

**SUPPLEMENT NO. 11**

**INSERTION GUIDE**

**PLEASANTON PLANNING AND ZONING CODE**

**January 2014**

**(Covering Ordinances through 2084)**

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

Remove pages listed in the column headed “Remove Pages” and in their places insert the pages listed in the column headed “Insert Pages.”

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

**Remove Pages**

**Insert Pages**

Title Page ..... Title Page  
Preface ..... Preface

**TEXT**

427 ..... 427  
469/473 ..... 469—474-6  
624-3 ..... 624-3  
631—636 ..... 631—636-1  
669—670-2 ..... 669—670-2



# **Pleasanton**

# **Planning and Zoning Code**

**(Municipal Code Titles 17 and 18)**



**A Codification of the Planning and Zoning Ordinances  
of Pleasanton, California**

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## **PREFACE**

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**Title 17**

**PLANNING AND RELATED MATTERS**

**Chapters:**

- 17.04 Condominium Conversions**
- 17.08 Flood Damage Prevention**
- 17.12 Geologic Hazards**
- 17.16 Tree Preservation**
- 17.20 Future Street Width Lines**
- 17.24 Transportation Systems Management**
- 17.28 Residential School Facility Impact Fee (Rep. by  
Ord. 1282, 1986)**
- 17.32 (Reserved)**
- 17.36 Growth Management Program**
- 17.38 Density Bonus**
- 17.40 Lower-Income Housing Fees**
- 17.44 Inclusionary Zoning**
- 17.48 Right to Farm**
- 17.50 Green Building**





## Chapter 17.38

### DENSITY BONUS

#### Sections:

- 17.38.010 Purpose and intent.**
- 17.38.020 Definitions.**
- 17.38.030 Eligibility.**
- 17.38.040 Calculation of density bonus.**
- 17.38.050 Incentives and concessions.**
- 17.38.060 Waiver or modification of development standards.**
- 17.38.070 Reduction in off-street parking.**
- 17.38.080 Land donation.**
- 17.38.090 Child care facilities.**
- 17.38.100 Condominium conversion.**
- 17.38.110 Affordability and development standards.**
- 17.38.120 Application requirements, review and findings.**
- 17.38.130 Density bonus housing agreement.**
- 17.38.140 Conflict of interest.**

#### **17.38.010 Purpose and intent.**

The purpose of this chapter is to comply with California Government Code Sections 65915 et seq. (State Density Bonus Law), as amended, as well as implement program 9.6 of the housing element (2012) of the city's general plan (2005-2025). (Ord. 2082 § 2, 2013)

#### **17.38.020 Definitions.**

For the purposes of this chapter, certain words and phrases shall be interpreted as set forth in this section.

- A. "Affordable ownership cost" means monthly housing payments during the first calendar year of household's occupancy, including interest, principal, mortgage insurance, property taxes, homeowners' insurance, property maintenance and repairs, a reasonable allowance for utilities and homeowners' association dues, if any, not exceeding the following:
1. Very low income units: 50 percent of the area median income, adjusted for assumed household size based on unit size, multiplied by 30 percent and divided by 12.
  2. Low income units: 70 percent of the area median income, adjusted for assumed household size based on unit size, multiplied by 30 percent and divided by 12.
  3. Moderate income units: 110 percent of the area median income, adjusted for assumed household size based on unit size, multiplied by 35 percent and divided by 12.
- The assumed household size shall be one person in a studio unit, two persons in a one-bedroom unit, three persons in a two-bedroom unit, and one additional person for each additional bedroom.
- B. "Affordable rent" means monthly housing expenses, including all fees for housing services and a reasonable allowance for utilities, not exceeding the following:
1. Very low income units: 50 percent of the area median income, adjusted for assumed household size based on unit size, multiplied by 30 percent and divided by 12.
  2. Low income units: 60 percent of the area median income, adjusted for assumed household size based on unit size, multiplied by 30 percent and divided by 12.

The assumed household size shall be one person in a studio unit, two persons in a one-bedroom unit, three persons in a two-bedroom unit, and one additional person for each additional bedroom.

- C. “Area medium income” means area median income for Alameda County as published and periodically updated by the State Department of Housing and Community Development.
- D. “Child care facility” means a child day care facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and school age child care centers.
- E. “Common interest development” means a community apartment project, condominium project, planned development or stock cooperative as defined in California Civil Code Section 1351.
- F. “Condominium project” means a housing development consisting of condominium units and common areas as defined in California Civil Code Section 1351.
- G. “Density bonus” means a density increase over the otherwise allowable maximum residential density of a site.
- H. “Density bonus unit” means those residential units, granted pursuant to the provisions of this chapter, which exceed the otherwise maximum allowable residential density for a development site.
- I. “Development standard” means any site or construction condition that applies to a residential development pursuant to any ordinance, general plan element, specific plan, or other local condition, law, policy, resolution, or regulation. “Site and construction conditions” means standards that specify the physical development of a site and buildings on the site in a housing development.
- J. “Housing development” means construction projects consisting of five or more residential units, including single-family and multi-family units, for sale or for rent. For the purposes of this chapter “housing development” also includes a subdivision, planned unit development, or common interest development consisting of five or more residential units or unimproved residential lots, the substantial rehabilitation of an existing multi-family dwelling or conversion of commercial building into residential involving the creation of a net increase of five or more residential units.
- K. “Incentive or concession” means such regulatory concessions as listed in Section 17.38.050.
- L. “Low income household” means households whose income does not exceed the low income limits applicable to Alameda County, as published and periodically updated by the State Department of Housing and Community Development pursuant to California Health and Safety Code Section 50079.5.
- M. “Maximum allowable residential density” means the maximum number of residential units permitted by the applicable zoning regulations, land use element of the general plan, specific plan, or maximum density established by the City’s Housing Site Development Standards and Design Guidelines for multi-family housing sites.
- N. “Moderate income household” means households whose income does not exceed the moderate income limits applicable to Alameda County, as published and periodically updated by the State Department of Housing and Community Development pursuant to California Health and Safety Code Section 50093.
- O. “Non-restricted unit” means all units within a housing development, excluding the target units.
- P. “Planned development” means a development (other than a community apartment project, a condominium project, or a stock cooperative) having either or both of the following features:
1. The common area is owned either by an association or in common by the owners of the separate interests who possess rights to the beneficial use and enjoyment of the common area;
  2. A power exists in the association to enforce an obligation of an owner of a separate interest with respect to the beneficial use and enjoyment of the common area by means of an assessment which may become a lien upon the separate interests.
- Q. “Senior citizen housing development” means a residential development developed, substantially rehabilitated, or substantially renovated for, senior citizens that has at least 35 dwelling units, as defined in the California Civil Code Section 51.3, or a mobilehome park that limits residency based on age requirements for housing for older persons pursuant to California Civil Code Sections 798.76 or 799.5.
- R. “Target unit” means a dwelling unit within a housing development which will be reserved for sale or rent to, and is made available at an affordable rent or affordable ownership cost to very low, low or moderate income households, or is a unit in a senior citizen housing development.

