment	P	P	P	P			
Clothing, shoe and accessory stores	P	P	P	P			
Columbariums and crematories, not less than 300 feet from an R district					C		

	CR*(m)	CR**(p)	CN	CC	CS	CF	CA
Commercial radio and television aerials, antennas, and transmission towers with design review approval specified under Chapter 18.20 of this title, having a minimum distance of 300 feet from the property lines of all of the following:	P			P	P		

	CR*(m)	CR**(p)	CN	CC	CS	CF	CA
Dance halls (where no liquor is served)	P	C		C			
Delicatessen stores	P	P	P	P			
Department stores	P	P		P			
Department stores tire, battery and accessory shops	P	P					
Diaper supply services					P		
Drive-in theaters					C		
Drugstores and prescription pharmacies	P	P	P	P			
Dry goods stores	P	P	P	P			
Electrical equipment repair and electricians' shops					C		
Feed and fuel stores					C		
Financial institutions, including banks, savings and loan offices, finance companies, credit unions and related services	P	P	P	P***	P		
*** Conditionally permitted use if the subject location:							
1. Is zoned Central-Commercial (C-C) or is zoned planned unit development (PUD) that references uses of the C-C district; AND							
2. Is located within the Downtown Revitalization District; AND							
3. Has ground floor frontage on Main Street.							
Financial institutions that propose to locate on properties that do not meet all three of the above parameters shall be permitted uses and shall not be subject to the following additional considerations:							
When reviewing an application for a conditional use permit for a financial institution that meets the above three parameters, the planning commission shall discourage more than one financial institution within any block of Main Street (including both sides of the street as defined by address, e.g., 100 block, 200 block, etc.) and encourage retail businesses on corners that add to the vitality and pedestrian interest in downtown.							
Existing financial institutions may remain as nonconforming uses. Notwithstanding Chapter 18.120 of this code, if an existing financial institution has been abandoned, discontinued, or changed to a conforming use for a continuous period of 180 days or more, the nonconforming use shall not be reestablished without securing a conditional use permit. Abandonment or discontinuance shall include cessation of a use regardless of intent to resume the use.							
Firearm sales	C	C		C			
Firearm sales in which no more than 10 firearms are stored on-site at any one time and the majority of firearms are sold through catalogs, mail order, or at trade shows	C	C		C	C		
Florists	P	P	P	P			
Food lockers	P			C	P		
Food market including supermarkets, convenience markets and specialty stores	P	P	C	C			
Freight forwarding terminals					C		
Full-service, self-service and quick-service stations not less than 60 feet from residentially planned or zoned property, provided all operations except the sale of gasoline and oil shall be conducted within a building enclosed on at least three sides, and provided that the minimum site area shall be 20,000	C	C	C	C	C	C	C

	CR*(m)	CR**(p)	CN	CC	CS	CF	CA
square feet. Direct sales to the public shall be limited to petroleum products, automotive accessories, tobacco, soft drinks, candy and gum							
with truck and trailer rental					C	C	
with a convenience market, excluding the sale of alcoholic beverages					C	C	
with a drive-through car wash		C			C	C	
Full service car wash		C			C	C	
Furniture stores	P	P		P	P	P	
Furniture upholstery shops					C	C	
Game arcades as defined by Section 18.08.207 of this title	C	C	C	C			
Garden centers, including plant nurseries	P	C			C	C	
Gift shops	P	P	P	P			
Glass replacement and repair shops					C	P	
Guards' living quarters					C		
Gunsmiths	P	P		P	P		
Gymnasiums and health clubs	P	C	C	C	P		
Gymnasiums and health clubs including massage services of four or more massage technicians at any one time. Massage establishments within gymnasiums and health clubs shall meet the requirements of Chapter 6.24.	C	C	C	C	C		
Gymnasiums and health clubs including massage services of three or fewer massage technicians at any one time. Massage establishments within gymnasiums and health clubs shall meet the requirements of Chapter 6.24.	P	C	C	C	P		
Hardware stores	P	P	P	P	P		
Heating and air conditioning shops					C		
Hobby shops	P	P	P	P			
Homeless shelters shall be conditionally permitted in CS except that within the SF service facilities overlay district homeless shelters that meet the requirements set forth in Chapter 18.82 shall be a permitted use					C		
Hospital equipment, sales and rental	P	P		C	P		
Hotels and motels		C		P		P	
Household repair shops					C		
Ice cream sales	P	P	P	P			
Ice vending stations		C	C	C	C	C	
Interior decorating shops	P	P	P	P			
Janitorial services and supplies	P			C	P		
Jewelry stores	P	P	P	P			

	CR*(m)	CR**(p)	CN	CC	CS	CF	CA
Kennels, and other boarding facilities for small animals not less than 300 feet from an R or O district					C		
Laboratories		P		P	P		
Laundries and dry cleaners where service is provided	P	P	P	P	P		
Laundries, self-service		P	P	P			
Laundry plants				C			
Leather goods and luggage stores	P	P	P	P			
Linen supply services					P		
Liquor stores	P	P	C	C			
Locksmiths	P	P	P	P			
Lumberyards, not including planing mills or sawmills not less than 300 feet from an R or O district					C		
Machinery sales					P		
Massage establishments where four or more massage technicians provide massage services at any one time. Massage establishments shall meet the requirements of Chapter 6.24.	C	C		C			
Massage establishments where three or fewer massage technicians provide massage services at any one time. Massage establishments shall meet the requirements of Chapter 6.24.	P	P		P			
Medical and orthopedic appliance stores	P	P		P			
Meeting halls	P	C		C	C	C	
Microbrewery	p****	p****		p****	p****		
**** Permitted use subject to the following conditions:							
1. The zoning administrator finds that adequate parking is available for said use.							
2. If the zoning administrator determines that the use will be or is creating odor problems, an odor abatement device determined to be appropriate by the zoning administrator shall be installed within the exhaust ventilation system to mitigate brewery odors.							
3. The applicant is in compliance with all applicable requirements of Chapter 9.04 of this code.							
4. If operation of the use results in conflicts pertaining to parking, noise, odors, traffic, or other factors, the zoning administrator may modify or add conditions to mitigate such impacts, or may revoke the zoning certificate for the use.							
Miniature golf	P	C					
Mortuaries				C	P		
Motorcycle sales, no service or repair	P			P			P
Motorcycle sales and service					C	C	C
Music stores	P	P	P	P			
Music and dance facilities which cannot meet the criteria for music and dance facilities as written in the use category below	P	C	C	C	C	C	
Music and dance facilities with no more than 20 students in the facility at any one time are permitted uses subject to the following conditions:	P	P	P	P	P	P	

	CR*(m)	CR**(p)	CN	CC	CS	CF	CA
1. The facility shall adhere to all occupancy, ADA, California Building Code, and exiting requirements;							
2. The zoning administrator finds that adequate parking is available for the said use.							
The standard city noise ordinance applies.							
Newsstands	P	P	P	P	P		
Office buildings		P	C	P			
Office supply and business machines stores	P	P	P	P			
Offices, including, but not limited to, business, professional and administrative offices	P	P	P	P			
Outdoor art and craft shows		TC	TC	TC			
Paint, glass and wallpaper shops	P	P		P	P		
Parcel delivery services including garage facilities for trucks, and repair shops facilities					C		
Parking facilities, including required off-street parking facilities located on a site separated from the uses which the facilities serve and fee parking in accordance with the standards and requirements of Chapter 18.88 of this title				C			
Pest control shops				C	P		
Pet and bird stores	P	P	P	P	P		
Photographic studios	P	P	P	P			
Photographic supply stores	P	P	P	P	P		
Picture framing shops	P	P	P	P			
Plant shops	P	P	P	P			
Plumbing, heating and ventilating equipment showrooms with storage of floor samples only	P	P		P	P		
Plumbing shops					P		
Pool halls	P	C		C			
Post offices	P	P	C	P			
Prefabricated structure sales					C		
Printing, including also lithographing and engraving and other reproduction services				C	P		
Private clubs and lodges				C	C		
Private museums				C	C		
Public utility and public service facilities including pumping stations, power transmission stations, power distribution stations, equipment buildings, service yards, drainageways and structures, water reservoirs, percolation basins, well fields, and storage tanks. These facilities		C	C	C	C	C	

	CR*(m)	CR**(p)	CN	CC	CS	CF	CA
must be found by the planning commission to be necessary for the public health, safety, or welfare							
“Radioactive materials uses” as defined in Section 18.08.445 of this title					C		
Radio and television broadcasting studios		P	P	C	P	P	
Record and recording and sound equipment stores	P	P	C	P			
Recreation and sport facilities, indoor, which cannot meet the recreation and sport facility criteria as written in the use category below	C	C	C	C	C	C	
Recreation and sport facilities, indoor, with more than 20 students in the facility at any one time, or recreation and sports facilities, indoor, including massage services of four or more massage technicians at any one time. Massage establishments within recreation and sports facilities shall meet the requirements of Chapter 6.24.	C	C	C	C	C	C	
Recreation and sport facilities, indoor, with no more than 20 students in the facility at any one time, and with no massage services or with massage services of three or fewer massage technicians at any one time. Massage establishments within recreation and sports facilities shall meet the requirements of Chapter 6.24.	P	P	P	P	P	P	
1. The facility shall adhere to all occupancy, ADA, California Building Code, and exiting requirements;							
2. The zoning administrator finds that adequate parking is available for the said use.							
The standard city noise ordinance applies.							
Recreation and sports facilities, outdoor, including racetracks, golf driving ranges, skateboard parks, riding stables, etc.					C		
Recycling collection facilities, small	C	C	C	C	C	C	
Refrigeration equipment sales					P		
Rental yards, including the rental of hand tools, garden tools, power tools, trucks and trailers and other similar equipment					C		
Residential uses (see subsection B of this section) see also “guards’ living quarters,” and Chapter 18.108 of this title				P	C	C	
Restaurants and soda fountains not including drive-ins or take-out food estab-	P	P	P	P	C	P	

	CR*(m)	CR**(p)	CN	CC	CS	CF	CA
lishments							
Restaurants and soda fountains including drive-ins and take-out food establishments	P	C	C	C	C	C	
Saddleries	P	P		P	P		
Schools and colleges including trade, business, music and art schools, but not including general purpose or nursery schools which cannot meet the criteria for schools and colleges as written in the use category below	P	C	C	C	C	C	
Schools and colleges including trade, business, music and art schools, but not including general purpose or nursery schools, with no more than 20 students in the facility at any one time are permitted uses subject to the following conditions:	P	P	P	P	P	P	P
1. The facility shall adhere to all occupancy, ADA, California Building Code, and exiting requirements;							
2. The zoning administrator finds that adequate parking is available for the said use.							
The standard city noise ordinance applies.							
Scientific instrument shops	P	P		P	P		
Secondhand stores and pawnshops				C			
Self-service car wash				C			
Sheet metal shops				C			
Shoe repair shops	P	P	P	P			
Shoe stores	P	P	P	P			
Shooting galleries, indoor	P			C	P		
Shooting galleries, indoor, with firearm sales	C			C	C		
Sign painting shops	P			C	P		
Skating rinks, indoor	P	P			P	C	
Specialty stores selling those items normally sold in department stores	P	P		P			
Sporting goods stores, no firearm sales	P	P	P	P			
Sporting goods stores with firearm sales	C	C		C			
Sports arenas or stadiums					C	C	
Stamp and coin stores	P	P	P	P			
Stationery stores	P	P	P	P			
Stone and monument yards					P		
Storage buildings for household goods						P	
Storage yards for commercial goods, supplies and equipment including fuel storage, no less than 300 feet from any R or O district					C		
Supportive housing that provides shelter for 6 or fewer persons in a dwelling unit,				P			

	CR*(m)	CR**(p)	CN	CC	CS	CF	CA
and that meets the standards of Chapter 18.107							
Swimming pool sales, supplies and/or service	P		C	C	P	C	
Tailor or dressmaking shops	P	P	P	P			
Taxicab stands		P	P	P	P	P	P
Taxidermists	P	P		P	P		
Television and radio sales and repair shops	P	P	P	P	P		
Theaters and auditoriums	P	P	C	P		C	
Tire sales and service, not including re-reading and recapping or mounting of heavy truck tires		C		C	P		P
Tires, batteries and accessories	P	P					
Tobacco stores	P	P	P	P			
Tool and cutlery sharpening or grinding				C	P		
Toy stores	P	P	P	P			
Trailers and mobilehome parks in accordance with the regulations prescribed in Chapter 18.108 of this title					C	C	
Transitional housing that provides shelter for 6 or fewer persons in a dwelling unit, and that meets the standards of Chapter 18.107				P			
Truck, trailer and/or RVs, sales and service					C	C	P
Truck scales					P	C	
Trucking terminals, not less than 150 feet from an R or O district					C		
Tutoring which cannot meet the criteria for tutoring as written in the use category below	C	C	C	C	C	C	
Tutoring with no more than 20 students at the facility at any one time are permitted uses subject to the following conditions:	P	P	P	P	P	P	
1. The facility shall adhere to all occupancy, ADA, California Building Code, and exiting requirements;							
2. The zoning administrator finds that adequate parking is available for the said use.							
The standard city noise ordinance applies							
Variety stores	P	P	P	P			
Vending machine sales and service				C	P		
Veterinarians' offices and out-patient clinics, excluding any overnight boarding of animals, and including incidental care such as bathing and trimming, provided that all operations are conducted entirely within a completely enclosed			C				

	CR*(m)	CR**(p)	CN	CC	CS	CF	CA
building which complies with specifications for soundproof construction prescribed by the chief building official							
Veterinarians' offices, out-patient clinics, and small animal hospitals, including short term overnight boarding of animals and incidental care such as bathing and trimming, provided that all operations are conducted entirely within a completely enclosed building which complies with specifications for sound-proof construction prescribed by the chief building official				C	P		
Veterinarians' offices and small animal hospitals including operations not conducted within an entirely enclosed building, not less than 300 feet from an R or O district					C		
Warehouses except for the storage of fuel or flammable liquids					C		
Watch and clock repair shops	P	P	P	P			
Waterbed shops including the sale of small incidentals, such as linens, wall hangings, and other similar items	P	P	P	P			
Wholesale establishments					C		
Wholesale establishments without stocks		P		P			

