Pleasanton
Planning and Zoning Code

(Municipal Code Titles 17 and 18)

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

Published and Indexed by

QUALITY CODE PUBLISHING

8015 15th Avenue NW
Suite 1
Seattle, WA 98117
1-800-328-4348

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 Company.

Commencing with the June 2008 republication, updates to this code are published by Quality Code Publishing.

This code is current through Supplement Number 20, April 2008, and includes Ordinance 1971, passed February 19, 2008.

Quality Code Publishing
8015 15th Avenue NW
Suite 1
Seattle, Washington 98117
1-800-328-4348
www.qcode.us

The Internet edition of this code can be found at: http://www.qcode.us/codes/pleasanton/

Title 17

PLANNING AND RELATED MATTERS

Chapters:

Chapter 17.04

CONDOMINIUM CONVERSIONS

Sections:

17.04.010 Regulation of condominium conversion projects.

This chapter regulates the conversion of residential apartment buildings, apartment complexes and mobilehome parks to projects in which the residential units or mobilehome spaces are individually owned in fact or in practical effect, whether such projects are called condominiums, townhouses, community apartments, stock cooperatives, or any other name. No person shall cause such conversion to be made except in accordance with this chapter. (Prior code § 2-25.01)

17.04.020 Definitions.

For the purpose of this chapter, the following terms shall be defined as follows:

A. "Condominium conversion project" means the conversion or subdivision of a single ownership parcel of existing improved residential real property typically containing two or more dwelling units, or of an existing mobilehome park, into a form of ownership for residential purposes involving the right of exclusive occupancy or separate ownership of individual units or mobilehome spaces, including, but not limited to condominiums, community apartments, stock cooperatives or townhouses. As used in this chapter a "condominium project" refers to any condominium conversion project. This chapter does not apply to commercial or industrial condominium conversion projects.

B. "Date of approval of a condominium conversion project application," as used in this chapter, means (1) the date of the city council's action on a project application for all nonexempt conversions; or (2) the date of either the planning commission's or staff review board's action on a tentative subdivision map or preliminary parcel map for all exempt conversions.

C. "Developer" means the owner or subdivider with a proprietary interest in the proposed condominium conversion project.

D. "Tenant" means any person who resides in a dwelling unit on multiple rental property or occupies a mobilehome park space, whether by month-to-month tenancy, lease or other rental agreement.

E. "Tenant, elderly" means any person residing in a dwelling unit on the property who is over age 62 on the date of approval of the conversion application.

F. "Tenant, handicapped" means any person residing in a dwelling unit on the property who meets the definition in Section 50072 of the California Health and Safety Code on the date of approval of the conversion application. (Prior code § 2-25.02)

17.04.030 Purpose—Findings.

A. In order to provide for the housing needs of all segments of the community, the purposes of this chapter are set forth as follows:

1. To minimize or avoid the hardship caused by the displacement of residents following the conversion of their dwellings, particularly senior citizens and the handicapped; and

2. To reduce tenant displacement by encouraging ownership of lower cost residential units by prior renters.

B. The city council finds and declares:

1. That the city has adopted a comprehensive general plan that establishes policies to protect the living environment of all residents of the community; and

2. That condominiums, community apartments, stock cooperatives, and townhouses differ from apartments in numerous respects and, for the benefit of public health, safety and welfare, such projects should be treated differently from apartments in order to protect the community and the purchasers of condominiums. (Prior code § 2-25.03)

17.04.040 Requirements generally.

The physical standards and tenant provisions requirements contained in this chapter shall be met by every condominium conversion project unless said requirement is waived by the approving body. In granting conversion approval, the city council, planning commission, or staff review board shall ensure that the provisions of this chapter relating to physical standards (Section 17.04.090) and tenant provisions (Section 17.04.100) are implemented in such a manner as to maintain the public health, safety and welfare. The approving body, following its review of each submittal, may approve, conditionally approve, or deny a project; it may also waive particular requirements of this chapter or any other sections of the code if it finds that the conversion, despite the failure to meet all the requirements, is consistent with the general plan and any specific plan policies governing conversions and conforms to the purposes of this chapter. The approving body may deny a request for approval if (a) the proposed conversion fails to meet any of the requirements of this chapter, (b) the conversion would be inconsistent with general or specific plan policies, (c) the proposed conversion would be inappropriate as a condominium project due to its age, condition, location, or any other matter affecting its continuing viability as an ownership project, or (d) the approving body finds that the applicant for conversion evicted a tenant immediately before or during the condominium conversion process in violation of Section 17.04.130(B) of this chapter. (Prior code § 2-25.04)

17.04.050 Exemptions.

Condominium conversion projects falling into the following categories shall be subject to the approval process contained in Section 17.04.060(B) and exempt from city council consideration:

A. Condominium conversion projects containing four or fewer units;

B. Condominium conversion projects in which the tenants representing 85 percent of the total units in the projects have consented to the conversion. For purposes of this section, the consent of heads of household shall constitute consent for the entire household, and, when two or more cotenants reside in a unit, the consent of a cotenant shall represent a percentage equal to the cotenant's proportional share of the unit. Where a written lease still in effect exists, the tenant(s) of a unit shall be deemed to be only those named in the lease. (Prior code § 2-25.05)

17.04.060 Procedures.

Every condominium project not exempted pursuant to Section 17.04.060 must secure city council approval pursuant to this section prior to filing a subdivision map. Projects exempted from the required city council approval shall apply for conversion approval as provided in this chapter as part of the subdivision approval process.

A. Approval Procedures for Nonexempt Condominium Conversion Projects. Applications for nonexempt condominium conversion projects may be submitted for city council review at any time during the year. A public hearing before the city council shall be scheduled pursuant to the provisions of this chapter. The city council may ap-

prove, conditionally approve, or deny application for conversions pursuant to the provisions of this chapter. Projects which are approved by the city council may proceed to submit subdivision applications pursuant to state law and local ordinance requirements.

B. Approval Procedures for Exempt Condominium Conversion Projects. Developers of condominium conversion projects qualifying as exempt projects shall submit application required by Section 17.04.070(B) at the same time applications are made for tentative map or preliminary parcel map approval. Such applications may be made at any time during the year. The decision-making body may approve, conditionally approve, or deny applications for conversion pursuant to the provisions of this chapter. Any decision may be appealed by an aggrieved party to the city council.

C. Condominium conversion approval shall lapse if a final map has not been filed with the city council for approval within one year of receipt of condominium conversion approval, or such other time as may be set at the time of conversion approval. (Ord. 1075 § 1, 1983; prior code § 2-25.06)

17.04.070 Application requirements.

A. Information Required. Developers shall prepare an application for submittal to the planning division on a form prepared by the planning division and containing the information required by the director of planning and community development. The director or his or her designate shall determine whether the application is complete.

B. Fees. The applicant shall pay a fee based on the actual costs of reviewing and processing the application in accordance with the resolution establishing fees and charges for various municipal services, codified in the appendix to Title 3 of this code. (Prior code § 2-25.07)

17.04.080 Public hearing required.

A public hearing shall be held prior to a determination to approve or disapprove an application to convert, at which time the reviewing body shall take testimony concerning the proposed conversion, measures proposed to be taken to meet the requirements of this chapter, and other relevant information. Notice of the public hearing shall be given in the manner required by Section 18.12.040 of this code. In addition, notice shall be given within 10 days of the hearing to every tenant in the apartment building or apartment complex proposed for conversion. (Prior code § 2-25.08)

17.04.090 Physical standards.

A. Standards for condominium conversion projects shall be as follows:

1. The design, improvement and/or construction of a condominium conversion project shall conform to and be in full accordance with all requirements of all locally adopted building, fire, housing, and other construction codes, zoning provisions, and other applicable local, state or federal laws or ordinances relating to protection of public health and safety laws or ordinances relating to protection of public health and safety in effect at the time of application for conversion.