- S. “Very low income household” means households whose income does not exceed the very low income limits applicable to Alameda County, as published and periodically updated by the State Department of Housing and Community Development pursuant to California Health and Safety Code Section 50105. (Ord. 2082 § 2, 2013)

**17.38.030 Eligibility.**

An applicant proposing a housing development of five or more dwelling units may request and be eligible for one density bonus and one or more incentives or concessions provided the applicant agrees to construct one of the following:

- A. At least 10 percent of the total units of a housing development for low income households; or
- B. At least five percent of the total units of a housing development for very low income households; or
- C. A senior citizen housing development; or
- D. At least 10 percent of the total dwelling units in a newly constructed common interest development for sale to moderate income households. (Ord. 2082 § 2, 2013)

**17.38.040 Calculation of density bonus.**

- A. Each housing development is entitled to one density bonus, which may be selected from one of the four eligibility criteria established in Section 17.38.030. Density bonuses from more than one of these categories may not be combined.
- B. The amount of density bonus to be granted for a housing development which meets the eligibility criteria in Section 17.38.030 shall be calculated as follows, and as summarized in Table 17.38.040:
  - 1. 10 Percent Low Income Units. Housing developments providing at least 10 percent of the dwelling units for low income households pursuant to Section 17.38.030(A) shall be entitled to a bonus equal to 20 percent of the maximum allowable density of the site. For each one percent increase above 10 percent of low income units, the density bonus shall be increased by one and one-half percent up to a maximum of 35 percent.
  - 2. Five Percent Very Low Income Units. Housing developments providing at least five percent of the dwelling units for very low income households pursuant to Section 17.38.030(B) shall be entitled to a bonus equal to 20 percent of the maximum allowable density of the site. For each one percent increase above five percent of very low income units, the density bonus shall be increased by two and one-half percent up to a maximum of 35 percent.
  - 3. Senior Citizen Housing. Housing developments providing 100 percent of the units as senior citizen housing pursuant to Section 17.38.030(C) shall be entitled to a bonus equal to 20 percent of the maximum allowable density of the site. The senior citizen housing must include a minimum of 35 dwelling units not including bonus units.
  - 4. 10 Percent Moderate Income Common Interest Development Units. Housing developments providing at least 10 percent of residential common interest development units for moderate income households pursuant to Section 17.38.030(D), shall be entitled to a bonus equal to five percent of the maximum allowable density of the site. For each one percent increase above 10 percent of moderate income units, the density bonus shall be increased by one percent up to a maximum of 35 percent.
- C. A developer may request a lesser density bonus than the project is entitled but no reduction will be permitted in the number of required target units pursuant to Section 17.38.030.
- D. No housing development may be entitled to a density bonus of more than 35 percent.
- E. The maximum allowable density of the site shall be determined by the applicable zoning regulations, the land use element of the general plan, specific plan, or density established by the City’s Housing Site Development Standards and Design Guidelines for multi-family housing sites.
- F. When calculating the required number of target units and the number of permitted density bonus units, any calculations resulting in fractional units shall be rounded to the next larger whole number.

- G. The density bonus units shall not be included when determining the number of target units required to qualify for a density bonus pursuant to Section 17.38.030.

**Table 17.38.040  
Density Bonus Summary**

<b>Target Group</b>	<b>Minimum % Target Units</b>	<b>Bonus Granted</b>	<b>Additional Bonus for Each 1% Increase in Target Units</b>	<b>% Target Units Required for Maximum 35% Bonus</b>
Very Low Income	5%	20%	2.5%	11%
Low Income	10%	20%	1.5%	20%
Moderate Income (Common Interest Development, Condo or PUD only)	10%	5%	1%	40%
Senior Citizen Housing Development	100%	20%	—	—

**Notes:**

- The maximum allowable density bonus is 35%.
- A density bonus may only be selected from one target group, except that an additional bonus for land donation may be combined with a target group pursuant to Section 17.38.080.
- An additional square footage bonus may be granted for a child care facility pursuant to Section 17.38.090.

(Ord. 2082 § 2, 2013)

**17.38.050 Incentives and concessions.**

- A. Developers eligible for a density bonus as provided in Section 17.38.030(A), (B) or (D), upon specific application, shall be entitled to one or more incentives or concessions as set forth in this section, subject to city review and findings set forth in Section 17.38.120(B).
- B. Calculation of Incentives and Concessions. A developer who is eligible for a density bonus under Section 17.38.030(A), (B) or (D) may request and be eligible for one or more incentives or concessions. When requested by the developer, the city shall grant the incentives or concessions in the amount as follows:
  1. One incentive or concession for projects that include at least 10 percent of the total units for low income households, at least five percent for very low income households, or at least 10 percent for persons and families of moderate income in a common interest development.
  2. Two incentives or concessions for projects that include at least 20 percent of the total units for low income households, at least 10 percent for very low income households, or at least 20 percent for persons and families of moderate income in a common interest development.
  3. Three incentives or concessions for projects that include at least 30 percent of the total units for low income households, at least 15 percent for very low income households, or at least 30 percent for persons and families of moderate income in a common interest development.