(Ord. 2061 § 2, 2013; Ord. 2055 § 2, 2012; Ord. 2039 § 2, 2012; Ord. 2017 § 2, 2011; Ord. 2000 § 1, 2009; Ord. 1995 § 2, 2009; Ord. 1950 § 2 (Exh. A), 2007; Ord. 1880, 2003; Ord. 1850 § 1, 2002; Ord. 1821 § 1, 2001; Ord. 1810 § 1, 2000; Ord. 1743, 1998; Ord. 1738 § 1, 1998; Ord. 1726 § 1, 1997; Ord. 1725 § 1, 1997; Ord. 1668 § 2, 1995; Ord. 1665 § 2, 1995; Ord. 1604 § 1, 1993; Ord. 1603 § 3, 1993; Ord. 1394 § 1, 1989; Ord. 1390 § 1, 1988; Ord. 1379 § 1, 1988; Ord. 1354 § 4, 1988; Ord. 1346 § 2, 1987; Ord. 1340 § 1, 1987; Ord. 1216 § 1, 1985; Ord. 1071 § 2, 1983; prior code § 2-7.08)

18.44.095 Prohibited uses.

The following uses shall not be permitted in the commercial districts:

Any use not specifically or conditionally permitted by this chapter, unless a determination is made under Chapter 18.128 of this title. (Ord. 1880, 2003)

18.44.100 Underground utilities.

Electric and communication service wires to a new structure shall be placed underground from the nearest utility pole. If the city engineer finds, upon application by the property owner, that compliance is not feasible or economically justifiable, he or she shall permit different service arrangements. The property owner shall comply with the requirements of this section without expense to the city and shall make the necessary arrangements with the public utility involved. (Ord. 2000 § 1, 2009; prior code § 2-7.09)

18.44.110 Off-street parking.

Off-street parking facilities shall be provided for each use in the C districts as prescribed in Chapter 18.88 of this title. (Prior code § 2-7.10)

18.44.120 Off-street loading.

Off-street loading facilities shall be provided for each use in the C districts prescribed in Chapter 18.92 of this title, except in the C-R district where the zoning administrator and/or planning commission shall establish regulations on a case by case basis in accordance with the purposes of Chapter 18.20 of this title. (Ord. 1591 § 2, 1993; prior code § 2-7.11)

18.44.130 Signs.

No sign, outdoor advertising structure, or display of any character shall be permitted in the C districts, except as prescribed in Chapter 18.96 of this title. (Prior code § 2-7.12)

18.44.140 Design review.

All permitted and conditional uses in the C districts shall be subject to design review as prescribed in Chapter 18.20 of this title. Applicants are advised to confer with the zoning administrator before preparing detailed plans. (Prior code § 2-7.13)

Chapter 18.76

H-P-D HILLSIDE PLANNED DEVELOPMENT DISTRICT

Sections:

Article I. General Provisions

- 18.76.010 Purpose.**
- 18.76.020 Permitted uses.**
- 18.76.030 Conditional uses.**
- 18.76.040 Permit required.**
- 18.76.050 Property development standards.**
- 18.76.060 Signs.**
- 18.76.070 Interim uses.**
- 18.76.080 Grading.**

Article II. Hillside Planned Development Permit

- 18.76.090 Purpose.**
- 18.76.100 Definitions.**
- 18.76.110 Procedures.**
- 18.76.120 Findings.**
- 18.76.130 Conditions.**
- 18.76.140 Required data.**
- 18.76.150 Density.**
- 18.76.160 Percentage open.**
- 18.76.170 Grading control.**

Article I. General Provisions

18.76.010 Purpose.

The city is located in the Livermore-Amador Valley. Within the city's incorporated boundaries and within its sphere of influence are a series of major and minor hills. These hills constitute a significant topographical feature of the community because they are visible to all persons traveling on I-580 and I-680, as well as to citizens residing in and around the community. Although most of the development within the city, caused by the migration of substantial numbers of people, has occurred in the flatlands, some development has occurred in the hills and more development in the hills will occur in the future. In order to insure that a harmonious visual and functional relationship will exist between the existing natural hillside environment and the growing manmade environment, development standards specifically designed for hillside development are required. It is therefore the declared intent of the city that appropriate undeveloped land in hillside areas be placed in a hillside planned development district to be identified by the initials H-P-D, in order to accomplish the following:

- A. To preserve significant features of a hill area in essentially their natural state as part of a comprehensive open space system;
- B. To encourage in hill areas an alternative approach to conventional flatland practices of development;
- C. To minimize grading and cut and fill operations consistent with the retention of the natural character of the hill areas;
- D. To minimize the water runoff and soil erosion problems incurred in adjustment of the terrain to meet on-site and off-site development needs;
- E. To achieve land use densities that are in keeping with the general plan; however, in order to retain the significant natural features of the hill areas, densities will diminish as the slope of the terrain increases;

18.76.020

- F. To insure that the open space as shown on any development plan is consistent with the open space element shown on the general plan; and
- G. To preserve the predominant views both from and of the hill areas and to retain the sense of identity and imageability that these hill areas now impart to the city and its environs. (Prior code § 2-2.3201)

18.76.020 Permitted uses.

The following uses may be permitted in the H-P-D district:

- A. Single-family dwellings and planned unit developments;
- B. Recreation facilities, either for general public use or for the exclusive use of the residents of the subdivision or series of subdivisions of which the recreation facilities are a part;
- C. Recreational vehicle storage, stables, day nurseries, child care centers and managerial offices where any such use is owned by and used exclusively for the residents of the subdivision or series of subdivisions which contain such use;
- D. Schools, public or private, attendance at which satisfied the compulsory laws of the state;
- E. Churches and similar religious institutions;
- F. Public facilities, such as administrative offices and similar uses, but not including storage yards, corporation yards, or similar uses;
- G. Employee housing (agricultural) that complies with California Health and Safety Code Sections 17008, 17021.5 and the other applicable provisions of the Employee Housing Act at California Health and Safety Code Section 17000 et seq., and to include a residential safety management plan;
- H. Supportive housing that provides shelter for six or fewer persons in a dwelling unit, subject to the provisions of Chapter 18.107;
- I. Transitional housing that provides shelter for six or fewer persons in a dwelling unit, subject to the provisions of Chapter 18.107;
- J. Other uses accessory to any permitted use. (Ord. 2062 § 2, 2013; Ord. 2061 § 2, 2013; prior code § 2-2.3202)

18.76.030 Conditional uses.

Agricultural uses may be permitted in the H-P-D district subject to the granting of a use permit pursuant to the procedure and criteria specified in Chapter 18.124 of this title. (Prior code § 2-2.3203)

18.76.040 Permit required.

- A. Property zoned pursuant to the provisions of this chapter shall neither be developed nor shall any grading permit be issued pursuant to any provisions of this code until a hillside planned development (H-P-D) permit has been obtained pursuant to the provisions of Article II of this chapter.
- B. As used in this section, “developed” means the submittal of any plans required by this code prior to the commencement of construction of any improvements, excepting therefrom those permitted by Section 18.76.070. (Prior code § 2-2.3204)

18.76.050 Property development standards.

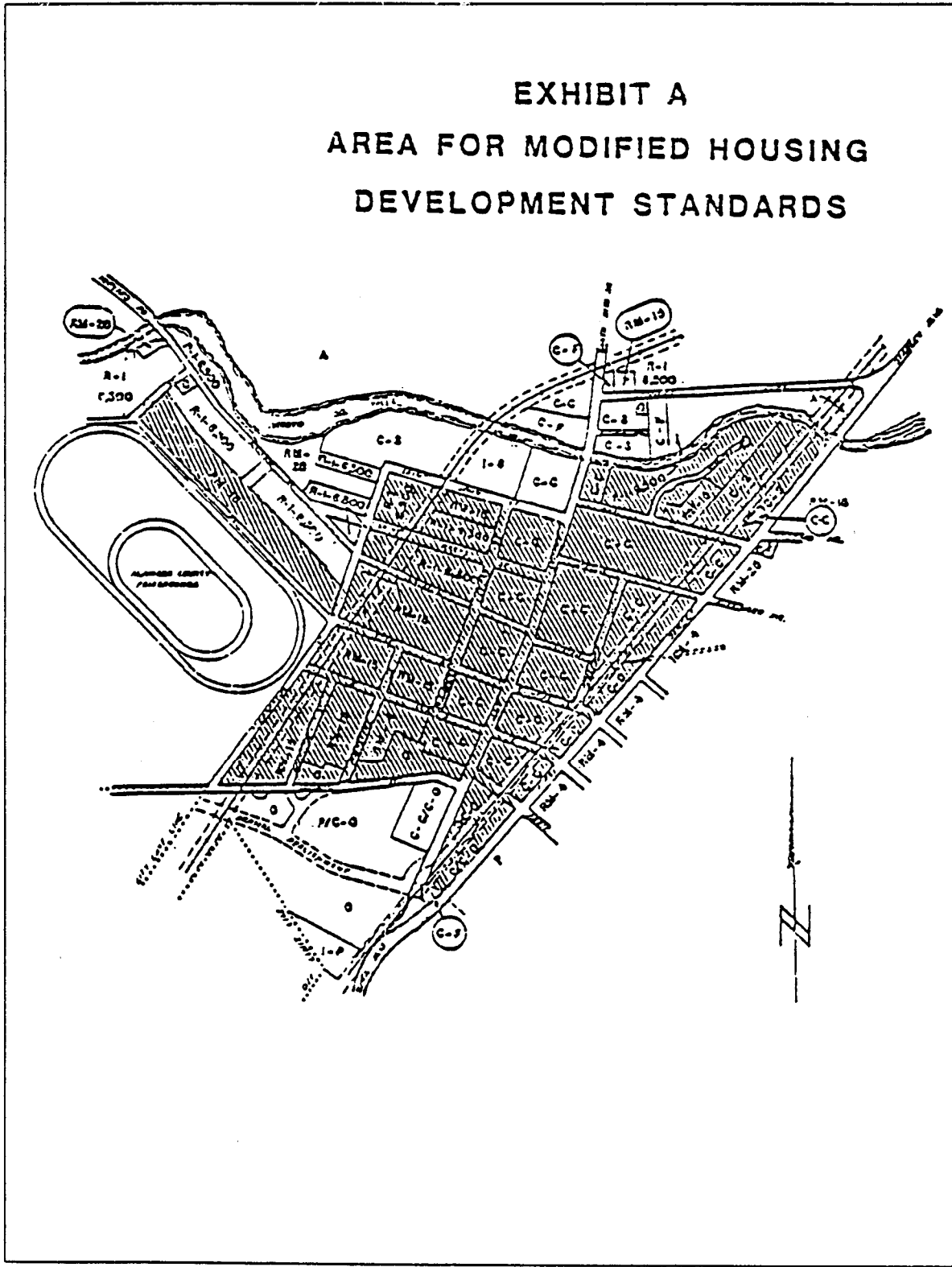
The following property development standards shall apply to the H-P-D district:

- A. Dimensions. There shall be no minimum yards, lot area, lot width, lot frontage or distance between buildings or maximum lot coverage except as may be required by an approved H-P-D permit.
- B. Building Height. No building shall exceed two stories in height, exclusive of covered parking in the same structure.

C. Parking.

1. Quantity. For residential use there shall be not less than two covered parking spaces designated for the exclusive use of the occupant of every dwelling unit. In addition to covered parking spaces there shall be a quantity of open parking spaces not in driveways, equal to or greater than the number of dwelling units.
2. Location. The open parking spaces required by subsection (C)(1) shall be located within two hundred feet of every dwelling unit provided the terrain is appropriate for such placement. Wherever possible, open space parking shall be placed in groups, if six or more spaces are required; groupings may include parking within street rights-of-way, parking bays, and small parking lots, or any combination of the above.

EXHIBIT A AREA FOR MODIFIED HOUSING DEVELOPMENT STANDARDS



Chapter 18.82

SF SERVICE FACILITIES OVERLAY DISTRICT

Sections:

- 18.82.010 Purposes.**
- 18.82.020 Area designation.**
- 18.82.030 Applicability.**
- 18.82.040 Permitting procedures and standards.**

18.82.010 Purposes.

The purpose of this chapter is to provide locations, procedures and standards to facilitate the establishment of homeless shelters within the SF service facilities overlay district area.