2. The project CC&Rs shall make provision for the maintenance of the project's landscaping and other common areas and facilities, subject to review and approval by the city attorney.

3. Parking shall be provided according to standards established for condominiums by Chapter 18.88 of this code.

B. Notwithstanding any of the provisions of subsection A of this section, the reviewing body may waive any standard pursuant to Section 17.04.040 of this chapter. (Prior code § 2-25.09)

17.04.100 Tenant provisions.

A. Notice Requirements. All tenants shall be kept fully informed of the following actions taken by the developer in proceeding to convert the project. The following notice shall be provided by the developer to all tenants:

1. Sixty days written notice of intent to convert prior to the public hearing date before the city council, planning commission, or staff review board;

2. Ten days' notice of hearing on application to convert pursuant to Section 17.04.090; and

3. All other notices required by the Subdivision Map Act.

Notice shall be supplied to all tenants occupying the units at any time after the filing of the initial notices of intent and said notice shall be given to prospective tenants as well.

B. Rent Increase Protection.

1. No application for conversion shall be approved if rents have been raised on any unit, whether affecting existing tenants or at change of occupancy, during the period six months prior to the date of approval of the condominium conversion project. The provisions of this subsection shall not apply to conversions processed pursuant to Section 17.04.050(B).

2. The leases of tenants continuing to reside in the project during the period between approval of the condominium conversion project and sale of the unit shall be under the same terms and conditions as existed at the time of the approval, except that rent may increase at an annual rate equivalent to the Bay Area Consumer Price Index or seven percent, whichever is less. No rent increase allowed by this section shall be established until one year has elapsed from receipt of condominium conversion approval; subsequent rent increases shall be allowed no more frequently than annually. The terms and conditions of leases affecting tenants not residing in the project at the time of approval (e.g., upon change of occupancy) shall not be subject to any limitation contained in this section.

C. Elderly and Handicapped Tenant Rights. Any elderly or handicapped tenant, as defined in Section 17.04.020, who has occupied a dwelling unit or mobilehome space in a proposed condominium conversion project for 18 months or more on the date of approval of the project shall have special leasehold rights. Elderly tenants shall have the right to lease their units for nine years; handicapped tenants shall have the right to lease their units for seven years. Such extended leases shall be under the same terms and conditions as existed at the time of activation of the application, except that rent may increase at an annual rate equivalent to the Bay Area Consumer Price Index or seven percent, whichever is less. Extended leases shall begin as of the date of approval of the condominium conversion. At the time of conversion, any dwelling unit subject to this extended lease provision shall be refurbished at the expense of the developer in a like manner as those units to be sold as condominiums, and said dwelling unit shall be adequately maintained for the duration of the lease. Refurbishing shall include all cosmetic improvements (painting, linoleum, carpeting, drapes, counters, etc.) as well as any structural changes required of converted units.

D. Tenant Relocation Assistance. All persons living in units or occupying mobilehome spaces on the date of approval of the condominium conversion project who choose not to purchase units in the condominium conversion project shall be afforded the relocation assistance included below:

1. Relocation assistance provided by a professional property management agency, at the expense of the developer, in finding a comparable replacement rental unit; such assistance shall include, at a minimum, providing rental availability reports and updating same, assisting tenants inspect available units, and providing other personal services related to the relocation of each tenant;

2. Moving expenses paid for by the developer in an amount equal to the actual costs for any tenant relocating in the Tri-Valley Area, or $500.00, whichever is less. The city council may adjust the maximum moving expense allowable year to year to reflect increases in costs;

3. Utility connection fees paid for by the developer in an amount equal to actual expenses up to a maximum of $100.00. The city council may adjust the amount required in this subsection year to year to reflect increases in costs.

E. Tenant Purchase Assistance. Tenants living in units or occupying mobilehome spaces on the date of approval of the condominium conversion project shall be afforded the right to purchase their respective units or another unit in the complex under preferential terms. Preferential terms shall include the following:

1. First right to refusal to purchase their own unit;

2. Price reduction of $50.00 per month for every month a tenant has resided in the complex, up to a maximum of $1000.00, from the price like units are offered to the general public;

3. Price reduction of $1000.00 for electing to purchase the unit in an as-is condition rather than in a manner similar units are refurbished for sale to the general public. However, major renovation or improvements required of all units in meeting the standards of this chapter may not be waived and shall be completed by the developer; the price reduction shall be in lieu of cosmetic refurbishment;
4. Financing assistance, including broker-type assistance in locating financing and completing applications, loan qualifying assistance by providing secondary finance, equity sharing, or other such mechanism, and providing out-of-pocket expense in the course of obtaining financing up to a maximum of $250.00.

Purchase assistance in subdivisions 2, 3 and 4 of this subsection shall be available for tenant purchase of either his or her own unit or space or any other unit or space in the complex and are minimum requirements only. Nothing in this section shall prevent a developer from offering additional preferential treatment. The city council may adjust the minimum figures found in subdivisions 2, 3 and 4 of this subsection year to year to reflect increases in costs. (Ord. 1075 §§ 2, 3, 1983; prior code § 2-25.10)

17.04.110 Enforcement.

Prior to filing a final map, the developer of a condominium conversion project shall execute and record an agreement incorporating the terms and conditions of the conversion approval bidding the developer and any successor in interest to provide the assistance to tenants and to improve the project in accordance with the project approval. The agreement shall be recorded and a copy shall be provided to each tenant occupying a unit on the date of approval of the condominium conversion project. The agreement shall run to the benefit of any tenant occupying a unit on the date of the approval of the condominium conversion project. (Prior code § 2-25.11)

17.04.120 Dispute resolution.

Any disagreement between a tenant and a developer arising as a result of the conversion of an apartment building, apartment complex, or mobilehome park and concerning the terms of this chapter or the conditions of approval of the condominium conversion project, may be brought before the board of adjustment for a hearing and resolution. The decision of the board of adjustment shall be appealable to the city council. (Prior code § 2-25.12)

17.04.130 Public policy—Lease provisions and evictions.

A. It shall be against the public policy embodied in this chapter to attempt to subvert its provisions by coercing the waiver of any rights or privileges created or protected herein. Any provision of a lease or rental agreement which purports to waive a tenant's rights under this chapter or which requires prior consent to the conversion of the apartment building, apartment complex, or mobilehome park to a condominium conversion project shall be null, void and unenforceable.

B. It shall be against the public policy embodied in this chapter to evict or threaten to evict or otherwise harass any tenant because of the tenant's refusal to consent to conversion, the tenant's opposition to such conversion or the anticipated refusal or opposition of the tenant. (Prior code § 2-25.13)

Chapter 17.08

FLOOD DAMAGE PREVENTION

Sections:

17.08.010 Statutory authority.

The Legislature of the state of California has in Government Code Sections 65302, 65560 and 65800 conferred upon local governmental units the authority to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. (Ord. 1951 § 1 (Exh. A), 2007; Ord. 1374 § 2 (part), 1989)

17.08.020 Findings of fact.

A. The flood hazard areas of the city may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, impair uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss. (Ord. 1951 § 1 (Exh. A), 2007; Ord. 1374 § 2 (part), 1989)

17.08.030 Purpose.

It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

A. To protect human life and health;

B. To minimize expenditure of public money for costly flood control projects;

C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

D. To minimize prolonged business interruptions;

E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;

F. To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;

G. To insure that potential buyers are notified that property is in an area of special flood hazard; and

H. To insure that those who occupy the areas of special flood hazard assume responsibility for their actions. (Ord. 1951 § 1 (Exh. A), 2007; Ord. 1374 § 2 (part), 1989)

17.08.040 Methods of reducing flood losses.

In order to accomplish its purposes, this chapter includes methods and provisions for:

A. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;

D. Controlling filling, grading, dredging, and other development which may increase flood damage; and

E. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas. (Ord. 1951 § 1 (Exh. A), 2007; Ord. 1374 § 2 (part), 1989)

17.08.050 Definitions.

Unless specifically defined in this section, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application:

A. “Appeal” means a request for a review of the floodplain administrator’s interpretation of any provision of this chapter or a request for a variance.