**Table 17.38.050  
Incentives/Concessions Summary**

<b>Target Group</b>	<b>Target Units</b>		
Very Low Income	5%	10%	15%
Low Income	10%	20%	30%
Moderate Income (Common Interest Development, Condo or PUD only)	10%	20%	30%
Maximum Incentive(s)/Concession(s)	1	2	3

**Notes:**

An incentive or concession may be requested only if an application is also made for a density bonus.

Under this chapter, senior citizen housing is not eligible for an incentive or concession as set forth in this section, except for the reduction of off-street parking.

An additional incentive or concession may be requested for a child care facility pursuant to Section 17.38.090.

See Section 17.38.100 regarding incentives for condominium conversion projects.

- C. Types of Incentives or Concessions. An incentive or concession shall mean any reduction in site development standards, any modification of zoning or architectural design requirements, or other regulatory exceptions which will result in identifiable, financially sufficient, and actual cost reductions necessary to facilitate the construction of the housing development. Incentives or concessions shall include, but not be limited to, the following:
1. Incentives or Concessions Not Requiring Financial Report from Developer. Upon written request by the developer, the following incentives and concessions shall be available in the amounts specified in subsection B of this section without any requirement that the applicant demonstrates to the city that the requested incentive or concession results in identifiable, financially sufficient, and actual cost reductions to the project.
    - a. A 20 percent reduction in one of the setbacks.
    - b. A 10 percent reduction in minimum lot sizes and/or dimensions.
  2. Incentives or Concessions Requiring Financial Report from Developer. The following incentives and concession, when requested by the developer, shall require that the developer provide a financial report (pro forma) that demonstrates how the requested incentive or concession results in identifiable, financially sufficient, and actual cost reductions to the project:
    - a. An incentive or concession that exceeds the level of reduction specified for the standards identified in subsection (C)(1) of this section.
    - b. Approval of mixed-use zoning in conjunction with the housing development if nonresidential land uses will reduce the cost of the housing development and if the city finds that the proposed nonresidential uses are compatible with the housing development and with existing or planned development in the area where the proposed housing development will be located.
    - c. Off-Site Construction of Target Units. Target units required pursuant to this chapter may be permitted to be constructed at a location within the city other than the project site. Any off-site target units must meet the following criteria:
      - i. The off-site target units must be determined to be consistent with the city's goal of creating, preserving, maintaining, and protecting housing for very low, low, and moderate income households.
      - ii. The off-site target units must not result in a significant concentration of target units in any one particular neighborhood.
      - iii. The off-site target units shall conform to the requirements of all applicable city ordinances, standards and plans, and the provisions of this chapter.
      - iv. The occupancy and rents, or for-sale costs, of the off-site target units shall be governed by the terms of a deed restriction, and if applicable, a declaration of covenants, conditions and restrictions similar to that used for the on-site target units.
      - v. The density bonus housing agreement, as required by Section 17.38.130, shall stipulate the terms of the off-site target units. If the construction does not take place at the same time as the project development, the agreement shall require the units to be produced within a specified time frame, but in no event longer than five years. A cash deposit or bond may be required by the city, refundable upon construction, as assurance that the target units will be built.
    - d. Fee Waiver or Deferral. The city council, by resolution, may waive or defer payment of city development impact fees and/or building permit fees applicable to the target units or the project of which they are a part. Fee waivers shall meet the criteria included in the city's adopted policy for evaluating

waivers of city fees for affordable housing projects. The density bonus housing agreement, as required by Section 17.38.130, shall include the terms of the fee waiver.

- e. Other regulatory incentives or concessions proposed by the developer or the city which result in identifiable, financially sufficient, and actual cost reductions.
- 3. Except as provided in subsection (C)(1) of this section, a developer requesting one or more incentives or concessions must include with the application detailed financial report (pro forma) to demonstrate that such incentive or concession would result in necessary, identifiable, financially sufficient, and actual cost reductions that could not be achieved without the incentive or concession.
- D. No incentive or concession shall result in structures that do not meet the minimum building standards provided in California Health and Safety Code Division 13, Part 2.5 (commencing with Section 18901). (Ord. 2082 § 2, 2013)

**17.38.060 Waiver or modification of development standards.**

Developers eligible for a density bonus as provided in Section 17.38.030 may request a waiver or modification of any development standards that will have the effect of precluding the construction of a housing development at the densities or with the concessions or incentives permitted by this section. The developer shall submit a financial report (pro forma) demonstrating that the waiver or modification is necessary to make the housing units economically feasible. (Ord. 2082 § 2, 2013)

**17.38.070 Reduction in off-street parking.**

- A. Upon the request of a developer eligible for a density bonus, the city shall not require that the off-street parking provided for residential use, inclusive of handicapped and guest parking, exceed the following ratios:
  - 1. Zero to one bedrooms: one off-street parking space.
  - 2. Two to three bedrooms: two off-street parking spaces.
  - 3. Four and more bedrooms: two and one-half off-street parking spaces.
- B. For purposes of this section, if the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number. (Ord. 2082 § 2, 2013)

**17.38.080 Land donation.**

- A. In addition to any density bonus awarded pursuant to Section 17.38.030, a developer of a housing development that donates qualified land to the city for the construction of dwelling units affordable to very low income households as provided for in this section, the developer shall be entitled to a 15 percent density bonus. For each one percent increase above the minimum 10 percent land donation, the density bonus shall be increased by one percent. This increase shall be in addition to any increase in density allowed by Section 17.38.040, up to a maximum combined density bonus of 35 percent.
- B. A housing development shall be eligible for a density bonus for donation of qualified land only if the city can find that all of the criteria set forth in California Government Code Section 65915(g) will be met. (Ord. 2082 § 2, 2013)

**17.38.090 Child care facilities.**

- A. When a developer proposes to construct a housing development that includes target units as specified in Section 17.38.030 and includes a child care facility that will be located on the premises of, as part of, or adjacent to the housing development, the developer may request and the city shall grant either of the following if requested by the developer:
  - 1. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility.