The further purpose of this chapter is to comply with the requirements of Senate Bill 02 (2007) codified in California Government Code Sections 65582, 65583 and 65589.5. (Ord. 2061 § 2, 2013)

18.82.020 Area designation.

The SF service facilities overlay district shall include the area designated on the map in Exhibit A at the end of this chapter. (Ord. 2061 § 2, 2013)

18.82.030 Applicability.

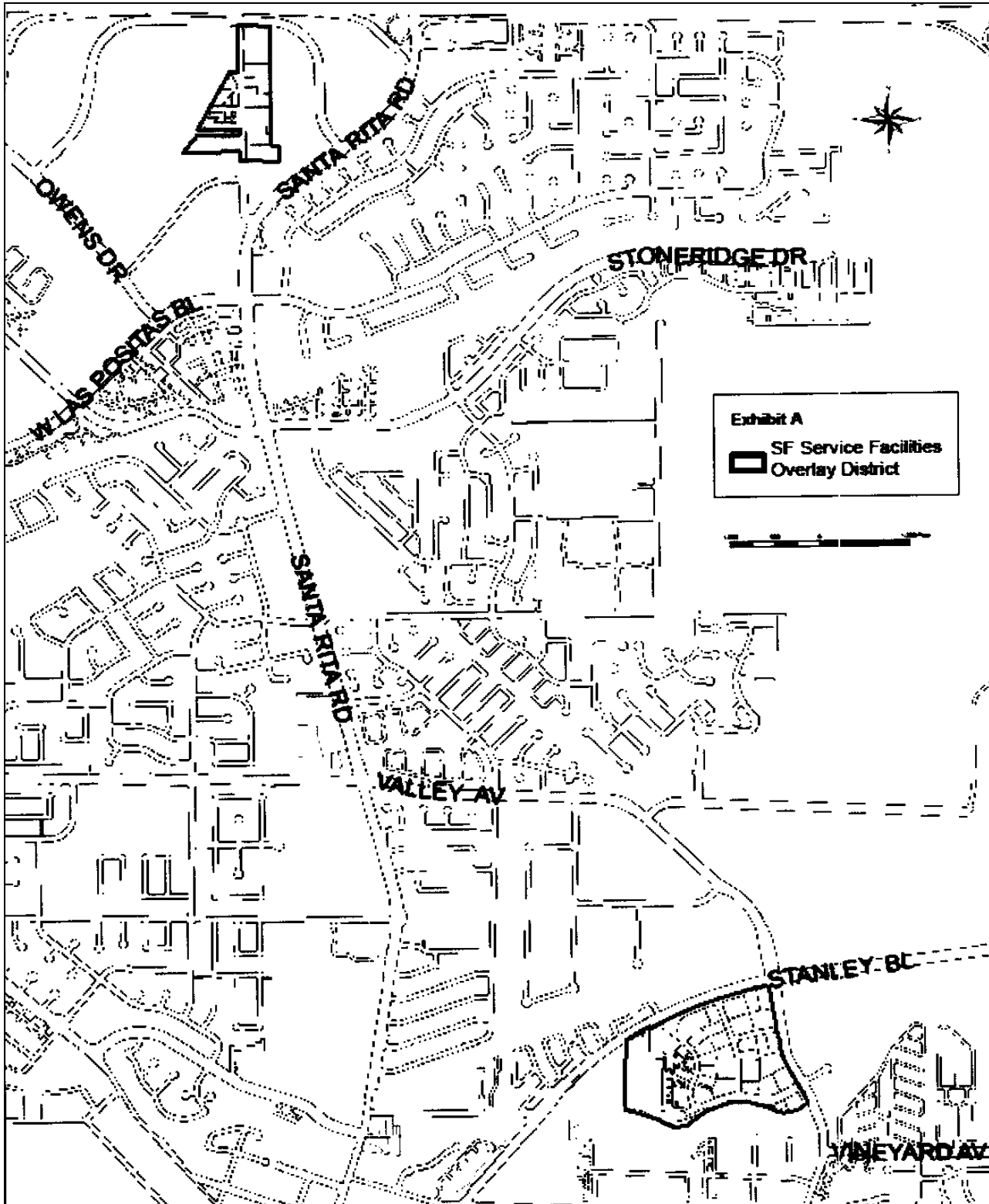
Within the SF service facilities overlay district all homeless shelters as defined in this title and that conform to the standards specified in this chapter, shall be a permitted use without a conditional use permit or other discretionary permit. Otherwise, all regulations of the underlying base district shall apply. For properties within the SF overlay district that have an approved PUD development plan, the uses and standards of the PUD shall apply, except that homeless shelters shall be a permitted use without a conditional use permit, or other discretionary permit. (Ord. 2061 § 2, 2013)

18.82.040 Permitting procedures and standards.

- A. Permitted Use. Within the SF overlay district a homeless shelter that meets all of the standards provided in subsection B shall be approved ministerially with a zoning certificate, without discretionary review or a public hearing.
 - 1. The application for a zoning certificate for a homeless shelter shall be submitted to the planning division and shall include:
 - a. Plot plan (drawn to scale) showing the dimensions of the lot on which the homeless shelter will be located; the location and dimension of setbacks of all existing and proposed structures on the proposed site; all easements; building envelopes; and parking for the project site; and
 - b. Floor plans of the entire structure or structures with each room dimensioned, the resulting floor area calculated for each room, and calculation of the total floor area. The use of each room shall be identified; and
 - c. A homeless shelter management plan as required in subsection B of this section; and
 - d. Any additional drawings or statements demonstrating compliance with the standards required by subsection B of this section.
 - 2. The zoning certificate shall document compliance of the homeless shelter with this chapter and shall be kept on file in the community development department for the duration of the operation of the homeless shelter.
- B. Required Standards for Homeless Shelters.

1. **Basic Development Standards.** A homeless shelter shall conform to all property development standards of the zoning district in which it is located, except as modified by this section.
2. **Maximum Number of Beds.** A homeless shelter shall contain a maximum of 50 beds to provide overnight accommodation for a maximum of 50 persons. In addition a homeless shelter shall not exceed a ratio of one bed for each 400 square feet of lot area.
3. **Off-Street Parking.** A homeless shelter shall provide one parking space for every four beds plus one parking space for each employee on the largest shift, plus one parking space for each company vehicle. Otherwise off-street parking shall comply with all applicable provisions of Chapter 18.88 of this title.
4. **Length of Stay.** No individual or family shall reside in a homeless shelter for more than 90 consecutive days. Extensions up to a total stay of 180 days may be provided if no alternative housing is available.
5. **Concentration of Use.** The proposed shelter must be more than 300 feet from any other homeless shelter.
6. **Exterior and Interior Client Areas and Facilities.**
 - a. The following facilities are required:
 - i. A waiting and client intake area of not less than 10 square feet per bed;
 - ii. A lockable storage facility for each resident;
 - iii. Separate toilets and bathing facilities for men and women, unless shelter is limited to only one sex;
 - iv. Central kitchen and dining room.
 - b. The development may provide one or more of the following specific common facilities for the exclusive use of residents and staff:
 - i. Recreation room;
 - ii. Counseling center;
 - iii. Childcare facilities;
 - iv. Other support services;
 - v. Administrative office for staff;
 - vi. If outdoor designated smoking area is provided it must be compliant with city smoking regulations pursuant to Chapter 9.24 and not visible from a public street;
 - vii. Outdoor activity areas, provided they are separate from any designated smoking area and not visible from a public street.
7. **Trash and Recycling Storage Area.** All trash and refuse shall be contained completely within a trash enclosure and screened from view. The trash enclosure shall be sized to accommodate both trash and recycling containers.
8. **Provision of On-Site Management and Security.** On-site management and on-site security shall be provided during the hours when the homeless shelter is in operation. The operator shall provide to the city (on an ongoing basis) a name and 24-hour contact telephone number for the person responsible for the facility.
9. **Noise.** The use shall be conducted in compliance with the city noise regulations pursuant to Chapter 9.04.
10. **Lighting.** For security purposes the use shall comply with the minimum lighting requirements for commercial buildings as provided in Chapter 20.36, and to the provisions of Section 18.44.080(D).
11. **Homeless Shelter Management Plan.** The operator of a homeless shelter shall prepare a management plan that includes, as applicable, the following: staff training to meet the needs of shelter residents; community outreach; adequate security measures to protect shelter residents and surrounding uses; services provided to assist residents with obtaining permanent shelter and income; active participation with the Alameda County Continuum of Care or equivalent; and screening of residents to ensure compatibility with services provided at or through the shelter.

- 12. Food Service. All food service must comply with the requirements of the Alameda County Department of Environmental Health Food Safety Division. (Ord. 2061 § 2, 2013)



Chapter 18.84

SITE, YARD, BULK, USABLE OPEN SPACE AND LANDSCAPING REGULATIONS

Sections:

- 18.84.010** Basic requirements for all sections.
- 18.84.020** Modifications to requirements of PUD, C, O and I districts.
- 18.84.030** Site area and dimensions—Measurement.
- 18.84.040** Hillside sites in R-1 districts.
- 18.84.050** Width of corner lots.
- 18.84.060** Depth adjoining freeway or railroad in R districts.
- 18.84.070** Nonconforming sites.
- 18.84.080** Front yards—Requirements and exceptions.
- 18.84.090** Side and rear yards—Requirements and exceptions.
- 18.84.100** Yards and courts related to height of a structure.
- 18.84.110** Traffic sight obstructions.
- 18.84.120** Projections into yards.
- 18.84.130** Projections over public property.
- 18.84.140** Height limits—Measurement.
- 18.84.150** Height limits—Exceptions.
- 18.84.160** Accessory structures—Location and yards.
- 18.84.170** Usable open space.
- 18.84.180** Screening and landscaping—Materials and maintenance.
- 18.84.190** Screening of parking and loading facilities adjoining or opposite R district.
- 18.84.200** Screening of uses adjoining R-1 district.
- 18.84.210** Screening of uses adjoining RM districts.
- 18.84.220** Screening of open uses.
- 18.84.230** Landscaping of parking facilities.
- 18.84.240** Landscaping of trailer parks.
- 18.84.250** Additional landscaping in O and I-P districts.
- 18.84.260** Landscaping of buffers in Q district.
- 18.84.270** Types of vehicles and parking locations permitted in R district.

18.84.010 Basic requirements for all sections.

The zoning schedule provided in Table 18.84.010 of this chapter prescribes the basic site, yard, bulk, usable open space and screening and landscaping regulations that shall apply in the districts as indicated in the schedule. These basic requirements are defined and supplemented by additional requirements and exceptions prescribed in subsequent sections of this chapter. (Ord. 1250 § 1, 1986; prior code § 2-5.34(a))

18.84.020 Modifications to requirements of PUD, C, O and I districts.

- A. For properties zoned PUD, the basic site requirements shall be established in conjunction with the approval of the final development plan as set forth in Chapter 18.68.
- B. Properties in the C, O and I districts may be subdivided for purposes of lease, sale or finance without regard to the basic site requirements for the applicable district when all of the following are met:
 1. The property either has been developed previously or has had project approval granted by the city;
 2. The development as built or as approved meets the basic requirements of this chapter, Chapters 18.88 and 18.92 of this title, as required by the applicable zoning district or as modified by appropriate city action;

ZONING DISTRICT	MINIMUM LOT SIZE			MINIMUM YARDS			SITE AREA PER DWELLING UNIT	GROUP USABLE OPEN SPACE PER DWELLING UNIT	BASIC FLOOR AREA LIMIT (% OF SITE AREA)	MAXIMUM HEIGHT OF MAIN STRUCTURE	CLASS 1 ACCESSORY STRUCTURES				
	Area	Width	Depth	Front	One Side/ Both Sides	Rear					Maximum Height	Minimum Distance to Side Lot Line	Minimum Distance to Rear Lot Line		
C-C	---	---	---	18.84.130	18.84.130	---	1,000 sq ft	150 sq ft	300%	40 ft	40 ft	---	---		
C-R	18.44.080A			18.44.080A			Dwellings not permitted	Dwellings not permitted	18.44.080A	40 ft	40 ft	18.44.080A			
C-S	10,000 sq ft	80 ft	100 ft	10 ft	---	10 ft	Dwellings not permitted	Dwellings not permitted	100%	40 ft	40 ft	---	10 ft		
C-F	30,000 sq ft	100 ft	130 ft	20 ft	20 ft; 40 ft	10 ft	Dwellings not permitted	Dwellings not permitted	40%	40 ft	40 ft	20 ft	10 ft		
C-A	10 acre	300 ft	300 ft	20 ft	20 ft; 40 ft	10 ft	Dwellings not permitted	Dwellings not permitted	40%	40 ft	40 ft	20 ft	10 ft		
I-P	20,000 sq ft	140 ft	140 ft	25 ft	20 ft; 40 ft	15 ft	Dwellings not permitted	Dwellings not permitted	50%	40 ft	40 ft	20 ft	25 ft		
I-G 20,000	20,000 sq ft	100 ft	150 ft	25 ft	10 ft; 20 ft	15 ft	Dwellings not permitted	Dwellings not permitted	100%	40 ft	40 ft	10 ft	25 ft		
I-G 40,000	40,000 sq ft	150 ft	300 ft	25 ft	10 ft; 20 ft	15 ft				18.84.150	18.84.150	10 ft	10 ft	10 ft	25 ft
I-G 3 acre	3 acre	200 ft	300 ft	25 ft	20 ft; 40 ft	50 ft				40 ft	40 ft	20 ft	20 ft	20 ft	50 ft
Q	50 acre	---	---	100 ft	100 ft; 200 ft	100 ft	---	---	---	40 ft	40 ft	100 ft	100 ft		
P	18.56.020(A)														
S	18.60.060														
RO	18.64														
PUD	18.84.020														
CO	18.72														
CAO	18.80*														

NOTE: For further information, refer to the applicable sections of the Pleasanton Municipal Code (Shown in italics)

* The standards of the Core Area Overlay (CAO) District apply to residential development in the downtown area.

Chapter 18.86

REASONABLE ACCOMMODATION

Sections:

- 18.86.010 Purposes.**
- 18.86.020 Applicability.**
- 18.86.030 Review authority.**
- 18.86.040 Requesting reasonable accommodation.**
- 18.86.050 Review procedures.**
- 18.86.060 Findings and decision.**
- 18.86.070 Discussion of alternatives.**
- 18.86.080 Appeal of decision.**
- 18.86.090 Rescission of grants of reasonable accommodation.**

18.86.010 Purposes.

This chapter provides a procedure to request reasonable accommodation for persons with disabilities seeking equal access to housing under the Federal Fair Housing Act, the California Fair Employment and Housing Act, and the California Unruh Civil Rights Act (hereinafter “Fair Housing Laws” or “Laws”) in the application of zoning laws and other land use regulations, policies and procedures. (Ord. 2060 § 2, 2013)

18.86.020 Applicability.

Persons protected under the Fair Housing Laws may request reasonable accommodations when the strict application of the zoning regulations acts as a barrier to fair housing opportunities. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment or anyone who has a record of such impairment. This chapter is intended to apply to those persons who are defined as disabled under the laws.