B. “Area of shallow flooding” means a designated AO or AH zone of the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident.

C. “Area of special flood hazard” see “Special flood hazard area.”

D. “Area of special mudslide (i.e., mudflow) hazard” means the area subject to severe mudslides (i.e., mudflows). The area is designated as Zone M on the Flood Insurance Rate Map (FIRM).

E. “Base flood” means the flood having a one-percent chance of being equaled or exceeded in any given year (also called the “100-year flood”).

F. “Basement” means any area of the building having its floor subgrade (below ground level) on all sides.

G. “Breakaway walls” means any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material, which is not part of the structural support of the building and which is so designed to break away, under abnormally high tides or wave action, without damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by floodwaters. A breakaway wall shall have a safe design loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls must be certified by a registered engineer or architect and shall meet the following conditions:

1. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and
2. The elevated portion of the building shall not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of the base flood.

H. "Development" means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

I. "Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

J. "Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

K. "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of floodwaters;
2. The unusual and rapid accumulation or runoff of surface waters from any source; and/or
3. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in this definition.

L. "Flood Boundary and Floodway Map" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of flood hazard and the floodway.

M. "Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

N. "Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the FIRM, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

O. "Floodplain or flood-prone area" means any land area susceptible to being inundated by water from any source (see definition of "flooding").

P. "Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Q. "Floodplain management regulations" means zoning and ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

R. "Floodproofing" means any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

S. “Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as “regulatory floodway.”

T. “Functionally dependent use” means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

U. “Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

V. “Historic structure” means any structure that is: (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (a) By an approved state program as determined by the Secretary of the Interior or (b) Directly by the Secretary of the Interior in states without approved programs.

W. “Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

X. “Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term “manufactured home” also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days. The term “manufactured home” does NOT include a “recreational vehicle.”

Y. “Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale or rent.

Z. “Mean sea level” means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community’s Flood Insurance Rate Map are referenced.

AA. “New construction,” for floodplain management purposes, means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

BB. “New manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

CC. “One-hundred-year flood” or “100-year flood” means a flood which has a one percent annual probability of being equaled or exceeded. It is identical to the “base flood,” which will be the term used throughout this chapter.

DD. “Person” means an individual or his or her agent, firm, partnership, association or corporation, or agent of the aforementioned groups, or this city or its agencies or political subdivisions.

EE. “Recreational vehicle” means a vehicle which is: (1) Built on a single chassis; (2) Four hundred square feet or less when measured at the largest horizontal projection; (3) Designed to be self-propelled or permanently towable by a light duty truck; and (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

FF. "Remedy a violation" means to bring the structure or other development into compliance with state or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the chapter or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

GG. "Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

HH. "Special flood hazard area" means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the Flood Insurance Rate Map, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, or V1-30, VE, or V. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard."

II. "Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

JJ. "Structure" means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

KK. "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

LL. Substantial Improvement.

1. "Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

    a. Before the improvement or repair is started; or

    b. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

2. "Substantial improvement" does not, however, include either:

    a. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or

    b. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

MM. "Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

NN. "Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided. (Ord. 1951 § 1 (Exh. A), 2007; Ord. 1374 § 2 (part), 1989)

17.08.060 Applicability.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the city. (Ord. 1951 § 1 (Exh. A), 2007; Ord. 1374 § 2 (part), 1989)

17.08.070 Basis for establishing areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency or Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the city of Pleasanton," dated September 19, 1984 and as revised thereafter, with an accompanying Flood Insurance Rate Map is adopted by reference and declared to be a part of this chapter. The Flood Insurance Study is on file at 200 Old Bernal Avenue, Pleasanton, California. This flood insurance study is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the city council by the floodplain administrator.

The city hereby includes Alameda County FIRM No. 060001 0115C under its jurisdiction for floodplain management within the city of Pleasanton's city limits.

When the city of Pleasanton's base flood elevations either increase or decrease resulting from physical changes affecting flooding conditions, as soon as practicable, but not later than six months after the date such information becomes available, the city of Pleasanton will submit the technical or scientific data to FEMA. Such submissions are necessary so that upon confirmation of the physical changes affecting flooding conditions, risk premium rates and flood plain management requirements will be based upon current data. (Ord. 1951 § 1 (Exh. A), 2007; Ord. 1374 § 2 (part), 1989)

17.08.080 Compliance.

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations. Violations of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the city council from taking such lawful action as is necessary to prevent or remedy any violation.

All new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) within a special flood hazard area greater than five lots or five acres, whichever is the lesser, shall include within such proposals base flood elevation data. (Ord. 1951 § 1 (Exh. A), 2007; Ord. 1374 § 2 (part), 1989)

17.08.090 Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 1951 § 1 (Exh. A), 2007; Ord. 1374 § 2 (part), 1989)

17.08.100 Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

A. Considered as minimum requirements;

B. Liberally construed in favor of the governing body; and

C. Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. 1951 § 1 (Exh. A), 2007; Ord. 1374 § 2 (part), 1989)

17.08.110 Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights

may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder. (Ord. 1951 § 1 (Exh. A), 2007; Ord. 1374 § 2 (part), 1989)

17.08.120 Development permit.

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 17.08.070. Application for a development permit shall be made on forms furnished by the floodplain administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

A. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; in Zone AO elevation of highest adjacent grade and proposed elevation of lowest floor of all structures;

B. Proposed elevation in relation to mean sea level to which any structure will be floodproofed;

C. All appropriate certifications listed in Section 17.08.140(D) of this chapter; and

D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. (Ord. 1951 § 1 (Exh. A), 2007; Ord. 1374 § 2 (part), 1989)

17.08.130 Administrator—Designated.

The city engineer is appointed to administer and implement this chapter by granting or denying development permits in accordance with its provisions. (Ord. 1951 § 1 (Exh. A), 2007; Ord. 1374 § 2 (part), 1989)

17.08.140 Administrator—Duties and responsibilities.

Duties of the city engineer shall include, but not be limited to:

A. Permit Review.

   1. Review all development permits to determine that the permit requirements of this chapter have been satisfied;

   2. All other required state and federal permits have been obtained;

   3. The site is reasonably safe from flooding;

   4. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. For purposes of this chapter, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point.

B. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 17.08.070, the floodplain administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer Section 17.08.150. Any such information shall be submitted to the city council for adoption.

C. Whenever a watercourse is to be altered or relocated:

   1. Notify adjacent communities and the California Department of Water Resources prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration;

   2. Require that the flood-carrying capacity of the altered or relocated portion of said watercourse is maintained.

D. Obtain and maintain for public inspection and make available as needed:

1. The certification required in Section 17.08.150(C)(1) (floor elevations);
2. The certification required in Section 17.08.150(C)(2) (elevations in areas of shallow flooding);
3. The certification required in Section 17.08.150(C)(3)(c) (elevation or floodproofing of nonresidential structures);
4. The certification required in Section 17.08.150(C)(4)(a) or 17.08.150(C)(4)(b) (wet floodproofing standard);
5. The certified elevation required in Section 17.08.170(B) (subdivision standards);
6. The certification required in Section 17.08.190(A) (floodway encroachments).

E. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 17.08.200.