2. An additional incentive or concession that contributes significantly to the economic feasibility of the construction of the child care facility, as demonstrated by the developer.
- B. A housing development shall be eligible for the density bonus or incentive or concession described in this section if the city requires as an enforceable condition of approval, memorialized in an agreement recorded against the qualified housing development, that:
1. The child care facility will remain in operation for a period of time that is as long as or longer than the period of time during which the target units are required to remain affordable pursuant to Section 17.38.110.
  2. Of the children who attend the child care facility, the percentage of children of very low income households, low income households, or moderate income households shall be equal to or greater than the percentage of dwelling units that are proposed to be affordable to very low income households, low income households, or moderate income households.
- C. Notwithstanding any requirement of this section, the city shall not be required to provide a density bonus or concession for a child care facility if it finds, based upon substantial evidence, that the community already has adequate child care facilities. (Ord. 2082 § 2, 2013)

**17.38.100 Condominium conversion.**

- A. The city shall grant either a density bonus or other incentives of equivalent financial value if the developer of a conversion of existing rental apartments to condominiums agrees to provide 33 percent of the total units of the proposed condominium project as target units affordable to low or moderate income households, or to provide 15 percent of the total units in the condominium conversion project as target units affordable to lower income households.
- B. For purposes of this section, a “density bonus” means an increase in units of 25 percent over the number of apartments to be provided within the existing structure or structures proposed for conversion.
- C. For purposes of this section, “other incentives of equivalent financial value” may include the reduction or waiver of requirements which the city would apply as conditions of conversion.
- D. No condominium conversion shall be eligible for a density bonus if the apartments proposed for conversion constitute a housing development for which a density bonus or other incentives were previously provided pursuant to this chapter or California Government Code Section 65915, as amended. (Ord. 2082 § 2, 2013)

**17.38.110 Affordability and development standards.**

- A. All target units shall be constructed concurrently with, or prior to, the construction of the project’s non-restricted units.
- B. Target units offered for sale to very low, low, or moderate income households in common interest developments shall be sold at an affordable ownership cost, and subject to an equity sharing agreement as provided in California Government Code Section 65915(c).
- C. Target units shall remain affordable through recordation of a density bonus housing agreement as required by Section 17.38.130.
- D. Target units shall be dispersed throughout the project unless otherwise approved by the city.
- E. Target units shall be built on site, unless off-site construction is approved at the city’s discretion pursuant to the criteria in Section 17.38.050(C)(2)(c). The density bonus housing agreement shall stipulate the terms of the off-site target units. If the construction does not take place at the same time as project development, the agreement shall require the units to be produced within a specified time frame, but in no event longer than five years. A cash deposit or bond may be required by the city, refundable upon construction, as assurance that the units will be built.
- F. Target units may be of smaller size than the non-restricted units in the project. In addition, target units may have fewer interior amenities than the non-restricted units in the project. However, the city may require that the target

units meet certain minimum standards. These standards shall be set forth in the density bonus housing agreement for the project.

- G. Target units shall be constructed with identical exterior materials and an exterior architectural design that is consistent with the non-restricted units in the project.
- H. The city’s adopted preference and priority system shall be used for determining eligibility among prospective beneficiaries for affordable housing units.
- I. For purposes of calculating the affordable rent or affordable sales price of target unit, the following household size assumptions shall be used for each applicable dwelling unit type:

<b>Unit Size</b>	<b>HUD Income Category by Household Size</b>
Studio unit	1 person
1 bedroom unit	2 persons
2 bedroom unit	3 persons
3 bedroom unit	4 persons
4 or more bedroom unit	5 or more persons

(Ord. 2082 § 2, 2013)

**17.38.120 Application requirements, review and findings.**

- A. Application. An application for a density bonus, incentive or concession, and/or waiver or modification of development standards as provided in this chapter shall be submitted with the first application for approval of a housing development, and processed concurrently with all other applications required for the housing development. The application shall be submitted on a form prescribed by the city and shall include at least the following information:
  - 1. Site plan showing total number and size of units, number and location of target units, and number and location of proposed density bonus units.
  - 2. Level of affordability of target units and proposal for ensuring affordability in perpetuity.
  - 3. Description of any requested incentives or concessions, or waivers or modifications of development standards.
    - a. For all incentives or concessions that require a financial report (pro forma) pursuant to subsection C of Section 17.38.050, the pro forma shall state financial evidence demonstrating that such incentive or concession would result in necessary, identifiable, financially sufficient, and actual cost reductions that could not be achieved without the incentive or concession.
    - b. For waivers and modification of development standards that require submittal of a financial report (pro forma) as provided in Section 17.38.060, the pro forma shall demonstrate that the waiver or modification is necessary to make the housing units economically feasible and that the development standards will have the effect of precluding the construction of a housing development at the densities or with the concessions or incentives permitted by this chapter.
    - c. The cost of reviewing any required pro forma data submitted as a part of the application in support of a request for an incentive or concession, or waiver or modification of development standards, including, but not limited to, the cost to the city of hiring a consultant to review said pro forma, shall be borne by the applicant.
  - 4. If an additional density bonus is requested for land donation, the application shall show the location of the land to be dedicated and provide evidence that each of the criteria included in Section 17.38.080(B) can be met.
  - 5. If a density bonus or concession is requested for a child care facility, the application shall show the location and square footage of the child care facilities and provide evidence that each of the criteria referenced in Section 17.38.090(B) can be made.



B. Review and Findings.

1. An application for a density bonus, incentive or concession, or waiver or modification, pursuant to this chapter shall be considered by and acted upon by the approval body with authority to approve the housing development. Any decision regarding a density bonus, incentive, concession, or waiver or modification, may be appealed to the planning commission and from the planning commission to the city council.
2. In accordance with state law, neither the granting of a concession, incentive, waiver, or modification, nor the granting of a density bonus shall be interpreted, in and of itself, to require a general plan amendment, zoning change, variance, or other discretionary approval.
3. Before approving an application for a density bonus, incentive or concession, or waiver or modification of a development standard, the approval body shall make the following findings:
  - a. If an incentive or concession is requested, that the incentive or concession results in necessary, identifiable, financially sufficient, and actual cost reductions that could not be achieved without the incentive or concession.
  - b. If a waiver or modification of a development standard is requested, that the waiver or modification is necessary to make the housing units economically feasible at the densities permitted and with any eligible concessions or incentives.
  - c. If the density bonus is based all or in part on donation of land, the project meets the criteria in Section 17.38.080(B).
  - d. If the density bonus, incentive, or concession is based all or in part on the inclusion of a child care facility, the project meets the findings included in Section 17.38.090(B).
4. If a request for an incentive or concession is otherwise consistent with this chapter, the approval body may deny an incentive or concession if it makes a written finding, based upon substantial evidence, of any of the following:
  - a. The concession or incentive is not required to provide for affordable rents or affordable ownership costs.
  - b. The concession or incentive would have a specific adverse impact upon public health or safety or the physical environment or on any real property that is listed in the California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate income households. For the purpose of this subsection, "specific adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that the application was deemed complete.
  - c. The concession or incentive would be contrary to state or federal law.
5. If a request for a waiver or modification of a development standard is otherwise consistent with this chapter, the approval body may deny the waiver or modification only if it makes a written finding, based upon substantial evidence, of any of the following:
  - a. The waiver or modification would have a specific adverse impact upon health, safety, or the physical environment, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate income households. For the purpose of this subsection, "specific adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that the application was deemed complete.
  - b. The waiver or modification would have an adverse impact on any real property that is listed in the California Register of Historical Resources.
  - c. The waiver or modification would be contrary to state or federal law.