A request for reasonable accommodation may include a modification or exception to the rules, standards and practices for the siting, development and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability the equal opportunity to housing of their choice. Requests for reasonable accommodation shall be made in the manner prescribed by Section 18.86.040 (Requesting reasonable accommodation).

Modifications requested under this chapter shall apply only to residential properties and may be applied to both single dwelling units and multi-family units. (Ord. 2060 § 2, 2013)

18.86.030 Review authority.

- A. Director of Community Development. Requests for reasonable accommodation shall be reviewed by the director of community development or designee (collectively hereafter the director) if no approval is sought other than the request for reasonable accommodation.
- B. Other Review Authority. Requests for reasonable accommodation submitted for concurrent review with another discretionary land use application shall be reviewed by the authority reviewing the discretionary land use application. (Ord. 2060 § 2, 2013)

18.86.040 Requesting reasonable accommodation.

- A. A request for reasonable accommodation shall be filed on the application form provided by the community development department except, if necessary to ensure accessibility, the applicant may request an alternative format. The applicant may be the person with the disability or his or her representative. The application shall be signed by the owner of the property and shall provide the following information:
 - 1. The applicant’s name, address and telephone number.

2. Address of the property for which the request is being made.
 3. The current actual use of the property.
 4. The basis for the claim that the individual is considered disabled under the Fair Housing Laws.
 5. The zoning code provision, regulation or policy from which reasonable accommodation is being requested.
 6. Why the reasonable accommodation is necessary to make the specific property accessible to the individual.
- B. Review with Other Land Use Applications. If the project for which the request for reasonable accommodation is being made also requires some other discretionary approval (including, but not limited to: conditional use permit, design review, general plan amendment, zone change, annexation, etc.), then the applicant shall file the information required by subsection A for concurrent review with the application for discretionary approval.
- C. If an individual needs assistance in making the request for reasonable accommodation the department shall provide the assistance necessary to ensure that the process is accessible to the applicant. (Ord. 2060 § 2, 2013)

18.86.050 Review procedures.

- A. Director Review. The director shall make a written determination within 45 days and either grant, grant with modifications, or deny a request for reasonable accommodation in accordance with Section 18.86.060 (Findings and decision).
- B. Other Reviewing Authority. A written determination on whether to grant, grant with modifications or deny the request for reasonable accommodation shall be made by the authority responsible for reviewing the discretionary land use application in compliance with the applicable review procedure for the discretionary review. The written determination regarding the request for reasonable accommodation shall be made in accordance with Section 18.86.060 (Findings and decision). (Ord. 2060 § 2, 2013)

18.86.060 Findings and decision.

- A. Findings. The written decision regarding a request for reasonable accommodation will be consistent with the Fair Housing Laws and shall be based on consideration of the following factors:
1. Whether the housing, which is the subject of the request, will be used by an individual disabled under the Fair Housing Laws.
 2. Whether the request for reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Fair Housing Laws.
 3. Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the city.
 4. Whether the requested reasonable accommodation would require a fundamental alteration in the nature of a city program or law, including, but not limited to, land use and zoning.
 5. Potential impact on surrounding uses.
 6. Physical attributes of the property and structures.
 7. Alternative reasonable accommodations which may provide an equivalent level of benefit.
- B. Conditions of Approval. In granting a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required by subsection A. (Ord. 2060 § 2, 2013)

18.86.070 Discussion of alternatives.

If there is a determination to deny a request, the director shall discuss with applicant whether there is an alternative accommodation that would effectively address the applicant's disability-related needs. Such discussion of alternatives is an interactive process with director and applicant, but still allows for an immediate appeal of the decision as

18.86.080

provided in Section 18.86.070, and any such alternative may also require approval by other reviewing authority as provided in Section 18.86.050(B). (Ord. 2060 § 2, 2013)

18.86.080 Appeal of decision.

A determination regarding a request for reasonable accommodation may be appealed as provided in Chapter 18.144 (Appeals) of this title. (Ord. 2060 § 2, 2013)

18.86.090 Rescission of grants of reasonable accommodation.

Any approval or conditional approval of an application under this chapter may be conditioned to provide for its rescission or automatic expiration under appropriate circumstances. (Ord. 2060 § 2, 2013)

Chapter 18.88

OFF-STREET PARKING FACILITIES

Sections:

- 18.88.010 Purpose.**
- 18.88.020 Basic requirements.**
- 18.88.030 Schedule of off-street parking space requirements.**
- 18.88.040 Standards.**
- 18.88.050 Location.**
- 18.88.060 More than one use on site or adjoining site.**
- 18.88.070 Off-street parking facilities to serve one use.**
- 18.88.080 Reduction of off-street parking.**
- 18.88.090 Joint use in C-C and C-S districts.**
- 18.88.100 Parking assessment district.**
- 18.88.110 Existing uses.**
- 18.88.120 In lieu parking agreement for the downtown revitalization district.**
- 18.88.130 Designation of facilities.**

18.88.010 Purpose.

In order to alleviate progressively or to prevent traffic congestion and shortage of curb spaces, off-street parking facilities shall be provided incidental to new uses and major alterations and enlargements of existing uses. The number of parking spaces prescribed in this chapter or to be prescribed by the zoning administrator shall be in proportion to the need for such facilities created by the particular type of land use. Off-street parking areas are to be laid out in a manner that will ensure their usefulness, protect the public safety, and, where appropriate, insulate surrounding land uses from their impact. (Prior code § 2-9.14)

18.88.020 Basic requirements.

- A. Unless otherwise provided for by this chapter, at the time of initial occupancy, major alteration, or enlargement of sites, or of completion of construction of a structure or of a major alteration or enlargement of a structure, there shall be provided off-street parking facilities for automobiles in accordance with the schedule of off-street parking space requirements prescribed in Section 18.88.030 of this chapter. Except as modified in subsection D of this section, the terms “major alteration” or “enlargement” shall mean a change of use or an addition which would increase the number of parking spaces required by not less than 10 percent of the total number required. The number of parking spaces provided for a major alteration or enlargement of a site or structure shall be in addition to the number existing prior to the alteration or enlargement, unless the preexisting number is greater than the number prescribed in Section 18.88.030 of this chapter, in which instance the number in excess of the prescribed minimum shall be counted in calculating the number provided to serve the major alteration or enlargement.
- B. If, in the application of the requirements of this chapter, a fractional number is obtained, one parking space shall be provided for a fraction of one-half or more, and no parking space shall be required for a fraction of less than one-half.
- C. For a use not specified in Section 18.88.030 of this chapter, the number of off-street parking spaces required shall be determined by the zoning administrator, based upon an analysis of other jurisdictions’ experiences with that type of use or upon an analysis of similar uses specified in Section 18.88.030 of this chapter.
- D. For property zoned C-C or O and located within the downtown revitalization district as shown in Chapter 18.74 of this title, the following requirements shall modify the basic requirements of subsection A of this section:
 - 1. A change of use shall not constitute a “major alteration” or “enlargement” if the age of the building in which the use is located is greater than five years, according to city records.

2. When a certificate of appropriateness is approved for demolition of a commercial structure, or design review approval is given to a new commercial structure replacing one which was destroyed by fire, earthquake, act of God, the public enemy, or other calamity, the replacement structure shall receive a parking credit for the floor area of the original structure when one of the following is met, at the discretion of the approving body: (a) the approving body determines that the replacement structure would have the same architectural style as the original structure in terms of design, materials, massing, and detailing, or (b) the approving body determines that the replacement structure will be an architectural improvement compared to the existing structure and will preserve or enhance the overall character of the area. Additional floor area of the replacement structure which exceeds the floor area of the original structure shall be subject to the requirements of subsection A of this section, and parking shall be provided accordingly.
3. The following provisions shall apply to privately owned parking facilities held open to the public:
 - a. The city council may waive the provision of additional off-street parking facilities and/or in lieu parking fees for building expansions which would increase the number of required parking spaces by 10 percent or more and/or for proposed new building construction if the property owner allows the existing parking on the property to be open to the public. Such waivers shall only be available to parking lot owners who participate in any program which may be established by the city council with the objective of encouraging employee parking in public parking lots or other parking areas designated by the city for employee parking, or who otherwise devise an employee parking plan with such an objective which is approved by the city council. Other consideration for waiver will include access, circulation, the number of resulting parking spaces serving the building, the effect on adjacent parking lots, and whether or not an unreinforced masonry building upgrade is involved.
 - b. Uses for which a parking waiver under this section is not granted may provide parking at the reduced rate of one space for each 400 square feet of gross floor area, except for office uses on sites with frontage on Main Street, which shall meet the requirements of Section 18.88.030(F) of this chapter.
 - c. Under this subsection, new construction or building expansions shall not exceed a basic floor area ratio of 200 percent and shall not exceed two stories in height.
 - d. When any property owner receives such a parking waiver or parking reduction, if the property later reverts to private use, the owner would then become responsible to provide the required parking and/or in lieu fee in effect at the time of the reversion to private use, such that the parking rate of one space for each 300 square feet of gross building area is met.
- E. For property with unreinforced masonry buildings, the following shall modify the basic requirements of subsections A and D of this section:
 1. Unreinforced masonry buildings of primary or secondary significance which are located on property zoned C-C and within the downtown revitalization district boundaries as shown on the zoning maps on file with the city may be expanded up to a basic floor area ratio of 200 percent without providing any additional off-street parking facilities and/or in lieu parking fees if the building is reinforced to comply with the requirements of Chapter 20.52 of this code.
 2. Property owners with building expansions exempt from the off-street parking requirement as stated in subsection (E)(1) of this section shall not significantly alter the existing façades of buildings of primary or secondary significance nor eliminate existing parking unless such elimination is necessary, as determined by the zoning administrator, to allow the retention of the façades of a building of primary or secondary significance. Building expansions shall not exceed two stories in height. (Ord. 1898 § 1, 2003; Ord. 1586 § 10, 1993; Ord. 1156 § 1, 1984; prior code § 2-9.15)

18.88.030 Schedule of off-street parking space requirements.

A. Dwellings and Lodgings.

1. Single-family dwelling units shall have at least two parking spaces. Second units shall have at least one covered or uncovered parking space which shall not be located in the required front or street side yard and shall not be a tandem space.

2. Condominiums, community apartments and separately owned townhouses shall have at least two parking spaces per unit.
 3. Apartment house parking requirements shall be computed as follows:
 - a. For apartments with two bedrooms or less, a minimum of two spaces shall be required for each of the first four units; one and one-half spaces for each additional unit.
 - b. For apartments with three or more bedrooms (or two bedrooms and a den convertible to a third bedroom), a minimum of two spaces per unit shall be required. Parking requirements for units having less than three bedrooms shall be computed separately from the requirements for units having three bedrooms or more and then added together.
 - c. Visitor parking, in a ratio of one parking space for each seven (1:7) units, shall be provided. All visitor parking spaces shall be clearly marked for this use. Visitor parking may be open or covered and does not count as part of the covered parking requirement described in subsection A4 of this section.
 4. At least one space per dwelling unit of the off-street parking required in subsections (A)(1), (A)(2) and (A)(3) of this section shall be located in a garage or carport.
 5. Motels, hotels, lodging houses and private clubs providing guest sleeping accommodations shall have at least one space for each guest sleeping room or for each two beds, whichever is greater, plus at least one space for each two employees.
 6. Trailer parks shall have a minimum of one space for each unit, plus at least one additional space for each three units, none of which shall occupy area designated for access drives.
 7. Small bed and breakfasts and bed and breakfast inns shall have at least one space for each guest sleeping room plus at least one space for each employee on maximum shift. In addition, at least two parking spaces, one of which must be covered, shall be provided for residents of small bed and breakfasts and bed and breakfast inns; the zoning administrator may require only one parking space, which may be uncovered, for a resident manager of a bed and breakfast inn.
- B. Offices, Commercial Uses and Places of Public Assembly in the C-N and C-R Districts.
1. C-N District. One space for each 180 square feet of gross floor area, plus 10 spaces in addition to spaces occupied by cars being serviced on the site of each service station, plus additional spaces for each open use as prescribed by the zoning administrator. For banks and other financial institutions (commercial banks, credit unions, and savings and loans)—one space for each 300 square feet of gross floor area, except for floor area used for storage.
 2. C-R District. Parking requirements shall be established by the zoning administrator and/or planning commission on a case by case basis in accordance with the purposes of Chapter 18.20 of this title.
- C. Office, Commercial and Industrial Uses not in the C-N or C-R District.
1. Food stores—one space for each 150 square feet of gross floor area.
 2. Banks and other financial institutions (commercial banks, credit unions, and savings and loans)—one space for each 300 square feet of gross floor area, except floor area used for storage.
 3. Massage establishments—two spaces for each massage technician, plus the requirements for supplementary uses.
 4. Retail stores except food stores and stores handling only bulky merchandise; personal service establishments including barbershops and beauty shops, cleaning and laundry agencies, and similar enterprises—one space for each 300 square feet of gross floor area, except for floor area used exclusively for storage or truck loading.
 5. Commercial service enterprises, repair shops, wholesale establishments, and retail stores which handle only bulky merchandise such as furniture, household appliances, machinery, and motor vehicles—one space for each 500 square feet of gross floor area, except for floor area used exclusively for storage or truck loading.