F. Take action to remedy violations of this chapter as specified in Section 17.08.080. (Ord. 1951 § 1 (Exh. A), 2007; Ord. 1374 § 2 (part), 1989)

17.08.150 Standards—Construction.

In all areas of special flood hazards, the following standards are required:

A. Anchoring.

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
2. All manufactured homes shall meet the anchoring standards of Section 17.08.180.

B. Construction Materials and Methods.

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
3. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
4. Require within Zones AH or AO adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

C. Elevation and Floodproofing.

1. New construction and substantial improvement of any structure shall have the lowest floor, including basement, elevated to or above the base flood elevation. Nonresidential structures may meet the standards in Section 17.08.150(C)(3). Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered professional engineer or surveyor, or verified by the community building inspector to be properly elevated. Such certification or verification shall be provided to the floodplain administrator.
2. New construction and substantial improvement of any structure in Zone AO shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified on the FIRM, or at least two feet if no depth number is specified. Nonresidential structures may meet the standards in Section 17.08.150(C)(3). Upon the completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered professional engineer or surveyor, or verified by

the community building inspector to be properly elevated. Such certification or verification shall be provided to the floodplain administrator.

3. Nonresidential construction shall either be elevated in conformance with Section 17.08.150(C)(1) or (C)(2) or together with attendant utility and sanitary facilities:
    a. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
    b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
    c. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the floodplain administrator.
4. Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
    a. Either a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters; or
    b. Be certified to comply with a local floodproofing standard approved by the Federal Insurance Administration.
5. Manufactured homes shall also meet the standards in Section 17.08.180. (Ord. 1951 § 1 (Exh. A), 2007; Ord. 1374 § 2 (part), 1989)

17.08.160 Standards—Utilities.

A. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from systems into floodwaters.

B. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. (Ord. 1951 § 1 (Exh. A), 2007; Ord. 1374 § 2 (part), 1989)

17.08.170 Standards—Subdivisions.

A. All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood.

B. All final subdivision plans will provide the elevation of proposed structure(s) and pads. If the site is filled above the base flood, the final pad elevation shall be certified by a registered professional engineer or surveyor and provided to the floodplain administrator.

C. All subdivision proposals shall be consistent with the need to minimize flood damage.

D. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

E. All subdivisions shall provide adequate drainage to reduce exposure to flood hazards. (Ord. 1951 § 1 (Exh. A), 2007; Ord. 1374 § 2 (part), 1989)

17.08.180 Standards—Manufactured homes.

All new and replacement manufactured homes and additions to manufactured homes shall:

A. Be elevated so that the lowest floor is at or above the base flood elevation; and

B. Be securely anchored to a permanent foundation system to resist flotation, collapse or lateral movement. (Ord. 1951 § 1 (Exh. A), 2007; Ord. 1374 § 2 (part), 1989)

17.08.190 Floodways.

Located within areas of special flood hazard established in Section 17.08.070 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge;

B. If subsection A is satisfied, all new construction and substantial improvements shall comply with all other applicable flood hazard reduction provisions of Section 17.08.150. (Ord. 1951 § 1 (Exh. A), 2007; Ord. 1374 § 2 (part), 1989)

17.08.200 Variance—Appeal board.

A. The city council shall hear and decide appeals and requests for variances from the requirements of this chapter.

B. The city council shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the floodplain administrator in the enforcement or administration of this chapter.

C. In passing upon such applications, the city council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site; and
11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.

D. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing subdivisions 1 through 11 of subsection C of this section have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

E. Upon consideration of the factors of subsection C of this section and the purposes of this chapter, the city council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

F. The floodplain administrator/city engineer shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request. (Ord. 1951 § 1 (Exh. A), 2007; Ord. 1374 § 2 (part), 1989)

17.08.210 Variance—Conditions.

A. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

B. Variances shall not be issued within any designated floodway if any increase in flood levels during base flood discharge would result.

C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

D. Variances shall only be issued upon:

1. A showing of good and sufficient cause;

2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

E. Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the provisions of Sections 17.08.210(A) through (D) are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

F. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the regulatory flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. A copy of the notice shall be recorded by the floodplain administrator/city engineer in the office of the county recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land. (Ord. 1951 § 1 (Exh. A), 2007; Ord. 1374 § 2 (part), 1989)

17.08.220 Severability.

This chapter and the various parts thereof are hereby declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid. (Ord. 1951 § 1 (Exh. A), 2007; Ord. 1374 § 2 (part), 1989)

Chapter 17.12

GEOLOGIC HAZARDS

Sections:

17.12.010 Purpose.

The purpose of the provisions of this chapter is to require the consideration of geologic hazards when considering applications and permits for new real estate developments or structures for human occupancy. (Prior code § 2-19.01)

17.12.020 Definitions.

For the purposes of this chapter, certain terms are defined as follows:

A. "Active fault" means any fault which has had surface displacement within Holocene time.

B. "Application or approval" means the documents necessary for consideration of a land use request and the necessary authorization by various departments and governmental bodies of the city before construction may proceed. These items shall include, but not be limited to, tentative maps, parcel maps, minor subdivisions, conditional use permits, variances, and building permits.

C. "Director" means the director of housing and community development or his or her duly appointed representative.

D. "Fault trace" means the line formed by the intersection of a fault and the earth's surface and also means the representation of a fault as depicted on a map.

E. "Fault zone" means an area comprising related faults which commonly are braided and subparallel but may be branching and divergent.

F. "New real estate development" means any new development of real property which contemplates the eventual construction of structures for human occupancy.

G. "Potentially active fault" means any fault considered to have been active during Quaternary time, and which no direct evidence establishes to have become inactive before Holocene time.

H. "Qualified geologist" means a geologist registered in the state, licensed by the state Board of Registration for geologists to practice geology in California.

I. "Special studies zones" means those areas, located within the city and designated as special studies zones by the state geologist pursuant to Section 2622 of the Resources Code of the state, including any revisions and additions to the special studies zones designated by the state in accordance with said section.

J. "Structure for human occupancy means a structure that is regularly, habitually, or primarily occupied by humans, excluding freeways, roadways, bridges, railways, airport runways, tunnels, swimming pools, decorative walls and fences and minor work of a similar nature, and alterations or repairs to an existing structure, provided that the aggregate value of such alteration or repair shall not exceed fifty percent of the value of the existing structure and

shall not adversely affect the structural integrity of the existing structure. A mobilehome with a body width greater than eight feet is a structure for human occupancy. (Prior code § 2-19.02)

17.12.030 Compliance required.

Prior to the consideration of an application for a new real estate development or structure for human occupancy to be located in a special studies zone, the provisions of this chapter shall be reviewed and adhered to. (Prior code § 2-19.03)

17.12.040 Construction limitations.

No new real estate development or structure for human occupancy shall be constructed across the trace of a known active fault which is shown on maps in the department of housing and community development. Furthermore, the area within 50 feet of an active fault shall be assumed to be underlain by active branches of the fault unless and until proven otherwise by an appropriate geologic investigation by and submission of a report from a qualified geologist. (Prior code § 2-19.04)

17.12.050 Report—Review of need.

The director shall review each application for a new real estate development or structure for human occupancy to determine if the proposed project is located within a special studies zone. If, after such review, it is determined that the proposed project will be located within a special studies zone, the director shall advise the applicant in writing of his or her findings and the amount required to be deposited, pursuant to the resolution establishing fees and charges for various municipal services, as codified in the appendix to Title 3 of this code, for preparation of a geologic report. Upon receipt of the required fee, the director shall cause the geologic report to be prepared by a qualified geologist selected by the city. (Prior code § 2-19.05)

17.12.060 Report—Preparation.

The geologic report required by this chapter shall be prepared and based on an investigation conducted in accordance with the standard practices and current state of the art used to determine the location, absence and effect of an active fault. Subsurface exploration shall be employed if a lack of distinguishable fault features in the vicinity prevents the qualified geologist from determining from on-site examination, review of available aerial photographs, or by other means whether the standards set forth in Section 17.12.040, or other standards established pursuant to this chapter are satisfied. (Prior code § 2-19.06)

17.12.070 Waiver and exception.

A. Waiver. The director, based on the advice and recommendation of a qualified geologist retained by the city pursuant to this chapter, is satisfied that there is sufficient technical information available from previous geologic studies and reports to determine that no undue fault hazard exists, he or she may waive the requirement that a geologic report be prepared pursuant to this chapter. This determination shall be in writing, citing the reasons for such waiver.