6. If a density bonus and an incentive or concession is based on the provision of child care facilities, the approval body may deny the bonus or concession if it finds, based on substantial evidence, that the city already has adequate child care facilities. (Ord. 2082 § 2, 2013)

**17.38.130 Density bonus housing agreement.**

- A. For all housing projects receiving a density bonus under this chapter a density bonus housing agreement shall be entered into by the city and the project owner. The density bonus housing agreement shall be made a condition of the discretionary planning permits for all housing developments pursuant to this chapter and shall be recorded as a deed restriction on any parcel on which the target units will be constructed.
- B. The approval and/or recordation of this agreement shall take place prior to final map approval or, where a map is not being processed, prior to the issuance of a building permit for any structure in the housing development. The agreement shall run with the land and be binding on all future owners and successors.
- C. The density bonus housing agreement shall include but not be limited to the following:
  1. The total number of units approved for the housing development, the number, location, and level of affordability of target units, and the number of density bonus units.
  2. Standards for determining affordable rent or affordable ownership cost for the target units.
  3. The location, unit size in square feet, and number of bedrooms of target units.
  4. Provisions to ensure affordability in accordance with subsections B and C of Section 17.38.110.
  5. A schedule for completion and occupancy of target units in relation to construction of non-restricted units.
  6. A description of any incentives or concessions, or waivers or modification of development standards being provided by the city.
  7. The terms of any waiver or deferral of city development impact fees and/or building permit fees applicable to the target units or the project of which they are a part.
  8. A description of remedies for breach of the agreement by either party. The city may identify tenants or qualified purchasers as third party beneficiaries under the agreement.
  9. Procedures for qualifying tenants and prospective purchasers of target units.
  10. Other provisions to ensure implementation and compliance with this chapter.
- D. In the case of for-sale housing developments, the density bonus housing agreement shall include the following conditions governing the sale and use of target units during the applicable use restriction period:
  1. Target units shall be owner-occupied by eligible very low, low, or moderate income households, or by qualified residents in the case of senior citizen housing developments.
  2. The purchaser of each target unit shall execute an instrument, approved by the city and to be recorded against the parcel, including such provisions as the city may require to ensure continued compliance with this chapter.
- E. In the case of rental housing developments, the density bonus housing agreement shall provide for the following:
  1. Procedures for establishing affordable rent, filling vacancies, and maintaining target units for eligible tenants;
  2. Provisions requiring verification of household incomes;
  3. Provisions requiring maintenance of records to demonstrate compliance with this subsection.
- F. Density bonus housing agreements for land dedication or child care facilities shall ensure continued compliance with all conditions included in Sections 17.38.080 and 17.38.090 respectively. (Ord. 2082 § 2, 2013)

**17.38.140 Conflict of interest.**

The following individuals are ineligible to purchase or rent a target unit: (A) city employees and officials who have policy making authority or influence regarding city housing programs, and their immediate family members; (B) the project applicant and its officers and employees and their immediate family members; and (C) the project owner and its officers and employees and their immediate family members. (Ord. 2082 § 2, 2013)

## Chapter 17.40

### LOWER-INCOME HOUSING FEES

#### Sections:

<b>17.40.010</b>	<b>Purpose.</b>
<b>17.40.020</b>	<b>Definitions.</b>
<b>17.40.030</b>	<b>Lower-income housing fee required.</b>
<b>17.40.040</b>	<b>Exemptions.</b>
<b>17.40.050</b>	<b>Reduction of fee—Commercial, office or industrial project.</b>
<b>17.40.060</b>	<b>Commercial, office or industrial projects—Construction of lower-income housing.</b>
<b>17.40.070</b>	<b>Annual adjustment of the fee.</b>
<b>17.40.080</b>	<b>Establishment of lower-income housing fund.</b>
<b>17.40.090</b>	<b>Use of lower-income housing fund.</b>
<b>17.40.100</b>	<b>Time of payment.</b>

#### **17.40.010 Purpose.**

A lower-income housing fee is established as set forth in this chapter in order to assist in meeting the lower-income and moderate-income housing goals as established in the general plan. (Ord. 1488 § 1, 1990)

#### **17.40.020 Definitions.**

As used in this chapter:

- A. “Commercial office or industrial development project” means any construction of a new commercial, office or industrial structure, the addition to any existing commercial, office or industrial structure, or the conversion of an existing commercial, office or industrial structure to a use classification capable of employing additional employees.
- B. “House of lower-income” means a household composed of those individuals or families with incomes no greater than 80 percent of the median family income for the Standard Metropolitan Statistical Area, defined as Alameda and Contra Costa Counties for a family of four persons, adjusted up or down for larger or smaller household sizes (PMSA Median).
- C. “Household of moderate-income” means a household comprised of those individual or families with incomes greater than 80 percent, but less than 120 percent, of the median family income for the Standard Metropolitan Statistical Area, defined as Alameda and Contra Costa Counties for a family of four persons, adjusted up or down for larger or smaller household sizes (PMSA Median).
- D. “Lower-income housing units” means new or rehabilitated units to be used by households of lower-income for at least 25 years and the total housing cost for each unit shall not exceed 30 percent of household income.
- E. “Moderate-income housing units” means new or rehabilitated units to be used by households of moderate-income for at least 25 years and the total housing cost for each unit shall not exceed 30 percent of household income.
- F. “Rehabilitated unit” means any housing unit not meeting Uniform Building Code requirements for occupancy which is improved so as to meet those requirements.
- G. “Residential development project” means the construction of a new housing unit. (Ord. 1488 § 1, 1990)

#### **17.40.030 Lower-income housing fee required.**

- A. All residential and commercial office or industrial development projects not otherwise exempt shall pay a lower-income housing fee as established by separate city council resolution and which fee shall be set forth in the city’s fees and charges appendix.