6. Public and private business and administrative offices, and technical services offices (including, but not limited to, accountants, architects, attorneys, engineers, insurance, real estate and similar professions)—one space for each 300 square feet of gross floor area.
7. Medical and dental offices (including, but not limited to, chiropractors, dentists, optometrists, physicians and similar professions)—one space for each 150 square feet of gross floor area, or six spaces for each doctor, whichever is greater.
8. Restaurants, bars, brew pubs, soda fountains, cafés and other establishments for the sale and consumption on the premises of food or beverages—one space for each three seats or each 200 square feet of gross floor area, whichever is greater.
9. Full service stations—10 spaces exclusive of work bays.
10. Self-service stations—one parking space and an additional parking space for each employee on the maximum shift.
11. Quick service stations—one parking space for each 500 square feet of gross floor area.
12. Full service car washes—two parking spaces for every three employees on the maximum shift.
Self-service car washes—one parking space for each employee on the maximum shift.
Drive-through car washes located and operated with a full service or self-service service station or self-service car wash—no additional parking spaces are required.
13. Manufacturing plants and other industrial uses, warehouses, storage buildings, and storage facilities combined with commercial or industrial uses—one space for each employee on the maximum shift, or one space for each 300 square feet of gross floor area.
14. Open uses and commercial and industrial uses conducted primarily outside of buildings—one space for each employee on the maximum shift, plus the number of additional spaces prescribed by the zoning administrator.
15. Liquor stores—one space for each 150 square feet of gross floor area except for floor area used exclusively for storage and/or truck loading. For the purposes of this section, “liquor store” shall mean a business establishment the main function of which is the off-sale of liquor, wine and/or beer.
16. Veterinarians’ offices and small animal hospitals—one space for each 250 square feet of gross floor area.
17. Convenience markets—one parking space for each 150 square feet of gross floor area. If less than 1,300 square feet in size and operated as an incidental use to a full service or self-service station, then one parking space shall be provided for each 400 feet of gross floor area.
18. Microbreweries—one parking space for each 300 square feet of gross floor area, plus one space for each person in tours greater than five persons.
19. Commercial basement storage for the public—one parking space per on-site storage employee and one parking space for storage customers. This parking requirement is in addition to the parking required for other uses on site.

D. Places of Assembly and Public Uses Not in the C-N or C-R District.

1. Auditoriums, churches, private clubs and lodge halls, community centers, mortuaries, sports arenas and stadiums, theaters, auction establishments and other places of public assembly, including church, school and college auditoriums—one space for each six seats or one space for each 60 square feet of floor area usable for seating if seats are not fixed, in all facilities in which simultaneous use is probable as determined by the zoning administrator. Where subsection E of this section requires a greater number of spaces on the site of a church, school or college, that subsection shall apply and the requirements of this subsection shall be waived.
2. Bowling alleys and pool halls—five spaces for each alley; two spaces for each billiard or pool table.
3. Dance halls—one space for each 50 square feet of gross floor area used for dancing.

4. Homeless shelters—one parking space for every four beds plus one parking space for each employee on the largest shift, plus one parking space for each company vehicle.
 5. Hospitals, sanitariums, nursing homes and charitable and religious institutions providing sleeping accommodations—two spaces for each three beds, one space for each two employees, and one space for each staff doctor.
 6. Libraries, museums, art galleries and similar uses—one space for each 600 square feet of gross floor area and one space for each employee.
 7. Post offices—one space for each 600 square feet of gross floor area and one space for each employee.
 8. Cemeteries, columbariums and crematories—one space for each employee, plus the number of additional spaces prescribed by the zoning administrator.
 9. Public buildings and grounds other than schools and administrative offices—one space for each employee, plus the number of additional spaces prescribed by the zoning administrator.
 10. Public utility structures and installations—one space for each employee on the maximum shift, plus the number of additional spaces prescribed by the zoning administrator.
 11. Bus depots, railroad stations and yards, airports and heliports, and other transportation and terminal facilities—one space for each employee, plus the number of additional spaces prescribed by the zoning administrator.
- E. Educational Facilities.
1. Schools and colleges, including public, parochial and private elementary and high schools, kindergartens and nursery schools—one space for each employee, including teachers and administrators and one space for each four students in grade 10 or above. Where subsection (D)(1) of this section requires a greater number of spaces on the site of a school or college, subsection (D)(1) of this section shall apply and the requirements of this subsection (E)(1) shall be waived.
 2. Business, professional trade, art, craft, music and dancing schools and colleges—one space for each employee, including teachers and administrators and one additional space for each two students 16 years or older.
- F. Property Zoned C-C or O and in the Downtown Revitalization District.
1. All uses, with the exception of office uses on the ground floor of new buildings on sites with frontage on Main Street, shall provide parking or pay equivalent in lieu parking fees at the rate of one space for each 300 square feet of gross floor area. However, uses which have lower parking requirements as stated elsewhere in this section may provide parking or pay equivalent in lieu fees according to that lower standard.
 2. Office uses on the ground floor of new buildings with frontage on Main Street shall provide parking or pay equivalent in lieu parking fees at the rate of one space for each 250 square feet of gross floor area. Such office uses which are established anytime within the first five years of the building's occupancy, including tenant spaces which convert from nonoffice to office use within the first five years of building occupancy, shall provide the additional parking or pay the in lieu fee based on the additional parking required for office use. (Ord. 2061 § 2, 2013; Ord. 2017 § 2, 2011; Ord. 1898 § 1, 2003; Ord. 1812, 2000; Ord. 1767 § 1, 1998; Ord. 1726 § 1, 1997; Ord. 1665 § 5, 1995; Ord. 1656 § 1, 1995; Ord. 1636 § 7, 1994; Ord. 1494 § 4, 1990; prior code § 2-9.16)

18.88.040 Standards.

All off-street parking facilities, whether provided in compliance with Section 18.88.030 of this chapter or not, shall conform with the regulations prescribed in Sections 18.84.130 through 18.84.260 of this title and with the following standards:

- A. The minimum off-street parking dimensions shall be as follows:
1. Parking spaces required to be located in a garage or carport shall not be less than 20 feet in length and 10 feet in width and otherwise meeting the requirements for full sized parking spaces.

2. Full sized parking spaces shall meet the minimum dimensions prescribed in Table 18.88.040 of this section.
 3. Compact car parking spaces may be allowed in off-street parking facilities subject to approval by the city. Up to 40 percent of the total parking spaces required may be compact car spaces, based upon the size, shape and design of the off-street parking facility. Compact car spaces shall have minimum dimensions of eight feet by 16 feet and may be angled as is allowed for full sized parking spaces. Aisle width for compact car spaces shall be a minimum of 21 feet for a 90 degree parking angle. For different angles, aisle width and other relevant dimensions shall be reduced proportionately from those shown in Table 18.88.040 of this section for full sized parking spaces, subject to the approval of the city. Each compact car space shall be marked clearly with bold lettering no less than eight inches in height "Compact Car Only."
- B. Sufficient aisle space for readily turning and maneuvering vehicles shall be provided on the site, except that no more than two parking spaces on the site of a dwelling or lodging house may be located so as to necessitate backing a vehicle across a property line abutting a street. Alleys may be used for maneuvering.
 - C. Each parking space shall have unobstructed access from a street or alley or from an aisle or drive connecting with a street or alley without moving another vehicle.
 - D. Entrances from and exits to streets and alleys shall be provided at locations approved by the community development director.
 - E. In an R district, a drive providing access to off-street parking spaces shall not exceed 24 feet in width, and there shall be not more than one drive for each 70 feet of frontage except on corner lots. If more than one drive is proposed on a corner lot, the superintendent of streets may approve an encroachment permit if he or she finds that the proposal is consistent with the objectives of this chapter and will not create an unsafe condition for pedestrians and drivers.
 - F. In an RM district, a pedestrian walk separated from a parking space, aisle, or access drive by at least four feet of landscaped space shall extend from the front lot line to each dwelling unit, and no parking space, aisle, or access drive shall be closer than six feet to an entrance to a dwelling unit or to a window opening into a habitable room having a floor level less than eight feet above the parking space, aisle or access drive.
 - G. No off-street parking space provided in compliance with Section 18.88.030 of this chapter shall be located in a required front yard or in a required side yard on the street side of a corner lot and not more than two spaces per site shall be located so as to necessitate use of a required front yard or a required side yard on the street side of a corner lot for backing.
 - H. The parking spaces, aisles and access drives shall be paved so as to provide a durable, dustless surface and shall be so graded and drained as to dispose of surface water without damage to private or public properties, streets or alleys.
 - I. Bumper rails shall be provided at locations prescribed by the zoning administrator where needed for safety or to protect property.
 - J. If the parking area is illuminated, lighting shall be deflected away from residential sites so as to cause no annoying glare.
 - K. No repair work or servicing of vehicles shall be conducted on a parking area.
 - L. In R districts, parking of vehicles other than automobiles shall be regulated by Section 18.84.270 of this title.
 - M. No off-street parking space shall be located on a portion of a site required to be landscaped with plant materials.

Table 18.88.040**MINIMUM PARKING SPACE DIMENSIONS**

Description of Dimension	Parking Angle									
	0°	20°	30°	40°	45°	50°	60°	70°	80°	90°
Parking space width perpendicular to aisle	9'	9'	9'	9'	9'	9'	9'	9'	9'	9'
Parking space dimension perpendicular to aisle	9'	14'6"	16'10"	18'8"	19'5"	20'	20'8"	20'9"	20'2"	19'
Parking space dimension parallel to aisle	23'	24'8"	17'	13'2"	12'	11'1"	9'10"	9'	9'	9'
Aisle width	12'	11'	11'	12'	13'6"	15'6"	18'6"	19'6"	24'	25'

(Ord. 2000 § 1, 2009; prior code § 2-9.17)

18.88.050 Location.

- A. In all districts except the C-C and P districts, off-street parking facilities prescribed in Section 18.88.030 of this chapter shall be located on the same site as the use for which the spaces are required or on an adjoining site or a site separated only by an alley from the use for which the spaces are required.
- B. In a C-C or P district, a use permit may be granted to permit off-street parking facilities prescribed in Section 18.88.030 of this chapter to be separated from the site of the use for which the spaces are required, if located within 300 feet of the site, measured by the shortest route of pedestrian access, provided that the planning commission shall find that the parking site is not in conflict with the Pleasanton central district development plan adopted by the city council. (Prior code § 2-9.18)

18.88.060 More than one use on site or adjoining site.

If more than one use is located on a site, on adjoining sites, or sites separated only by an alley, and in the C-C and P districts within 300 feet of the site, the number of parking spaces provided shall be equal to the sum of the requirements prescribed in this chapter for each use except that the total number of spaces may be reduced when the hours of operation of at least two of the uses are discrete. "Discrete uses" are defined as those which:

- A. Are not in operation at the same time; and
- B. The hours of operation are or may be controlled by conditional use permits; and
- C. The uses share the same off-street parking facility.
- D. The total number of spaces otherwise required may be reduced by not more than the parking requirement of the discrete use requiring the fewer parking spaces. (Prior code § 2-9.19(1))

18.88.070 Off-street parking facilities to serve one use.

Off-street parking facilities for one use shall not be considered as providing off-street parking facilities for any other use, except as provided in Section 18.88.090 of this chapter, and except that property owners may lease or rent excess parking spaces on a site to other property owners within 300 feet of the site upon approval of a use permit as provided for in Section 18.88.050 of this chapter. Excess parking spaces are those spaces which are over and above the minimum required for the use or uses on the site. The planning commission shall deny a use permit to lease or rent excess parking spaces if it finds that the nature of the use or uses on the donor site requires the use of the excess parking spaces. (Ord. 1898 § 1, 2003; prior code § 2-9.19(2))

Chapter 18.105

COTTAGE FOOD OPERATIONS

Sections:

- 18.105.010 Purpose.**
- 18.105.020 Procedure.**
- 18.105.030 Application—Required information and maps.**
- 18.105.040 Action of zoning administrator.**
- 18.105.050 Standards.**
- 18.105.060 Additional procedures.**

18.105.010 Purpose.

The city is required by 2012 state laws AB 1616 (cottage food operations) and AB 2297 (California Retail Food Code) to allow cottage food operations in residential areas under specific circumstances. This chapter is intended to comply with state law, and adopt the reasonable standards allowed by state law to provide that cottage food operations in residential areas do not create unreasonable impacts. (Ord. 2056 § 1, 2013)

18.105.020 Procedure.

Applications for cottage food operations shall be processed in accordance with the provisions of this chapter. (Ord. 2056 § 1, 2013)

18.105.030 Application—Required information and maps.

An application for a permit to engage in a cottage food operation shall be filed with the zoning administrator on a form prescribed by the city and shall include the following information and maps:

- A. Name and address of the applicant, who must be the proposed cottage food operator (the individual who proposes to operate the cottage food operation in his or her private residence and is the owner of the cottage food operation) (see California Health and Safety Code Section 113758(b)(2));
- B. Statement of whether the applicant is the owner or a tenant of the property on which the use is proposed to be located; and if a tenant, the name and contact information for the property owner, landlord, or management company; as well as the signature of the property owner, landlord or management company consenting to the application;
- C. Address or description of the property on which the use is proposed to be located;
- D. Copy of the permit issued by, or application submitted to, the Alameda County department of environmental health food safety division for the proposed cottage food operation;
- E. Description of whether the proposed use will include the involvement of: (1) a family member or household member of the cottage food operator, (2) a paid or volunteer individual involved with the cottage food products who works for the cottage food operation (see California Government Code Section 113758);
- F. Statement of whether the proposed use will involve: (1) direct sales to customers of cottage food products at the property, (2) direct sales to customers off-site, (3) direct sales at temporary off-site events such as holiday bazaars, bake sales, food swaps, farm stands, etc., (4) indirect sales to third party retailers at the property, (5) indirect sales to third party retailers off-site, and (6) any other mode(s) or location(s) of sales;
- G. Statement of whether any applicable covenants, conditions or restriction applicable to the property allow cottage food operations or similar home occupations;
- H. Statement indicating the precise manner of compliance with each of the applicable provisions of this chapter, together with any other data pertinent to the findings prerequisite to the granting of a permit, prescribed in Section 18.105.050 of this chapter;

- I. An accurate scale building drawing of the residence showing: (1) areas registered and permitted by, or areas shown on application submitted to, the Alameda County department of environmental health food safety division for cottage food preparation, packaging and related exclusive storage, (2) all doors and exits, (3) all vehicle parking spaces;
- J. An accurate scale drawing of the site showing property lines, existing streets, structures, driveways, pedestrian walks, and on- and off-site parking and loading areas;
- K. The zoning administrator may require additional information, plans and drawings if they are necessary to determine whether the proposed use will comply with all of the applicable provisions of this chapter. The zoning administrator may authorize omission of any or all of the plans and drawings required by this section if they are not necessary.