B. Exceptions. The requirements of filing a geologic report may be satisfied for an individual one-family or two-family residence if, in the judgment of the director, it has been determined from previous studies that no undue fault hazard exists. Written justification for this determination shall be transmitted by the director to the state geologist for his or her approval.

C. State Approval Required. Any waiver or exception required shall be allowed only upon receipt of the approval of the state geologist. (Prior code § 2-19.07)

17.12.080 Report—Consideration.

The geologic report prepared pursuant to this chapter shall be used by the appropriate city board, commission, council or staff person required to pass upon the new real estate development or structure for human occupancy to aid it in making its decision. The approving body may approve, deny or impose necessary conditions required to protect the public health, safety and general welfare from geologic hazards. (Prior code § 2-19.08)

17.12.090 Appeal.

The decision of the approving board, commission or staff person may be appealed pursuant to the applicable appellate provisions set forth in this code. (Prior code § 2-19.09)

17.12.100 Additional regulations.

In addition to the regulations set forth in this chapter, the department of housing and community development, with the consent of the city council, may adopt such standards or regulations as are necessary to protect the public from seismic hazards. These standards or regulations may be more stringent than, but shall not be in conflict with, the provisions of any policies and criteria adopted by the State Mining and Geology Board pursuant to Section 2623 of the Public Resources Code of the state, except where more stringent standards or regulations have been adopted from time to time by the state Mining and Geology Board, shall apply within the city. (Prior code § 2-19.10)

Chapter 17.16

TREE PRESERVATION*

Sections:

* **Prior code history:** Prior code §§ 2-17.02-2-17.12; Ords. 1152, 1653.

17.16.003 Purpose and intent.

The city lies largely in a valley in which substantial portions were and are covered by native and indigenous trees. The city recognizes that preservation of such trees enhances the natural scenic beauty, sustains the long-term potential increase in property values which encourages quality development, maintains the ecology, moderates the effect of extreme temperatures, prevents the erosion of topsoil, helps create an identity and quality, which enhances the attractiveness of the city to visitors and increases the oxygen output of the area which is needed to combat air pollution. For these reasons the city council finds that in order to promote the public health, safety and general welfare of the city while at the same time recognizing individual rights to develop and maintain private property in a manner which will not be prejudicial to the public interest it is necessary to enact regulations controlling the removal and preservation of heritage trees within the city. However, the city council also recognizes that under certain circumstances heritage trees may properly be removed. Those circumstances include where heritage trees are dangerous; are dead or diseased; are so situated on undeveloped land that their preservation would preclude feasible development; are so abundant their removal would not destroy the area's natural beauty or ecology or cause erosion; or have a significant impact on the property. It is the intent of this chapter to preserve as many heritage trees as possible throughout the city through staff review and the development review process. (Ord. 1737 § 1, 1998)

17.16.006 Definitions.

For the purpose of this chapter, certain words and terms used in this chapter are defined as follows:

A. "Heritage tree" means any of the following:

1. Any single-trunked tree with a circumference of 55 inches or more measured four and one-half feet above ground level;

2. Any multi-trunked tree of which the two largest trunks have a circumference of 55 inches or more measured four and one-half feet above ground level;

3. Any tree 35 feet or more in height;
4. Any tree of particular historical significance specifically designated by official action;
5. A stand of trees, the nature of which makes each dependent upon the other for survival or the area's natural beauty.

B. "Director" means the director of public works and utilities or the director's designated representative.

C. "Topping" means heading back of the crown and/or creating large stubs without regard to form.

D. "Certified or consulting arborist" means an arborist who is registered with the International Society of Arboriculture and approved by the director.

E. "Applicant" means a property owner requesting permission to remove a tree on improved property.

F. "Significant impact" means an unreasonable interference with the normal and intended use of the property. In determining whether there is a significant impact, the typical longevity of the subject tree species, as well as the size of the tree relative to the property, shall be considered. Normal maintenance, including, but not limited to, pruning, and leaf removal and minor damage to paving shall not be considered when making a determination of significant impact. (Ord. 1737 § 1, 1998)

17.16.009 Exceptions.

The provisions of this chapter shall not apply to fruit or nut trees when part of an orchard, the produce of which is used for commercial purposes. (Ord. 1737 § 1, 1998)

17.16.010 Permit—Required.

A. No person shall remove, destroy or disfigure, any heritage tree growing within the city without a permit except as provided in this chapter.

B. Normal maintenance pruning of heritage trees shall not require a permit but shall in all cases be in conformance with the guidelines of the International Society of Arboriculture, Tree Pruning Guidelines, current edition. Pruning which, in the opinion of the director, varies from these guidelines shall be subject to fines and penalties as provided in Section 17.16.110 of this chapter. (Ord. 1737 § 1, 1998)

17.16.020 Permit—Procedure.

A. Except as provided in Section 17.16.050 of this chapter, any person desiring to remove any heritage tree in the city shall make application to the director. Said application shall contain the number, species, size and location of heritage trees to be removed and a brief statement of the reason for removal as well as any other pertinent information the director may require. The permit, if granted, shall entitle the applicant to remove only those heritage trees designated by permit.

B. The director shall visit and inspect the property, the heritage tree or trees in question, and the surrounding area and shall ascertain the following:

1. The condition of the heritage tree with respect to disease, general health, damage, public nuisance, danger of falling, proximity to existing or proposed structures, interference with utility service and whether or not the heritage tree acts as host for a plant which is parasitic to another species of tree which is in danger of being exterminated by the parasite;
2. Whether the tree has a significant impact on the property;
3. The necessity to remove any heritage tree in order to construct any proposed improvements to allow for the economic enjoyment of the property;
4. The number of existing trees in the neighborhood or area on improved property and the effect removal would have upon the public health, safety, general welfare of residents and upon the property value and beauty of the area;

5. The topography of the land upon which the heritage tree or trees are situated and the effect of removal thereof upon erosion, soil retention and diversion or flow of surface waters;

6. Good forestry practices, i.e., the number of healthy trees that a given parcel of land will support.

C. The director may refer any application to any city department or commission for review and recommendation. (Ord. 1737 § 1, 1998)

17.16.025 Significant impact—Administrative hearing.

A. Where the applicant applies to remove a heritage tree on grounds that it has a significant impact on the property, the director shall conduct a hearing. The hearing shall be set not less than 15 days and not more than 60 days from the date the application if filed.

B. The director shall send notice of the hearing to all property owners and residents within 300.

C. At the hearing, the applicant and any interested party shall be given the opportunity to be heard concerning the preservation or removal of the heritage tree.

D. After considering all relevant evidence, the director shall issue a written decision to preserve or remove the tree.

E. The director shall send a copy of the written decision to the applicant and neighboring property owners and residents within 300 of the tree.

F. Unless appealed, the decision of the director shall become effective 20 days after being issued.

G. The director's decision may be appealed as provided in Section 17.16.040 of this chapter. (Ord. 1737 § 1, 1998)

17.16.030 Action by director—Findings.

A. The director shall issue a permit to remove a heritage tree or trees if it is determined that one of the following conditions exists:

1. The heritage tree is in such a dangerous or hazardous condition as to threaten or endanger the safety of people, structures, other property or other heritage trees;

2. The heritage tree has a significant impact on the property;

3. The heritage tree is dead, dying or diseased and good forestry practices cannot be reasonably undertaken to preserve the tree; or

4. Where the heritage tree in question is not diseased or hazardous, the removal of the tree is consistent with the purpose and intent of this chapter and in keeping with the health, safety and general welfare of the community.