## 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 located at the end 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. 2080 § 2, 2013; 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;



vertical height under the projection shall be at least 12 feet, and the clear horizontal distance between the property line and any supporting structure shall be at least seven feet. At least 85 percent of the area and 85 percent of the length of a vertical plane through a line of supporting columns shall be open and free of obstructions. Space over a public right-of-way permitted by this section may be enclosed and may be occupied by a permitted use or a conditional use and shall be included in computing basic floor area if enclosed. Supports located in a public right-of-way shall be subject to the provisions of Chapter 13.04 of this code. (Prior code § 2-5.42)

**18.84.140 Height limits—Measurement.**

Except as otherwise noted in this chapter, the height of a structure shall be measured vertically from the average elevation of the natural grade of the ground covered by the structure to the highest point of the structure or to the coping of a flat roof, to the deck line of a mansard roof, or to the mean height between eaves and ridges for a hip, gable, or gambrel roof. The height of an accessory structure shall be measured from the lowest grade adjacent to the structure to the highest ridge or top of the structure. The height of a fence or a wall used as a fence shall be measured from the higher finished grade adjoining the fence or wall. The average height of a wall of a structure shall be deemed the height of the wall. (Ord. 2038 § 1, 2012; prior code § 2-5.43(1))

**18.84.150 Height limits—Exceptions.**

- A. In a C-C, I-G, or Q district, the planning commission may permit structures exceeding the heights prescribed in Table 18.84.010 of this chapter, after finding that the city will be reequipped to provide adequate fire protection and that adjoining properties will not be adversely affected. A decision by the planning commission may be appealed to the city council as prescribed in Section 18.144.020 of this title.
- B. Towers, spires, cupolas, chimneys, penthouses, water tanks, fire towers, flagpoles, monuments, scenery lofts, and similar structures; residential radio and television aerials and antennas; receive-only antennas; and necessary mechanical equipment appurtenances covering not more than 10 percent of the ground area covered by the structure may be erected to a height of not more than 65 feet or not more than 25 feet above the height limit prescribed by the regulations for the district in which the site is located, whichever is less, with design review approval specified under Chapter 18.20 of this title.
- C. The height and location of commercial radio and television aerials, antennas, and transmission towers shall be subject to design review approval specified under Chapter 18.20 of this title, and shall be based on a visual analysis demonstrating that views of the aerial/antenna/tower are minimized or are substantially screened from residential land uses, the I-580 and/or I-680 rights-of-way, or other sensitive land uses such as parks, schools, or major streets, and shall be based on an engineering analysis justifying the height of the proposed aerial/antenna/tower.  
Any parabolic dish mounted on the aerial/antenna/tower shall be less than two feet in diameter. The base of the aerial/antenna/tower and any switching facility located at the base that is visible to the public shall be architecturally treated and/or screened from view utilizing on- and/or off-site vegetation or other approved screening mechanism.
- D. Wire-carrying power distribution poles and transmission towers and communication poles located in any zoning district shall not be subject to the height limits prescribed in the district regulations.
- E. In the R-1 district and the RM district, second units located above a garage may exceed the 15-foot height limit for accessory structures. Second units constructed above a detached garage in those districts may not exceed 25 feet in height as measured from the lowest grade adjacent to the structure to the highest ridge or top of the structure. (Ord. 2080 § 2, 2013; Ord. 1821 § 1, 2001; Ord. 1743, 1998; Ord. 1600 § 2, 1993; prior code § 2-5.43(2))

**18.84.160 Accessory structures—Location and yards.**

- A. In an R district, Class I and Class II accessory structures may be located in a required rear yard or a required interior side yard within 35 feet of the rear lot line, provided that the distances to lot lines shall not be less than prescribed in Section 18.84.010 of this chapter, except that Class II accessory structures may be constructed to the property line, but not attached to the fence, and provided that in the aggregate no more than 500 square feet or 10 percent of the area of the required rear yard, whichever is greater, shall be covered by structures other than ga-

rages or carports in an RM-2,500, RM-2,000 or RM-1,500 district. Accessory structures located in required side or rear yards shall not be closer to a main structure or any other accessory structure than the distance prescribed in Section 18.84.100 of this chapter. The minimum distance between an accessory structure containing a habitable room and a side or rear lot line shall be the same as the minimum required side yard for a main structure on the same site.

- B. An accessory structure located not closer to a property line than the distance required for a main structure on the same site may adjoin or may be separated from a main structure, provided that if directly opposite walls in either structure have a main entrance to a dwelling unit or a window opening into a habitable room, the space between the structures shall be as prescribed in Section 18.84.100 of this chapter.
- C. On a reversed corner lot an accessory structure shall not be located closer to the rear lot line than the required side yard on the adjoining key lot, and not closer to the side property line adjoining the street than the required front yard on the adjoining key lot.
- D. No accessory structure shall be located either within a front yard or, unless adequately screened from view from the street as determined by the zoning administrator within the area between the front yard and the front of a structure in an R district.
- E. Swimming pools shall comply with the applicable Class II accessory structure regulations of this title and in addition shall be subject to the requirements of Chapter 20.40 of this code.
- F. Second units shall comply with the regulations in Chapter 18.106 of this title.
- G. Accessory structures exceeding 10 feet in height shall be subject to design review pursuant to Section 18.20.010 of this title.
- H. Location Standards for Pools and Spas.
  - 1. Poolwater line shall not encroach into a required front yard or be placed closer than five feet to a rear or interior side property line or 10 feet to a street side property line, except that the poolwater line for cord-connected, aboveground (portable) spas shall not encroach into a required front yard or be placed closer than three feet to a rear or interior side property line or 10 feet to a street side property line.
  - 2. Pool walls placed closer than five feet to a structure shall require investigation and written approval by a licensed civil engineer. A copy of this investigation and approval shall be furnished to the administrative authority prior to issuance of a pool permit.
  - 3. Pool equipment may be located within the boundaries of the site in which the pool is located without regard to setback except that equipment shall not be located within required front yards nor within the required side yard of the street side of a corner lot unless said equipment is located on the interior side of a fence as allowed in conformance with Title 18 of this code of the city. Where pool equipment is located within a required side yard adjacent to a main structure, a minimum three-foot clearance shall be maintained between said equipment installation and the corresponding side property line. (Ord. 2038 § 1, 2012; Ord. 1812, 2000; Ord. 1656 § 1, 1995; Ord. 1150 § 1, 1984; prior code § 2-5.44)