Applicant has the right to request a fee verification for any fee paid pursuant to this chapter. (See California Government Code Section 51035.) (Ord. 2056 § 1, 2013)

18.105.040 Action of zoning administrator.

After submittal of the information required by Section 18.105.030 and review of the application for compliance with the standards set forth in Section 18.105.050, the zoning administrator shall approve, approve in modified form, or deny the application. The zoning administrator shall grant the permit if the proposed cottage food operation, as applied for or as modified, complies with the standards set forth in Section 18.105.050. Any action of the zoning administrator may be appealed to the planning commission. (Ord. 2056 § 1, 2013)

18.105.050 Standards.

Cottage food operations shall be required to meet the following requirements:

- A. Spacing. No cottage food operation shall be approved if: (1) the property line of the site of the proposed use is located within 300 feet and on the same street or the corner of a cross-street of the property line of any single-family home where another cottage food operation is located; or (2) if the proposed use is located within the same building of an apartment complex or other multi-family housing (i.e., condominiums or townhomes) where another cottage food operation exists.
- B. Parking and Loading Requirements. For single-family homes, parking spaces in the property's garage or carport (if present) and driveway shall be provided for the actual parking demand created by the use, including parking spaces for the applicant's own vehicles, parking spaces for employees if employees are present, and one parking space for customers if direct sales on the property are proposed. For apartments and multifamily developments, the cottage food operator's designated space(s) shall be available for the actual parking demand created by the use, including parking spaces for the applicant's own vehicles, parking spaces for employees if employees are present, and one parking space for customers if direct sales on the property are proposed. On-site parking in an apartment complex or other multi-family residence requires approval from the property owner, landlord, homeowners association or property manager.

On-street parking spaces may be used for persons picking-up and/or delivering materials for the operation and third party retailers coming to the property if proposed.

If the proposed operation will involve loading of food products into vehicles, such loading may occur anytime within an enclosed garage when the garage door is shut. Hours for loading vehicles outside of a garage are limited from 8:00 a.m. to 6:00 p.m. Monday through Friday, and 10:00 a.m. to 4:00 p.m. on Saturday and Sunday. Vehicles shall not idle when being loaded.

- C. Noise Control. Cottage food operations shall not create noise levels in excess of those allowed in the applicable residential areas in the noise element of the general plan or in excess of those allowed in residential property by Chapter 9.04 of this code.
- D. Size. Cottage food operations shall occupy no more of a residence than the lesser of: (1) 30 percent of the floor area of the dwelling excluding garage area; or (2) the area permitted by the Alameda County department of environmental health food safety division.

- E. No Signage or Outdoor Sales. Cottage food operations shall not install or post signage or advertisements identifying the cottage food operation at the site or building where the operation is located. No outdoor sales shall be allowed at the site of the cottage food operation.
- F. No Dining. If direct sales are proposed at the site of the cottage food operation, no third parties or customers shall be permitted to dine at the cottage food operation.
- G. Code Requirements. While the use of a residence for a cottage food operation shall not constitute a change of occupancy for purposes of building and fire codes, to the extent that building modifications are proposed (e.g., more walls for storage areas, new electrical panel for range) the cottage food operation shall meet all requirements of Title 20 (Buildings and Construction). (Ord. 2056 § 1, 2013)

18.105.060 Additional procedures.

The regulations concerning effective date of the permit, review or appeal, lapse of permit, suspension and revocation, new application and successors in interest shall be those contained in Section 18.144.020. Modifications shall be handled by the zoning administrator pursuant to the procedures set forth in this article for new applications. (Ord. 2056 § 1, 2013)

Chapter 18.106

SECOND UNITS*

Sections:

- 18.106.010 Purpose.**
- 18.106.020 Use requirements.**
- 18.106.030 Density and growth management program.**
- 18.106.040 Standards for attached second units—Height limitations, setbacks, open space, and other regulations.**
- 18.106.050 Standards for detached second units—Height limitations, setbacks, open space, and other regulations.**
- 18.106.060 Required standards for all second units.**

* **Prior ordinance history:** Ord. 1812 § 1, 2000.

18.106.010 Purpose.

Second units are a valuable form of housing in the city. These units meet the city's general plan housing policies related to: attaining a variety of housing types; providing housing stock to lower income households; including lower income housing units within market rate housing projects; providing alternative, nontraditional means suited to the community to fill lower and moderate income housing needs; meeting the city's share of regional housing needs; providing a means to assist homeowners in financing the acquisition of a home; and providing security to homeowners living alone.

The further purpose of this chapter is to comply with the requirements of Assembly Bill 1866 (2002) codified in California Government Code Section 65852.2. To do so, this chapter identifies those zoning districts where a second unit meeting enumerated standards to ensure neighborhood compatibility is a permitted use in that district. (Ord. 1885 § 2, 2003)

18.106.020 Use requirements.

- A. A second unit is a permitted use in the R-1 one-family residential district, RM multi-family residential district, planned unit developments zoned for residential uses and A agricultural district, if the original unit is a legal single-family dwelling unit and the second unit meets all of the standards set forth in Section 18.106.060 of this chapter and the applicable site standards in Section 18.106.040 of this chapter for attached second units and in Section 18.106.050 of this chapter for detached second units. A public hearing for design review purposes only shall be held if required by Chapter 18.20 of this title.
- B. The application for a second unit shall be submitted to the planning division prior to the application for a building permit to the building division and shall include:
 - 1. Plot plan (drawn to scale) showing the dimensions of the lot on which the second unit will be located; the location and dimensioned setbacks of all existing and proposed structures on the proposed site; all easements; building envelopes; and parking for the project site.
 - 2. Floor plans of the entire structure with each room dimensioned and the resulting floor area calculated. The use of each room shall be identified.
 - 3. Deed restriction completed as required, signed and ready for recordation.
- C. When the site development regulations of this chapter (e.g., height, setback, size of the second unit) conflict with specific regulations in a planned unit development or specific plan for second units (not simply regulations for general class I accessory structures), the planned unit development and specific plan shall control. (Ord. 2000 § 1, 2009; Ord. 1885 § 2, 2003)

18.106.030 Density and growth management program.

- A. A second unit shall not be considered in applying the growth management program in Chapter 17.36 of this code.
- B. A second unit is not considered to increase the density of the lot upon which it is located. (Ord. 1885 § 2, 2003)

18.106.040 Standards for attached second units—Height limitations, setbacks, open space, and other regulations.

Attached second units shall meet the requirements in Section 18.106.060 of this chapter and the following requirements:

- A. Attached second units shall be subject to the maximum height, and the minimum front, rear, and side yard requirements of the main structure.
- B. The gross floor area of an attached second unit greater than a 150 square foot efficiency unit shall not exceed 30 percent of the gross floor area of the existing main dwelling unit. In this instance, the gross floor area of the existing main dwelling unit is the size of the unit prior to the second unit addition/conversion.
- C. Except as modified by this chapter, all other regulations embodied in the zoning of the property for main dwellings shall apply to the development of attached second units. (Ord. 1885 § 2, 2003)

18.106.050 Standards for detached second units—Height limitations, setbacks, open space, and other regulations.

Detached second units shall meet the requirements in Section 18.106.060 of this chapter and the following requirements:

- A. Detached second units shall not exceed 15 feet in height and shall be limited to one-story structures.
- B. Detached second units shall be subject to the following minimum setback requirements:

Zoning District	Side Yard Setback	Rear Yard Setback
One-family residential lots in the R-1-40,000 district and in planned unit developments which follow the site development standards of the R-1-40,000 district	20 feet	20 feet
All other lots	5 feet ¹	10 feet

1. Side yard setback shall be a minimum of 10 feet on the street side of a corner lot.

- C. The gross floor area of a detached second unit shall not exceed 1,200 square feet.
- D. Except as modified by this chapter, all other regulations embodied in the zoning of the property for class I accessory structures shall apply to the development of detached second units on one-family residential lots. (Ord. 1885 § 2, 2003)

18.106.060 Required standards for all second units.

All second units shall meet the following standards:

- A. Only one other residential unit shall be permitted on a lot with a second unit and one of the residential units shall be owner occupied. The resident owner shall be a signatory to any lease for the rented unit and shall be the applicant for any permit issued under this chapter.
- B. The second unit shall not be sold or held under a different legal ownership than the primary residence; nor shall the lot containing the second unit be subdivided.
- C. One additional off-street parking space on the lot shall be made continuously available to the occupants of the second unit.

- D. The maximum floor area ratio requirement of a lot shall not be exceeded due to the addition/conversion of space to accommodate an attached or detached second unit.
- E. The second unit shall have access to at least 80 square feet of open space on the lot.
- F. The resident owner shall install address signs that are clearly visible from the street during both daytime and evening hours and which plainly indicate that two separate units exist on the lot, as required by the fire marshal. The resident owner shall obtain the new street address for the second unit from the planning division.
- G. Adequate roadways, public utilities and services shall be available to serve the second unit.
- H. The owner of the lot on which a second unit is located shall participate in the city's monitoring program to determine rent levels of the second units being rented.
- I. The second unit shall not be located on property that is listed in the California Register of Historical Places.
- J. The second unit shall comply with other zoning and building requirements generally applicable to residential construction in the applicable zone where the property is located.
- K. A restrictive covenant shall be recorded against the lot containing the second unit with the Alameda County recorder's office prior to the issuance of a building permit from the building division stating that:

The property contains an approved second unit pursuant to Chapter 18.106 of the Pleasanton Municipal Code and is subject to the restrictions and regulations set forth in that Chapter. These restrictions and regulations generally address subdivision and development prohibitions, owner occupancy and lease requirements, limitations on the size of the second unit, parking requirements, and participation in the city's monitoring program to determine rent levels of the second units being rented. Current restrictions and regulations may be obtained from the city of Pleasanton planning division. These restrictions and regulations shall be binding upon any successor in ownership of the property.

(Ord. 2000 § 1, 2009; Ord. 1885 § 2, 2003)

Chapter 18.107

SUPPORTIVE HOUSING AND TRANSITIONAL HOUSING

Sections:

- 18.107.010 Purposes.**
- 18.107.020 Applicability.**
- 18.107.030 Supportive housing—Permitting procedures and standards.**
- 18.107.040 Transitional housing—Permitting procedures and standards.**

18.107.010 Purposes.

The purpose of this chapter is to provide procedures and standards to encourage and facilitate the establishment of supportive housing and transitional housing.

The further purpose of this chapter is to comply with the requirements of Senate Bill 02 (2007) codified in California Government Code Sections 65582, 65583 and 65589.5. (Ord. 2061 § 2, 2013)

18.107.020 Applicability.

All supportive housing and transitional housing shall comply with the provisions of this chapter. (Ord. 2061 § 2, 2013)

18.107.030 Supportive housing—Permitting procedures and standards.

- A. Supportive housing shall be considered a residential use for which only the restrictions that apply to other residential uses of the same type in the same zone shall be applied.
- B. Supportive Housing with Six or Fewer Persons in a Dwelling Unit. Supportive housing that provides shelter for six or fewer persons in a dwelling unit shall be a permitted use in the A (agricultural), R-1 (one-family residential), RM (multi-family residential), C-C (central commercial), H-P-D (hillside planned development) and comparable PUD (planned unit development) zoning districts if the following development standards and regulations are met:
 - 1. On-site or off-site services are provided to assist supportive housing residents in retaining housing, improving their health status, and maximizing their ability to live, and where possible, work in the community.
 - 2. Off-street parking is provided in accordance with Chapter 18.88 (Off-Street Parking and Loading Regulations).
 - 3. All new construction or conversion of existing structures complies with Chapter 18.20 (Design Review).
 - 4. All other applicable provisions of this title are met.
- C. Supportive Housing with More than Six Persons in a Dwelling Unit. Supportive housing that provides shelter for more than six persons in a dwelling unit shall be a permitted use in the RM (multi-family residential) zoning district if the following development standards and regulations are met:
 - 1. On-site or off-site services are provided to assist supportive housing residents in retaining housing, improving their health status, and maximizing their ability to live, and where possible, work in the community.
 - 2. Off-street parking is provided in accordance with Chapter 18.88 (Off-Street Parking and Loading Regulations).
 - 3. All new construction or conversion of existing structures complies with Chapter 18.20 (Design Review).
 - 4. All other applicable provisions of this title are met.
 - 5. To calculate the maximum allowed residential density for group supportive housing the first six beds shall be deemed equivalent to one dwelling unit. Thereafter every three beds shall be deemed equivalent to one dwelling unit. (Ord. 2061 § 2, 2013)

18.107.040 Transitional housing—Permitting procedures and standards.

- A. Transitional housing is to be considered a residential use for which only the restrictions that apply to other residential uses of the same type in the same zone shall be applied.
- B. Transitional Housing with Six or Fewer Persons in a Dwelling Unit. Transitional housing that provides shelter for six or fewer persons in a dwelling unit shall be a permitted use in the A (agricultural), R-1 (one-family residential), R-M (multi-family residential), C-C (central commercial), H-P-D (hillside planned development) and comparable PUD (planned unit development) zoning districts if the following development standards and regulations are met:
 - 1. The housing is operated under specific program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at a predetermined future point in time which shall be no less than six months.
 - 2. Off-street parking is provided in accordance with Chapter 18.88 (Off-Street Parking and Loading Regulations).
 - 3. All new construction or conversion of existing structures complies with Chapter 18.20 (Design Review).
 - 4. All other applicable provisions of this title are met.
- C. Transitional Housing with More than Six Persons in a Dwelling Unit. Transitional housing that provides shelter for more than six persons in a dwelling unit shall be a permitted use in the RM (multi-family residential) zoning district if the following development standards and regulations are met:
 - 1. The housing is operated under specific program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at a predetermined future point in time which shall be no less than six months.
 - 2. Off-street parking is provided in accordance with Chapter 18.88 (Off-Street Parking and Loading Regulations).
 - 3. All new construction or conversion of existing structures complies with Chapter 18.20 (Design Review).
 - 4. All other applicable provisions of this title are met.
 - 5. To calculate the maximum allowed residential density for group transitional housing the first six beds shall be deemed equivalent to one dwelling unit. Thereafter every three beds shall be deemed equivalent to one dwelling unit. (Ord. 2061 § 2, 2013)