B. The director shall notify the applicant in writing of the determination giving the reason for the application's approval or denial. (Ord. 1737 § 1, 1998)

17.16.040 Appeal.

A. The director's decision may be appealed. Such appeal must be submitted in writing to the city clerk within 20 days of the decision, shall briefly state facts and the grounds of the appeal and be signed by the appellant.

B. Any appeal concerning property with four or fewer residential units on the subject property, not concerning new development, shall be heard by the heritage tree board of appeals. All other appeals shall be heard by the city council.

C. The city clerk shall set a date for hearing before the appropriate appellate body and shall notify all interested parties. The director shall submit a report to the appropriate appellate body, along with any departmental recommendations.

D. The appellate body shall conduct a hearing on the appeal. Following the hearing of any such appeal, the appellate body may affirm, reverse or modify the action of the director and may take any action thereon which would have

been authorized in the first instance. The action of the appellate body on any such appeal shall be final and conclusive. (Ord. 1737 § 1, 1998)

17.16.043 Heritage tree board of appeals—Established.

There is created and established a board of appeals consisting of three members, two planning commissioners and one park and recreation commissioner appointed by their respective commissions. The board shall elect a chairperson. The director shall be an ex officio member of said board and shall serve as secretary. The board shall adopt reasonable rules and regulations for conducting its business. (Ord. 1737 § 1, 1998)

17.16.046 Heritage tree board of appeals—Duties.

The board of appeals shall:

A. Hold a hearing within 45 days after the city's receipt of appeal, to hear such testimony by any department of the city, the appellant, or any interested party.

B. Make written findings of fact upholding, reversing or modifying the director's decision. The decision of the Board shall be final. (Ord. 1737 § 1, 1998)

17.16.050 New property development.

A. Any person desiring to remove one or more trees on any property in the city which is related to the development of such property requiring city approval or where any tree may be affected by a proposed development shall include in the application to the appropriate city reviewing body as part of the regular application, the following:

1. A tree survey plan, including all trees which will be affected by the new development. The survey, noting all trees six inches in diameter and greater, shall specify the precise location of trunk and dripline, size, health and species of all existing trees on the property with a special notation of those classified as a heritage tree;

2. The applicant shall provide a report by a certified or consulting arborist. The report, based on the findings of the tree survey plan and other necessary information, shall be used to determine the health of existing trees, the effects of the proposed development upon the trees, recommendations for any special precautions necessary for their preservation and shall also indicate which trees are proposed for removal;

3. The tree survey plan and report shall be forwarded to the director who shall, after making a field visit to the property, indicate in writing which trees are recommended for preservation using the same standards set forth in Section 17.16.020 of this chapter. This report shall be made part of the staff report to the city reviewing body upon its consideration of the application for new property development;

4. The city reviewing body through its site and landscaping plan review shall endeavor to preserve all trees recommended for preservation by the director. The city reviewing body may determine that any of the trees recommended for preservation should be removed, if there is evidence submitted to it, that due to special site grading or other unusual characteristics associated with the property, the preservation of the tree(s) would significantly preclude feasible development of the property;

5. Approval of final site or landscape plans by the appropriate city reviewing body indicating which trees are to be removed shall constitute the approval and permit for the purpose of this chapter; and

6. Prior to issuance of a grading or building permit, the applicant shall secure an appraisal of the condition and replacement value of all trees included in the tree report affected by the development which are required to remain within the development. The appraisal of each tree shall recognize the location of the tree in the proposed development. The appraisal shall be performed in accordance with the current edition of the "Guide for Plant Appraisal" under the auspices of the International Society of Arboriculture. The appraisal shall be performed at the applicant's expense, and the appraiser shall be subject to the director's approval.

B. Prior to acceptance of subdivision improvements, the developer shall submit to the director a final tree report to be performed by a certified or consulting arborist. This report shall consider all trees that were to remain within

the development. The report shall note the trees' health in relation to the initially reported condition of the trees and shall note any changes in the trees' numbers or physical conditions. The applicant will then be responsible for the loss of any tree not previously approved for removal. For trees which are not heritage trees which were removed, the developer shall pay a fine in the amount equal to the appraised value of the subject tree. For heritage trees which were removed, the developer shall pay a fine in the amount of the appraised value of such tree. The applicant shall remain responsible for the health and survival of all trees within the development for a period of one year following acceptance of the public improvements of the development.

C. Prior to the issuance of any permit allowing construction to begin, the applicant shall post cash, bond or other security satisfactory to the director, in the penal sum of $5,000.00 for each tree required to be preserved, or $25,000.00, whichever is less. The cash, bond or other security shall be retained for a period of one year following acceptance of the public improvements for the development and shall be forfeited in an amount equal to $5,000.00 per tree as a civil penalty in the event that a tree or trees required to be preserved are removed, destroyed or disfigured.

D. An applicant with a proposed development which requires underground utilities shall avoid the installation of said utilities within the dripline of existing trees whenever possible. In the event that this is unavoidable, all trenching shall be done by hand, taking extreme caution to avoid damage to the root structure. Work within the dripline of existing trees shall be supervised at all times by a certified or consulting arborist.

E. Any decision by a city reviewing body under this section may be appealed as in Section 17.16.040 of this chapter. (Ord. 1737 § 1, 1998)

17.16.060 Emergency action.

A person may remove or prune a heritage tree without a permit if there is an emergency caused by a heritage tree being in a hazardous or dangerous condition requiring immediate action for the safety of structures or human life. In such event, the director shall be notified at the earliest opportunity in order to confirm the emergency situation. If the director determines that the situation was not an emergency requiring immediate action, the person removing or damaging the heritage tree shall be subject to fines and penalties set forth in Section 17.16.110 of this chapter. (Ord. 1737 § 1, 1998)

17.16.070 Protection of existing trees.

All persons, shall comply with the following precautions:

A. Prior to the commencement of construction, install a sturdy fence at the dripline of any tree which will be affected by the construction and prohibit any storage of construction materials or other materials inside the fence. The dripline shall not be altered in any way so as to increase the encroachment of the construction.

B. Prohibit excavation, grading, drainage and leveling within the dripline of the tree unless approved by the director.

C. Prohibit disposal or depositing of oil, gasoline, chemicals or other harmful materials within the dripline or in drainage channels, swales or areas that may lead to the dripline.

D. Prohibit the attachment of wires, signs and ropes to any heritage tree.

E. Design utility services and irrigation lines to be located outside of the dripline when feasible.

F. Retain the services of a certified or consulting arborist for periodic monitoring of the project site and the health of those trees to be preserved. The certified or consulting arborist shall be present whenever activities occur which pose a potential threat to the health of the trees to be preserved.

G. The director shall be notified of any damage that occurs to a tree during construction so that proper treatment may be administered. (Ord. 1737 § 1, 1998)

17.16.080 Pruning and maintenance.

All pruning of heritage trees shall be performed by a licensed contractor familiar with International Society of Arboriculture pruning guidelines and shall comply with the guidelines established by the International Society of Ar-

boriculture, Tree Pruning Guidelines, current edition and any special conditions as determined by the director. For developments which require a tree report, a certified or consulting arborist shall be in reasonable charge of all activities involving heritage trees. (Ord. 1737 § 1, 1998)

17.16.090 Public utilities.

A. Any public utility installing or maintaining any overhead wires or underground pipes or conduits in the vicinity of a heritage tree shall obtain permission from the director before performing any work, including pruning, which may cause injury to the heritage tree.