**18.84.170 Usable open space.**

- A. Each dwelling unit in the RM and C-C districts shall have group or private usable open space as prescribed in the zoning schedule codified in Table 18.84.010 of this chapter, provided that in the RM district each dwelling unit shall have private usable open space of at least the minimum area specified by subsection C of this section. Group and private usable open space may be combined to meet the requirements. Each square foot of private usable open space shall be considered equivalent to two square feet of group usable open space and may be so substituted. All required usable open space shall be planted area, or shall have a dust-free surface, or shall be water surface, provided that not less than 10 percent of the required group usable open space at ground level shall be landscaped with trees and other plant materials suitable for ornamentation. No required usable open space shall be located in a parking area, driveway, service area, or required front yard, or shall have a slope greater than 10 percent.



- B. Group usable open space shall have a minimum area of 300 square feet and a rectangle inscribed within it shall have no dimension less than 15 feet. Required usable open space may be located on the roof of an attached garage or carport, but not more than 20 percent of the required space shall be located on the roof of a building containing habitable rooms.
- C. Private usable open space located at ground level shall have a minimum area of 150 square feet and a rectangle inscribed within it shall have no dimension less than 10 feet. The minimum area of aboveground-level space shall be 50 square feet and a rectangle inscribed within it shall have no dimension less than five feet. Private usable open space shall be adjacent to, and not more than four feet above or below the floor level of the dwelling unit served. Not more than 50 percent of ground-level space may be covered by an overhang, balcony, or patio roof. Aboveground-level space shall have at least one exterior side open above railing height.
- D. Private, ground-level, usable open space on the street side of a structure shall be screened from the street.
- E. Usable open space shall be permanently maintained by the owner in orderly condition. (Prior code § 2-5.45)

**18.84.180 Screening and landscaping—Materials and maintenance.**

Except as otherwise required by the provisions of this chapter, screening shall consist of a solid wall or fence, vine-covered fence, or compact evergreen hedge. Hedge material used as screening shall be not less than three feet in height when planted and shall not be permitted to exceed the specified height by more than one and one-half feet. Where buffers or trees are required, they shall have a mature height of not less than 12 feet and shall be planted not more than 20 feet apart. All screening and landscaping shall be permanently maintained in orderly condition by the owner. Plant materials shall be watered, weeded, pruned and replaced as necessary to screen or ornament the site. A permanent irrigation system shall be provided. (Prior code § 2-5.46(1))

**18.84.190 Screening of parking and loading facilities adjoining or opposite R district.**

In an R district an open parking facility for more than five cars or a loading area shall be screened from properties in an R district adjoining or directly across a street or alley. In a district other than an R district an open parking facility or a loading area shall be screened from an R district adjoining or directly across a street or alley. Screening shall be six feet in height, except that screening to protect properties across a street may be not less than four feet in height. (Prior code § 2-5.46(2))

**18.84.200 Screening of uses adjoining R-1 district.**

Where the site of a dwelling other than one-family dwelling or a duplex adjoins an R-1 district, screening six feet in height shall be located adjoining the property line. Where the site of a use other than a dwelling adjoins an R-1 district, screening six feet in height shall be located adjoining the property line, and an area 10 feet in depth adjoining the property line shall be landscaped with plant materials, including a buffer of trees. (Prior code § 2-5.46(3))

**18.84.210 Screening of uses adjoining RM districts.**

Where the site of a use other than a dwelling adjoins an RM district screening six feet in height shall be located adjoining the property line and an area with plant materials, including a buffer of trees. (Prior code § 2-5.46(4))

**18.84.220 Screening of open uses.**

A use not conducted within a completely enclosed structure shall have screening of a height specified by the zoning administrator if located in an I-P district or in a C or I district adjoining or opposite across a street or alley from an R district or if located in C-S or I district adjoining or opposite across a street from an O, C-N, C-C, C-R or P district, unless the zoning administrator finds that topographic or other physical conditions or the characteristics of the use make screening unnecessary or ineffective for protection of the adjoining or opposite district. (Ord. 1656 § 1, 1995; prior code § 2-5.46(5))

**18.84.230 Landscaping of parking facilities.**

In an O, C-N, C-C, I-P, or P district, not less than five percent of the area with a line drawn around the outer edges of the area occupied by vehicles shall be landscaped with trees and other plant materials suitable for ornamentation. Landscaped areas shall be distributed throughout the parking area. In addition, a landscaped area not less than five feet in depth shall be located at the property lines adjoining the street frontages of the site except for necessary drives and walks. (Prior code § 2-5.46(6))

**18.84.240 Landscaping of trailer parks.**

Where a trailer park adjoins a street, an area 20 feet in depth except for necessary drives and walks shall be landscaped with materials suitable for ensuring privacy and ornamenting the site. (Prior code § 2-5.46(7))

**18.84.250 Additional landscaping in O and I-P districts.**

In an O or an I-P district the required front yard and required side yard on the street side of a corner lot except for the area occupied by necessary drives and walks, shall be landscaped with trees and other plant materials suitable for ornamentation. (Prior code § 2-5.46(8))