Chapter 18.108

TRAILERS AND TRAILER PARKS

Sections:

- 18.108.010** **Occupancy requirements.**
- 18.108.020** **Parking restriction.**
- 18.108.030** **Required conditions for trailer parks.**
- 18.108.040** **Trailers on school sites.**

18.108.010 **Occupancy requirements.**

Except as provided in Sections 18.108.040 and 18.116.010, no trailer (mobilehome) shall be occupied or used for living or sleeping purposes unless it is located in a licensed trailer park, provided that a trailer may be used as an office for a construction project. (Prior code § 2-10.26)

18.108.020 **Parking restriction.**

No trailer, whether designed for living or sleeping purposes or not, shall be parked or stored in an R district, except as prescribed in Sections 18.84.270 and 18.108.040. (Prior code § 2-10.27)

18.108.030 **Required conditions for trailer parks.**

Trailer parks permitted as conditional uses in the RM and C-F districts shall comply with the regulations prescribed in Chapter 18.84 of this title, except as provided in this section:

- A. The minimum site area for trailer park shall be five acres, provided that preexisting trailer park shall be five acres, conforming by reason of failure to meet the minimum site area requirement. A preexisting trailer park conforming in all respects except site area may be expanded, but shall not be reduced in area.
- B. There shall be 4,000 square feet of site area for each trailer space. A preexisting trailer park shall not be deemed nonconforming by reasons of failure to meet the minimum site area per trailer space requirement, and may be enlarged, provided that there shall be 4,000 square feet of additional site area for each trailer space added.
- C. A trailer park shall meet the usable open space requirements for the district in which it is located; provided, that a trailer park in a C-F district shall meet the open space requirements for the RM-1,500 district; and provided, that each trailer park shall have in addition at least one recreation space not less than 5,000 square feet in area and suitably developed for the use of residents of the trailer park.
- D. Not more than one dwelling unit shall be located on the site of a trailer park in a C-F district.
- E. No trailer or dwelling unit shall be located in a required yard or less than 20 feet from a street property line or another trailer or less than 15 feet from a property line not abutting a street.
- F. All areas used for automobile circulation or parking shall be improved as prescribed for required parking facilities in Section 18.88.040.
- G. The site shall be landscaped as required in Sections 18.84.130 through 18.84.260, and shall have additional landscaping, including trees, shrubs, and lawn, as determined by the board of design review to provide a suitable setting. (Prior code § 2-10.28)

18.108.040 **Trailers on school sites.**

A trailer may be occupied or used for living or sleeping purposes on a developed public or private school site or college site, provided that such trailer is occupied for the purpose of reducing vandalism and other damage to school facilities. A conditional use permit, in accordance with Chapter 18.124 of this title, is required for installation of a trailer. (Prior code § 2-10.29)

within public easements, where such placement endangers the safety of persons or property, or unreasonably interferes with or impedes the flow of traffic or the ingress or egress from any residence or business. These signs may be displayed no longer than the permitted hours of operation of the home boutique they are advertising;

3. A maximum of eight hours of operation in a single day, with the specific hours as proposed by the boutique operators and as proposed in notices to surrounding property owners;
 4. Requiring all boutique members to have a city business license.
- G. The planning commission may elect to review a decision of the zoning administrator as described in Section 18.144.020 of this title, or a decision of the zoning administrator may be appealed to the planning commission by the applicant or by any other person described in Section 18.144.020 of this title. An appeal shall be heard and acted upon as described in Sections 18.144.030 and 18.144.040 of this title. (Ord. 1434 § 1, 1989)

18.116.020 Temporary uses in C district.

- A. A temporary use in an existing structure may be permitted in a C district, for not to exceed one year where it appears by specific finding made by the planning commission that:
1. The temporary use is proposed only pending application for rezoning to accommodate a permitted or conditionally permitted use. The permit may be conditioned upon the filing of such application;
 2. The temporary use, even though not permitted or conditionally permitted, is not so inconsistent with the regulations for the district in which it is located as to constitute a traffic hazard or parking problem, or to create noise, odor, or other conditions offensive to the senses, or to be inconsistent with the adjoining land uses.
- B. The permit may be revocable or granted subject to such conditions as the commission may prescribe. Conditions may include, but shall not be limited to, requiring that no structural alterations be made to the structure in order to accommodate the temporary use; requiring street dedications and improvements; requiring any or all of the conditions specifically allowed in Chapter 18.124 or 18.132 of this title.
- C. The city council may elect to review a decision of the planning commission as described in Section 18.144.010 of this title, or a decision of the commission may be appealed to the city council by the applicant or by any other person as prescribed in Section 18.144.020 of this title. An appeal shall be heard and acted upon as described in Sections 18.144.030 and 18.144.040 of this title. (Prior code § 2-10.23)

18.116.030 Fairground parking.

Upon the granting of a temporary use permit in accord with the provisions described in this section, a fee parking lot may be operated on any property within the city for the purpose of providing parking for activities occurring at the Alameda County fairgrounds.

- A. Procedure. The community development director, or his or her designated representative, shall prepare a permit procedure for such temporary uses. Fees for the processing of applications shall be established in the resolution establishing fees and charges for various municipal services, as set forth in the master fee schedule (on file in the office of the city clerk).
- B. Conditions. No permit shall be granted unless the operation of the fee parking lot will not be detrimental to the public health, safety and general welfare. Conditions may be attached to permit approval as necessary to protect the public health, safety and general welfare.
- C. Revocation of Permit. Upon operation of a fee parking lot in a manner detrimental to the public health, safety and general welfare or, if granted subject to conditions, upon failure to comply with those conditions, the temporary use permit may be revoked. While the permit is revoked, no additional vehicles shall be parked on the site. The temporary use permit may be reinstated following reapplication with the city.
- D. Violation. No person shall operate a fee parking lot, and no person shall allow property owned or occupied by them to be operated as a fee parking lot without a temporary use permit being in full force and effect; nor shall

any fee parking lot be operated in violation of its conditions of approval. Violations of this section shall be deemed infractions. The city, at its election, may revoke the permit, cite the violator for an infraction, or both revoke the permit and cite the violator for an infraction.

- E. Exemption. Fee parking lots operated by the Alameda County fair or any other governmental body shall be exempt from the provisions of this section. (Ord. 2000 § 1, 2009; prior code § 2-10.24)

18.116.040 Temporary outdoor uses.

The following temporary outdoor uses shall be permitted subject to the zoning administrator making a determination that a temporary use application for an outdoor event meets the criteria listed in subsections A, B and C of this section for that event; any application not meeting the criteria shall be subject to a temporary conditional use permit in accordance with the provisions of Section 18.124.170 of this title relating to temporary use permits; however, no temporary conditional use permit for an outdoor sale shall be approved if it is longer than three days, no temporary conditional use permit for an outdoor sale during a hotel convention shall be allowed if it is longer than five days, no temporary conditional use permit for an outdoor sale shall be allowed for more than four events per year, except that outdoor sales events benefiting charitable or nonprofit organizations shall not count toward the four event limit and shall not be limited in number.

- A. Private Outdoor Company Events. Company employee events held outdoors on a work site for which the applicant has obtained approval from the fire and police departments and which meet the following criteria shall be permitted in C and I districts, and in PUD districts with an underlying retail/highway/service commercial business and professional offices or business park general plan designation.
1. Event activities, including event setup and take down, shall be limited to the hours between 7:00 a.m. and 8:00 p.m.
 2. The zoning administrator has approved a decorating plan for any signs or decorations proposed for the event. Decorations and attention getting devices such as flags, pennants, banners, and other temporary signs and devices shall be allowed as deemed appropriate by the zoning administrator.
 3. The event meets the requirements of the police and fire departments as to alcohol use, security, safety, noise, fire hazards, emergency access, vehicular and pedestrian ingress and egress; the event meets all applicable requirements of the building and fire codes; and the applicant has obtained all necessary permits.
 4. The event is not open to the general public.
 5. The property owner has approved the event in writing.
- B. Outdoor Sales. Temporary outdoor displays and/or sales of merchandise or services on a business site for which the applicant has obtained approval from the fire and police departments and which meet the following criteria shall be permitted.
1. Outdoor display and/or sale of merchandise may be done as part of a business district or shopping center event, as an event to benefit charitable or nonprofit organizations, or on an individual business basis.
 2. Temporary outdoor sales shall not last longer than three days.
 3. No more than four events per year featuring outdoor sales shall be held by any individual business district, individual business, or shopping center, except that outdoor sales events benefiting charitable or nonprofit organizations shall not count toward the four event limit and shall not be limited in number.
 4. Outdoor sales activities, including setup and take down, shall be limited to the hours between 7:00 a.m. and 8:00 p.m. The time frame of events may be extended to the normal closing time of a business if the zoning administrator determines there will not be a detrimental effect upon adjacent properties.
 5. Except for charitable events, temporary outdoor displays and/or sales shall be associated with a business on the site.
 6. The zoning administrator has determined that the merchandise will be attractively displayed in an organized manner and has approved a decorating/sign plan for any signs or decorations proposed for the event.

Allowable decorations and attention getting devices are restricted to flags, pennants, banners, and other temporary signs and devices as deemed appropriate by the zoning administrator.

7. The event meets the requirements of the police and fire departments as to security, safety, noise, fire hazards, and emergency access; the event meets all applicable requirements of the building and fire codes; and the applicant has obtained all necessary permits.
 8. Outdoor sales/displays shall not obstruct vehicular or pedestrian ingress to/egress from any business or to the business district/shopping center, and shall make available sufficient parking for customers as determined by the zoning administrator.
 9. Outdoor sales/displays located on sidewalks shall meet the following physical requirements:
 - a. A four foot unobstructed sidewalk clearance for pedestrians shall be maintained at all times from a table, chair, bench, display, planter, or any other appurtenance used as part of a sidewalk sale/display and a two foot clearance shall be maintained from the face of curb to any such appurtenance.
 - b. No sale/display shall be located so as to block access to or from a building. A minimum unobstructed clear area shall be maintained which extends two feet to either side of both door jambs and eight feet perpendicularly from the door in a closed position.
 10. The property owner has approved the event in writing.
- C. Outdoor Sales During Hotel Conventions. Temporary outdoor display and/or sale of merchandise or services on a hotel site for which the applicant has obtained approval from the fire and police departments and which meet the following criteria shall be permitted at hotels.
1. Outdoor display and/or sale of merchandise or services shall be allowed only as part of a hotel convention or conference.
 2. The organization or association that holds the convention must be nonprofit or charitable or, if the organization or association holding the event is for profit, then the convention must entirely benefit (minus operating costs) a charitable organization. Individual vendors at a convention may be for profit businesses.
 3. Outdoor vendor areas are limited to convention attendees only and shall not be open to the general public.
 4. Temporary outdoor sales shall not last longer than five days.
 5. The zoning administrator has determined that the merchandise will be attractively displayed in an organized manner and has approved a decorating/sign plan for any signs or decorations proposed for the event. Allowable temporary signs are limited to: one nonilluminated "welcome" banner sign per convention and one nonilluminated identification sign per vendor during the event. The "welcome" banner may not exceed two feet in height by 10 feet in length, shall be affixed on the hotel building wall or windows, shall be located within 10 feet of the main hotel entrance, and shall be no higher than 12 feet above the ground floor grade. Individual vendor signs may not exceed eight square feet in area and shall be installed within the sales area of the individual vendor. Vendor signs shall be placed no higher than eight feet from grade and shall not be oriented towards or attempt to draw attention from any public street or freeway. The "welcome" and individual vendor signs may only be displayed during the outdoor event.
 6. The event meets the requirements of the police and fire departments as to security, safety, noise, fire hazards, and emergency access; the event meets all applicable requirements of the building and fire codes; and the applicant has obtained all necessary permits.
 7. Outdoor sales/displays shall not obstruct vehicular or pedestrian ingress to/egress from any business and shall make available sufficient parking for convention attendees and hotel guests as determined by the zoning administrator.
 8. The property owner has approved the event in writing. (Ord. 2065 § 1, 2013; Ord. 1906 § 2, 2004; Ord. 1694 § 1, 1996; Ord. 1511 § 2, 1991; prior code § 2-10.25)

18.116.050 Christmas tree sales in R-1 and RM districts.

Christmas tree sales lots may be approved in R-1 and RM districts by the zoning administrator, provided that the findings required by Section 18.124.070 of this title shall be made. The procedures and requirements for Christmas tree sales lots in R-1 and RM districts shall be as follows:

A. Procedure:

1. Notice of the proposed Christmas tree sales lot shall be sent by mail to all property owners shown on the last equalized assessment roll as owning real property within 300 feet of the exterior boundaries of the site of the proposed sales lot at least 10 days prior to the date on which the decision will be made on the use permit application.
2. If a hearing is requested, the zoning administrator shall schedule a public hearing to be held prior to a decision being made. No public hearing shall be held unless such a request is made.