B. The director shall inspect said pruning work to ensure that appropriate pruning practices are followed. The public utility shall follow pruning practices conforming to the International Society of Arboriculture pruning standards to promote the well-being of the tree. Topping shall not be permitted unless specifically approved by the director. The director shall stop any tree pruning performed by a utility if said practices are not being followed. (Ord. 1737 § 1, 1998)

17.16.100 Insurance requirements.

Any person engaged in the business of pruning heritage trees within the city shall be a California licensed contractor and shall carry public liability and property damage insurance as determined by the city attorney. (Ord. 1737 § 1, 1998)

17.16.110 Fines and penalties.

A. Any person who unlawfully removes or destroys a heritage tree shall pay a civil penalty in the amount of the appraised value of the tree. If there is inadequate plant material to properly appraise the tree, the penalty shall be $5,000.00. Any person who unlawfully disfigures a heritage tree whether through vandalism, improper pruning or other actions, shall pay a civil penalty commensurate with the damage; the amount shall be determined by the director in accordance with the "Guide for Plant Appraisal" under the auspices of the International Society of Arboriculture. The collection of the penalties may be enforced by civil action brought in the name of the city by the city attorney.

B. The cost of replacement plant material may be considered as partial payment of any penalty under this chapter. (Ord. 1737 § 1, 1998)

17.16.120 Additional provisions.

The provisions of this chapter shall supplement but not supplant other provisions of this code relating to the preservation of trees. (Ord. 1737 § 1, 1998)

Chapter 17.20

FUTURE STREET WIDTH LINES

Sections:

17.20.010 Objectives.

This chapter is adopted to protect and to promote the public health, safety, peace, comfort, convenience, prosperity and general welfare. More specifically, this chapter is adopted in order to achieve the objectives of the general plan and the zoning ordinances of the city as adopted and amended by the city council. (Prior code § 5-9.18)

17.20.020 Nature of provisions.

This chapter shall consist of the regulations and general descriptions contained herein and a set of maps as described in this chapter. The maps shall be maintained on file in the office of the director of Public Works. (Prior code § 5-9.19)

17.20.030 Extent.

This chapter shall apply to the streets within the city described in this chapter and to those portions of the described streets annexed to the city at a future date. (Prior code § 5-9.20)

17.20.040 Applicability.

For the purpose of measuring yard dimensions and determining building lines as may be required by the zoning ordinances and building codes of the city, the future street width lines described in this chapter shall be deemed to refer to the property line and shall be used in the same manner as any other existing property line. (Prior code § 5-9.21)

17.20.050 Vine Street.

The future width for Vine Street is shown on the plan prepared by the city department of public works, division of engineering, entitled "Future Street Width Lines, Vine Street," dated January, 1966, and is generally described as follows:

A 50-foot wide right-of-way which shall be the extension of Vine Street as it presently exists in unincorporated territory, the centerline of which is approximately 400 feet from the existing northerly right-of-way line of Vineyard Avenue and parallel thereto, terminating at its westerly limit in a cul-de-sac having a main radius of 45 feet, said cul-de-sac shall have its most westerly limit approximately 140 feet west of the extension of the centerline of Amador Court and situated so as to serve the property now or formerly owned by J. C. and W. Paulo; and a 50-foot wide right-of-way at right angles to Vineyard Avenue, extending from Vineyard Avenue northerly to an in-

tersection with the previously described right-of-way, the centerline of which shall be approximately 105 feet easterly of the extension of the centerline of Amador Court and shall be centered on the property now or formerly owned by J. B. and M. R. Vallarino; and 20 feet radius returns at all right-of-way line intersections.

(Prior code § 5-9.26)

17.20.060 Del Valle Parkway.

The future width for this street is shown on the plan prepared by MacKay and Somps, Civil Engineers, entitled "Proposed Right-of-Way, Del Valle Parkway," dated February, 1966, and is generally described as follows:

Line Two, from Santa Rita Road to Stanley Boulevard. A right-of-way of varying widths from Santa Rita Road to the survey line of Stanley Boulevard and First Street, the centerline of which begins on the centerline of Santa Rita Road and lies South 8°12′10″ East, 252.01 feet from the intersection of last said centerline and the centerline of Stanley Boulevard; thence South 70°12′30′ East, 256.27 feet to the point of curvature of a curve to the left, having a radius of five hundred feet, but not the point of curvature to the right-of-way line; thence southeasterly, easterly and northeasterly along said curve of 500 feet radius, 476.60 feet to the point of tangency, but not the point of tangency of the right-of-way lines, said right-of-way commences as a width of 104 feet and narrows along the curve to 84 feet; thence along said centerline of a right-of-way 84 feet in width, North 55°10′40″ East, 240.03 feet to the centerline of a segment of right-of-way to the northwest (said right-of-way being 66 feet in width, whose centerline proceeds North 34°49′20″ West, 62.00 feet from the last described point to the point of curvature of a curve of 200 feet radius, and northwesterly along last said curve 191.86 feet to its point of tangency and intersection with the centerline of Stanley Boulevard, excepting that land previously included in the right-of-way of said Stanley Boulevard); thence continuing North 55°10′40″ East, 79.00 feet to the point of curvature of a curve to the right having a radius of 500 feet; thence northeasterly, easterly and southeasterly along last said curve 305.74 feet and through a central angle of 35°02′07′ to the point of tangency, said point of tangency also being on the centerline of the existing 66-foot wide right-of-way of Stanley Boulevard; thence along the centerline of said 84-foot right-of-way and the centerline of the existing 66-foot right-of-way, South 89°47′13″ East, 747.24 feet to its point of intersection with the survey line of Stanley Boulevard and First Street, South 39°18′50″ West, 516.84 feet from a county monument on the survey line of Stanley Boulevard.

Line Three, from Stanley Boulevard to Vineyard Avenue. A right-of-way of varying widths from the survey line of Stanley Boulevard and First Street to Vineyard Avenue, its centerline of which begins on the said survey line of Stanley Boulevard and First Street, South 39°18′50″ West, 516.84 feet from a county monument on last said survey line; thence South 89°47′13″ East, 385.76 feet with a right-of-way of 120 feet in width; thence South 89°47′13″ East, 80 feet to the point of curvature of a curve to the left having a radius of 500 feet (the right-of-way reduces from 120 feet to 104 feet along last said course); thence with a right-of-way width of 104 feet, southeasterly, easterly and northeasterly along last said curve, 145.50 feet through a central angle of 16°40′22″ to the point of tangency; thence North 73°32′25″ East, 198.94 feet to the point of curvature of a curve to the right having a radius of 500 feet; thence northeasterly, easterly and southeasterly along last said curve 321.07 feet and through a central angle of 36°47′32″ to the point of tangency; thence South 69°40′63″ East, 750.00 feet to the point of curvature of a curve to the left having a radius of 1200 feet; thence southeasterly along said curve 252.02 feet and through a central angle of 12°01′59″, to the point of tangency; thence South 81°42′02″ East, 1,155.00 feet to the point of curvature of a curve to the left having a radius of 1200 feet; thence southeasterly, easterly and northeasterly along last said curve, 178.01 feet to the point of tangency, said point of tangency being on the centerline of Vineyard Avenue, North 89°48′00″ East, 220.00 feet from a square head bolt monumenting the centerline angle point on Vineyard Avenue, excepting the existing right-of-way of Vineyard Avenue.