**18.84.260 Landscaping of buffers in Q district.**

Landscaped buffers required by Chapter 18.52 of this title, shall include an earth berm, having a crest not less than 10 feet above natural grade at the boundary of the Q district, unless the zoning administrator finds that the berm is not necessary for sight or sound buffering. The entire buffer shall be planted with trees and other materials to effectively prevent transmission of noise and dust and growth of weeds. Planting in the portion of the buffer within 50 feet of the protective fence required by Chapter 18.52 shall consist of closely spaced trees and shrubs attaining a height of at least 20 feet, with evergreen foliage sufficient to completely screen extraction operations from view. (Ord. 1656 § 1, 1995; prior code § 2-5.46(9))

**18.84.270 Types of vehicles and parking locations permitted in R district.**

- A. Except as specified in a use permit authorizing a conditional use, no truck or bus larger than one-ton capacity and no trailer longer than 25 feet shall be parked or stored on a site.
- B. No off-street parking space provided in compliance with Chapter 18.88 of this title shall be located in a required front yard or in a required side yard on the street side of a corner lot.
- C. Except as specified in a use permit authorizing a conditional use, no more than one vehicle, other than automobiles, shall be stored on a site in an R-1 or RM-4,000 district, except in an enclosed garage.
- D. No vehicle shall be parked or stored except in conformity with the requirements of Section 18.84.110 of this chapter.
- E. No trailer, camper or boat shall be parked or stored in a front yard; provided, however, that in addition, a trailer, camper or boat may not be parked or stored in the side-street side yard of a corner lot.
- F. No trailer, camper or boat shall be parked or stored in the area between the front yard and the front of a structure or in a side yard, unless adequately screened from view from the street as determined by the zoning administrator. (Ord. 1656 § 1, 1995; prior code § 2-5.47)

Table 18.84.010

SITE DEVELOPMENT STANDARDS FOR ZONING DISTRICTS IN PLEASANTON

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 I 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
A	5 acre	300 ft	---	30 ft	30 ft; 100 ft	50 ft	---	---	---	30 ft	30 ft	30 ft	30 ft
R-1-40,000	40,000 sq ft	150 ft	150 ft	30 ft	5 ft; 50 ft	30 ft	40,000 sq ft	---	25%	30 ft	15 ft**	20 ft	20 ft
R-1-20,000	20,000 sq ft	100 ft	125 ft	25 ft	5 ft; 30 ft	25 ft	20,000 sq ft	---	30%	30 ft	15 ft**	3 ft	5 ft
R-1-10,000	10,000 sq ft	80 ft	100 ft	23 ft	5 ft; 20 ft	20 ft	10,000 sq ft	---	40%	30 ft	15 ft**	3 ft	5 ft
R-1-8,500	8,500 sq ft	75 ft	100 ft	23 ft	5 ft; 15 ft	20 ft	8,500 sq ft	---	40%	30 ft	15 ft**	3 ft	5 ft
R-1-7,500	7,500 sq ft	70 ft	100 ft	23 ft	5 ft; 14 ft	20 ft	7,500 sq ft	---	40%	30 ft	15 ft**	3 ft	5 ft
R-1-6,500	6,500 sq ft	65 ft	100 ft	23 ft	5 ft; 12 ft	20 ft	6,500 sq ft	---	40%	30 ft	15 ft**	3 ft	5 ft
RM-4,000	8,000 sq ft	70 ft	100 ft	20 ft	7 ft; 16 ft	30 ft	4,000 sq ft	---	40%	30 ft	15 ft**	3 ft	3 ft
RM-2,500	7,500 sq ft	70 ft	100 ft	20 ft	8 ft; 20 ft	30 ft	2,500 sq ft	400 sq ft	50%	30 ft	15 ft**	3 ft	3 ft
RM-2,000	10,000 sq ft	80 ft	100 ft	20 ft	8 ft; 20 ft	30 ft	2,000 sq ft	350 sq ft	50%	40 ft	15 ft**	3 ft	3 ft
RM-1,500	10,500 sq ft	80 ft	100 ft	20 ft	8 ft; 20 ft	30 ft	1,500 sq ft	300 sq ft	50%	40 ft	15 ft**	3 ft	3 ft
O	10,000 sq ft	80 ft	100 ft	20 ft	10 ft; 20 ft	10 ft	Dwellings not permitted	Dwellings not permitted	30%	30 ft	15 ft	3 ft	3 ft
C-N	3 acre min. 5 acre max.	300 ft	300 ft	20 ft	20 ft; 40 ft	10 ft	Dwellings not permitted	Dwellings not permitted	30%	30 ft	15 ft	20 ft	10 ft

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 18.44.090 18.84.030E	150 sq ft	300%	40 ft 18.84.150	40 ft 18.84.150	---	---
C-R		18.44.080A			18.44.080A		Dwellings not permitted		18.44.080A		18.44.080A		
C-S	10,000 sq ft	80 ft	100 ft	10 ft	---	10 ft	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		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		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		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				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			100%	18.84.150	18.84.150	10 ft	25 ft
I-G 3 acre	3 acre	200 ft	300 ft	25 ft	20 ft; 40 ft	50 ft						20 ft	50 ft
Q	50 acre	---	---	100 ft	100 ft; 200 ft	100 ft	---	---	---	40 ft 18.84.150	40 ft 18.84.150	100 ft 18.52.060— 18.52.100	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.

\*\* In the R-1 and RM districts, second units constructed above a detached garage may exceed 25 feet in height and shall not exceed 15 feet in height as measured from the lowest grade adjacent to the structure to the highest ridge or top of the structure.

## 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.



- 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. 2080 § 2, 2013; 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. 2080 § 2, 2013; 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. 2080 § 2, 2013; 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. 2080 § 2, 2013; 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, except that a detached second unit may be constructed above a detached garage, provided the garage meets the minimum setback requirements for detached second units. Second units constructed above a detached garage shall not exceed 25 feet in height in the R-1 district and the RM district, and shall not exceed 30 feet in the A district. Height is measured from the lowest grade adjacent to the structure to the highest ridge or top of the structure.
- 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 <sup>1</sup>	10 feet

<sup>1</sup> 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. 2080 § 2, 2013; 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. 2080 § 2, 2013; Ord. 2000 § 1, 2009; Ord. 1885 § 2, 2003)