B. Requirements:

1. The minimum setback between the Christmas tree sales lot and any existing residential use shall be 100 feet.
2. No permit shall be granted unless the operation of the outdoor sale will not be detrimental to the public health, safety and general welfare. Conditions may include, but shall not be limited to:
 - a. Review of site plan to access lighting and traffic circulation so as not to interfere with surrounding residential uses;
 - b. Requiring the organization to obtain a city business license;
 - c. Limitation of hours of operation. (Ord. 1443 § 3, 1989)

18.116.060 Special downtown accessory entertainment uses.

If expanded operation hours are requested for a special downtown accessory entertainment use which would otherwise adhere to the permitted use parameters in Table 18.44.090, the expanded hours may be approved by the zoning administrator provided the findings required by Section 18.124.070 are made by the zoning administrator, and the expanded hours are proposed for a special downtown accessory entertainment use in the downtown hospitality central core area; are proposed for a holiday celebration; are proposed in conjunction with a downtown special event; and/or effective noise attenuation is installed. Expanded operation hours shall be approved for no more than five calendar days a year. No public hearing shall be held unless requested by the zoning administrator.

No notification shall be required, unless a street closure is approved for the use. If a street closure is approved, at least two weeks prior to the event the applicant shall notify property owners and occupants within the downtown specific plan area about the street closure and provide a contact number for the event organizer or designee. The zoning administrator may waive the notification requirement if the applicant demonstrates to the satisfaction of the zoning administrator that such noticing will occur by the city of Pleasanton police department, other city of Pleasanton department, or the Pleasanton downtown association. (Ord. 2055 § 2, 2012)

18.124.060 Action of planning commission.

Within 40 days following the closing of a public hearing on a use permit application, the city planning commission shall act on the application. The commission may grant by resolution an application for a use permit as the use permit was applied for or in modified form, or the application may be denied. A use permit may be revocable, may be granted for a limited time period, or may be granted subject to such conditions as the commission may prescribe. Conditions may include, but shall not be limited to, requiring special yards, open spaces, buffers, fences, and walls; requiring installation and maintenance of landscaping; requiring street dedications and improvements; regulation of points of vehicular ingress and egress; regulation of traffic circulation; regulation of signs; regulation of hours of operation and methods of operation; control of potential nuisances; prescribing standards for maintenance of buildings and grounds; and prescription of development schedules. A use permit may not grant variances to the regulations prescribed by this chapter for fences, walls, hedges, screening, and landscaping; site area, width, frontage, and depth; front, rear, and side yards; basic floor area; height of structures; distances between structures; courts, usable open space; signs; or off-street parking facilities and off-street loading facilities, for which variance procedures are prescribed by Chapter 18.132 of this title. (Prior code § 2-11.07)

18.124.070 Findings.

The city planning commission shall make the following findings before granting a use permit:

- A. That the proposed location of the conditional use is in accordance with the objectives of this chapter and the purposes of the district in which the site is located;
- B. That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to the properties or improvements in the vicinity;
- C. That the proposed conditional use will comply with each of the applicable provisions of this chapter. (Prior code § 2-11.08)

18.124.080 Effective date of use permit.

Within 10 days following the date of a decision of the planning commission on a use permit application, the secretary shall transmit written notice of the decision to the city council and to the applicant. A use permit shall become effective 15 days following the date on which the use permit was granted or on the day following the next meeting of the council, whichever is later, unless an appeal has been taken to the council, or unless the council shall elect to review the decision of the commission. A use permit shall become effective immediately after it is granted by the council. (Prior code § 2-11.09)

18.124.090 Review or appeal.

The city council may elect to review a decision of the planning commission as prescribed in Section 18.144.010 of this title, or a decision of the commission may be appealed to the city council by the applicant or by any other person as prescribed in Section 18.144.020 of this title. An appeal shall be heard and acted upon as prescribed in Sections 18.144.030 and 18.144.040 of this title. (Prior code § 2-11.10)

18.124.100 Lapse of use permit.

A use permit shall lapse and shall become void one year following the date on which the use permit became effective, unless prior to the expiration of one year a building permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the use permit application, or a certificate of occupancy is issued for the structure which was the subject of the use permit application, or the site is occupied if no building permit or certificate of occupancy is required, or the applicant or his or her successor has filed a request for extension with the zoning administrator pursuant to the provisions of Section 18.12.030. (Prior code § 2-11.11)

18.124.110 Preexisting conditional uses.

- A. A conditional use legally established prior to the effective date of the ordinance codified in this chapter, or subsequent amendments thereto, shall be permitted to continue, provided that it is operated and maintained in accord with the conditions prescribed at the time of its establishment, if any.
- B. Alteration or expansion of a preexisting conditional use shall be permitted only upon the granting of a use permit as prescribed in this chapter, provided that alterations not exceeding \$1,500.00 in value as determined by the building inspector shall be permitted without the granting of a use permit.
- C. A use permit shall be required for the reconstruction of a structure housing a preexisting conditional use if the structure is destroyed by fire or other calamity, by act of God, or by the public enemy to a greater extent than 50 percent. The extent of damage or partial destruction shall be based upon the ratio of the estimated cost of restoring the structure to its condition prior to such damage or partial destruction to the estimated cost of duplicating the entire structure as it existed prior thereto. Estimates for this purpose shall be made by or shall be reviewed and approved by the community development director. (Ord. 2000 § 1, 2009; prior code § 2-11.12)

18.124.120 Modification of conditional use.

- A. Sections 18.124.020 through 18.124.090 of this chapter shall apply to an application for modification, expansion, or other change in a conditional use, provided that minor revisions or modifications may be approved by the zoning administrator if he or she determines that the changes would not affect the findings prescribed in Section 18.124.070 related to findings. If requested by the applicant, the zoning administrator shall modify all existing conditional use permits for bars which are: (1) in the downtown hospitality central core area and downtown hospitality transition area; and (2) which are proposed to be consistent with the downtown hospitality guidelines, as determined by the zoning administrator.
- B. For a bar or special downtown accessory entertainment use in the downtown hospitality central core and downtown hospitality transition area, if requested by the applicant, the zoning administrator shall modify all applicable sections of an existing conditional use permit related to subsequent planning commission review to include and be consistent with the following: notification of conditional use permit and noise standard violations verified by city enforcement staff shall be provided to the planning commission by city staff; the planning commission may schedule a public hearing to re-review the conditional use permit; and at the public hearing the planning commission may revoke or may modify a business' conditional use permit to require additional measures such as noise monitoring by the business owner if there was a noise violation.
- C. If the zoning administrator approves a modification of a conditional use permit for a bar in the downtown hospitality central core area or downtown hospitality transition area, he or she shall notify the planning commission and city council of the modification within ten days of the approval. (Ord. 2055 § 2, 2012; prior code § 2-11.13)

18.124.130 Suspension and revocation.

Upon violation of any applicable provision of this chapter, or, if granted subject to conditions, upon failure to comply with conditions, a use permit shall be subject to suspension or revocation. The planning commission shall hold a public hearing within a reasonable time to consider such suspension or revocation in accord with the procedure prescribed in Section 18.124.040, and if not satisfied that the regulation, general provision or condition is being complied with, may suspend or revoke the use permit or take such action as may be necessary to ensure compliance with the regulation, general provision or condition. Within 10 days following the date of a decision of the commission suspending or revoking a use permit, the secretary shall transmit to the city council written notice of the decision. The decision shall become final 15 days following the date on which the use permit was suspended or revoked or on the day following the next meeting of the council, whichever is later, unless an appeal has been taken to the council, or unless the council shall elect to review and decline to affirm the decision of the commission, in which cases Section 18.124.090 shall apply. (Ord. 2065 § 1, 2013; prior code § 2-11.14)

18.124.140 Denial—New application.

Following the denial of a use permit application or the revocation of a use permit, no application for a use permit for the same or substantially the same conditional use on the same or substantially the same site shall be filed within one year from the date of denial or revocation of the use permit. (Prior code § 2-11.15)

18.124.150 Use permit to run with land.

A use permit granted pursuant to the provisions of this chapter shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the use permit application. (Prior code § 2-11.16)

18.124.160 Application with zoning reclassification.

Application for a use permit may be made at the same time as application for a change in district boundaries including the same property, in which case the planning commission shall hold the public hearing on the zoning reclassification and the use permit at the same meeting and may combine the two hearings. For the purposes of this section, the date of the commission decision on the use permit application shall be deemed to be the same as the date of enactment by the city council of an ordinance changing the district boundaries, provided that if the council modifies a recommendation of the commission on a zoning reclassification, the use permit application shall be reconsidered by the commission in the same manner as a new application. (Prior code § 2-11.17)

18.124.170 Temporary use permit.

Use permits for specified temporary conditional uses may be granted by the zoning administrator provided that the findings required by Section 18.124.070 shall be made. No public hearing shall be held unless the zoning administrator shall request a hearing. A permit for a temporary use shall authorize conduct of the use for a specified term as determined by the zoning administrator, provided that a permit for a subdivision sales office or a temporary construction yard or office may be for a period not to exceed one year. A decision of the zoning administrator on a temporary conditional use shall be subject to appeal as prescribed in Section 18.144.050 relating to administrative appeal procedure. (Ord. 2065 § 1, 2013; prior code § 2-11.18)

18.124.175 Administrative use permit for small recycling collection facilities.

- A. Reverse vending machines and other small recycling collection facilities may be allowed in the zoning districts shown in Table 9.22.030 (Permits Required for Recycling Facilities by Zoning District) of this code upon the granting of a conditional use permit pursuant to the following requirements:
1. Application to install a reverse vending machine(s) or a small collection facility shall be made with the zoning administrator, including any fee established heretofore, and shall include a site plan, elevations and such other information as established in Section 9.22.060 (Criteria And Design Standards) of this code and determined as necessary by the zoning administrator to enable the application to be reviewed.
 2. The zoning administrator will review the application for conformance with Section 9.22.060 of this code and may approve, conditionally approve or deny the application. No application shall be approved, as applied for or conditioned, unless the zoning administrator finds that:
 - a. The proposed location of the conditional use is in accordance with the objectives of the zoning ordinance and the purposes of the district in which the site is located;
 - b. The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to the properties or improvements in the vicinity; and
 - c. That the proposed conditional use will comply with each of the applicable provisions of this chapter.
 3. Administrative conditional use permits are valid for a period of 12 months from the date of approval and may be renewed prior to expiration upon the submittal of a new application and fee to the zoning adminis-

trator, who will review the application for continuing compliance with the purposes of this chapter and of Chapter 9.22 (Recycling) of this code.

4. Any action of the zoning administrator may be appealed to the planning commission by any affected party pursuant to the requirements of Chapter 18.144 (Appeals) of this title. (Ord. 1354 § 8, 1988)

18.124.180 Design review.

All conditional uses shall be subject to design review as prescribed in Chapter 18.20 of this title. Applicants are advised to confer with the zoning administrator before preparing detailed plans. (Prior code § 2-11.19)

Article II. Use Permits for Large Family Day Care Homes

18.124.190 Procedure.

Applications for large family day care homes shall be processed in accordance with the provisions of this article. (Ord. 1126 § 9, 1984; prior code § 2-11.20(a))

18.124.200 Application.

Application for a large family day care home use permit shall be filed with the zoning administrator in accordance with the requirements of Section 18.124.020 of this chapter. (Ord. 1126 § 9, 1984; prior code § 2-11.20(a)(1))

18.124.210 Notice.

No less than 10 days prior to the date on which the decision will be made on the application, the zoning administrator, or his or her designee, shall give notice of the proposed use by mail to all owners shown on the last equalized assessment roll as owning real property within 100 feet of the exterior boundaries of the site of the proposed use. (Ord. 1126 § 9, 1984; prior code § 2-11.20(a)(2))

18.124.220 Public hearing.

If a hearing is requested by the applicant, or other affected person, a public hearing before the zoning administrator shall be held prior to a decision being made. No public hearing shall be held unless such a hearing is requested. (Ord. 1126 § 9, 1984; prior code § 2-11.20(a)(3))

18.124.230 Action of zoning administrator.

Upon close of the public hearing, if a hearing has been requested, or at the time set for the decision in the notice, the zoning administrator shall approve, approve in modified form, or deny the application. The zoning administrator shall grant the use permit if the proposed large family day care home, as applied for or as conditioned, complies with the standards set forth in this article. Any action of the zoning administrator may be appealed to the planning commission. (Ord. 1126 § 9, 1984; prior code § 2-11.20(b))

18.124.240 Standards.

Large family day care homes shall be required to meet the following requirements:

- A. Spacing. No large family day care home shall be approved if the site of the proposed use is located within 300 feet of the exterior boundary of another large family day care home or nursery school, unless the zoning administrator makes the specific finding that the concentration of such uses will not adversely affect the neighborhood in which it is located due to the cumulative increase in noise, traffic and/or parking requirements.
- B. Traffic Control. Large family day care homes shall not create any traffic hazard. The zoning administrator may prescribe such conditions as may be reasonably required to ensure the safety of all affected by the proposed use, including requiring traffic-control measures reasonably required to avoid any identified adverse effect.

- C. **Parking Requirements.** Parking spaces, including both off-street and on-street, shall be available for the actual parking demand created by the use, including the applicant's own vehicles, those of employees, and those of persons delivering and picking up children. On-street parking is available for the use if such spaces are within a reasonable distance of the home and can be reached safely from the home by children.
- D. **Noise Control.** Large family daycare homes shall not create noise levels in excess of those allowed in single-family residential areas in the noise element of the general plan or in excess of those allowed in residential property by Chapter 9.04 of this code. The zoning administrator may impose reasonable limits on the hours of operation of the large family daycare home in order to ensure that these limits are met.
- E. **Fire Code Requirements.** Large family daycare homes shall meet all regulations of the state fire marshal adopted as part of the California Administrative Code and relating specifically to large family daycare homes. (Ord. 1126 § 9, 1984; prior code § 2-11.20(c))

18.124.250 Additional procedures.

The regulations concerning effective date of the use permit, review or appeal, lapse of use permit, suspension and revocation, new application and successors in interest shall be those contained in this chapter. Modifications shall be