(Ord. 1085 § 1 (part), 1983; prior code § 5-9.27)

17.20.070 Santa Rita Road—Tassajara Road.

The future width for this street is shown on the plan prepared by the city department of public works, division of engineering, entitled "Future Street Width Lines, Santa Rita Road," dated May 8, 1967, and is generally described as follows:

A 128-foot wide right-of-way from Valley Avenue northerly to the intersection with Tassajara Road, the centerline of which shall be the existing centerline of Santa Rita Road and a 128-foot wide right-of-way from Santa Rita Road northerly to U.S. Highway 580, concentric about the existing 56-foot wide right-of-way of Tassajara Road, with 8-foot additional right-of-way widening on the east side and 64 feet of additional right-of-way widening on the west side. The transition from Tassajara Road to Santa Rita Road shall be a 128-foot wide right-of-way concentric about a broken back curve of two parts, both having an 880-foot centerline radius and connected by a tangent of 139.46 foot length, and connection with the existing centerline of Santa Rita Road to the new centerline of Tassajara Road as established above.

(Prior code § 5-9.28)

17.20.080 Division Street.

The future width for this street is shown on the plan prepared by the city department of public works, division of engineering, entitled, "Future Street Width Lines, Division Street," dated February 26, 1968, and is generally described as follows:

A 74-foot right-of-way the centerline of which is generally described as follows: Northwesterly from the centerline of St. Mary Street along a 500-foot radius curve that is tangent to the centerline of St. Mary Street and a line three feet perpendicular distance northeasterly from the centerline of Division Street; thence northwesterly, parallel to and three feet perpendicular distance from the centerline of Division Street to an angle point that is 300 feet from the intersection at the centerline of Division Street and St. Mary Street; thence deflecting to the right to the point of intersection of the tangents to a 1000-foot radius curve, said point of intersection being 17 feet northeasterly of the centerline of Division Street, measured perpendicular to said centerline at a point that is 1050 feet from the intersection of the centerline of Division Street and St. Mary Street, measured along said centerline of Division Street; thence northwesterly, parallel to and 17 feet perpendicular distance from the centerline of Division Street, said line extended to the Arroyo Del Valle.

(Prior code § 5-9.29)

17.20.090 Ray Street.

The future width for this street is shown on the plan prepared by MacKay and Somps, Civil Engineers, entitled "Precise Plan Line for the Intersection of Vineyard Avenue, Ray Street, and First Street," dated October, 1968, and is generally described as follows:

A 50-foot right-of-way the centerline of which is generally described as follows: Beginning at the point of intersection of the centerline of Vineyard Avenue (extended westerly) and at the centerline of First Street; thence N. 88°01′100″ W., 258.23 feet to the point of curvature of a 200-foot radius curve to the right; thence northwesterly along said curve 53.56 feet and through a central angle of 15°17′07″ to the point of tangency, at which point said curve is tangent to the existing centerline.

(Prior code § 5-9.30)

17.20.100 Peters Avenue.

The future width for this street is shown on the plan prepared by MacKay and Somps, Civil Engineers, entitled "Right-of-Way Record Map, Peters Avenue," dated May, 1968, and is generally described as follows:

A 60-foot right-of-way, the centerline of which is generally described as follows: Beginning at a point on the centerline of St. John Street which lies N. 71°41′30″ W., 418.22 feet from the random survey line of Main Street; thence S. 18°18′30″ W., 430.15 feet to a point on the centerline of St. Mary Street which lies N. 71°41′30″ W., 423.02 feet from the random survey line of Main Street; thence S. 18°18′30″ W., 353.64 feet to a point on the centerline of Division Street that lies N. 64°42′35″ W., 430.76 feet from the random survey line of Main Street; thence S. 17°52′42″ W., 422.94 feet to a point on the centerline of Rose Avenue that lies N. 68°11′25″ W., 400.99 feet from the random survey line of Main Street; thence S. 20°29′50″ W., 172.12 feet to the point of curvature of a 1000-foot radius curve to the right; thence southwesterly along said curve 22.66 feet and through a central angle of 1°17′55″ to the point of tangency; thence S. 21°47′45″ W., 193.33 feet to a point on the center-

line of Angela Street that lies N. 68°12′15″ W., 388.00 feet from the random survey line of Main Street; thence S. 68°12′15″ E., 0.91 feet along said centerline of Angela Street to a point that lies N. 68°12′15″ W., 387.09 feet from the random survey line of Main Street; thence S. 21°47′45″ W., 512.53 feet to a point on the centerline of Bernal Avenue that lies N. 67°14′05″ W., 202.09 feet and S. 84°40′05″ W., 196.99 feet along said centerline from the random survey line of Main Street.

(Prior code § 5-9.31)

17.20.110 Railroad Street.

The future width of this street is shown on the plan prepared by the city department of public works, division of engineering, entitled, "Precise Plan Line for Railroad Street, Division Street to Spring Street," dated December, 1971, and is generally described as follows:

A 60-foot-wide right-of-way having a centerline substantially the same as the centerline of Railroad Street as shown on Record of Survey No. 348 prepared by MacKay and Somps, Civil Engineers, dated November, 1967, and filed January 29, 1968, in Book G, Page 97, Alameda County Records.

(Prior code § 5-9.32)

17.20.120 Rose Avenue.

The future width for this street is shown on the plan prepared by the city department of public works, division of engineering, entitled "Precise Plan Line Rose Avenue, Pleasanton Avenue to Fair Street," dated February, 1972, and is generally described as follows:

Maintaining the existing 54-foot-wide right-of-way except for the addition of a 20-foot radius corner at the northwest corner of the Pleasanton Avenue-Rose Avenue intersection and the addition of a 20-foot radius corner at the northeasterly corner of the Fair Street-Rose Avenue intersection, with construction within this fifty-four-foot-wide right-of-way of curb and gutter on the southwesterly side (Alameda County Fairgrounds side) with the face of curb being five feet from the southwesterly right-of-way line and curb and gutter on the northeasterly side with the face of curb being 15 feet from the northeasterly right-of-way line, there being a distance of 34 feet between the curb faces.

(Prior code § 5-9.33)

Chapter 17.24

TRANSPORTATION SYSTEMS MANAGEMENT*

Sections:

* **Prior ordinance history:** Ords. 1625, 1581, 1454, 1231, 1154.

17.24.010 Purpose.

The city has adopted general plan policies to reduce the total number of average daily traffic (ADT) trips and to evenly distribute the ADT trips throughout the nonpeak hours. The purpose of this chapter is to implement these policies by creating a voluntary, rather than mandatory, employer trip reduction program.

The city finds as follows:

A. Although recent legislation (SB 437) (Health and Safety Code Section 40929) that prohibits public agencies from imposing mandated employer trip reduction programs, the city believes that a voluntary program can accomplish the same objectives as the mandatory program.

B. Transportation planning studies done for the city of Pleasanton and the Tri-Valley have all indicated the need to manage the transportation system and conserve capacity. The 1995 Tri-Valley Transportation Plan/Action Plan for Routes of Regional Significance indicates the gateways—I-680, I-580, Hwy. 84 and Vasco Road—will have more demand than capacity. Traffic studies of Pleasanton's build-out of land use also indicate that many of the critical intersections in Pleasanton will be operating near capacity. The impact of any significant cut through traffic would further aggravate these traffic conditions. Transportation planning in Pleasanton relies on continued traffic management strategies to maintain acceptable levels of service.

C. The general plan mandates an uncongested traffic circulation system, energy conservation, and maintenance of noise and air quality levels within established standards.

D. The general plan also mandates reducing the total number of average daily traffic (ADT) trips and minimizing the number of employees traveling to and from work during the peak commute hours through promoting transit, ridesharing, bicycling, walking, telecommuting programs and alternative work hours program.

E. Reductions in traffic trips, both absolutely and within peak hour periods, are beneficial in terms of reducing traffic congestion, vehicle emissions, energy consumption, and noise levels. The improved traffic levels of service, air quality, and ambient noise levels contribute to making the city an attractive and convenient place to live, work, visit, and do business.

F. Minimizing inconvenience in commute trips and retaining an attractive environment will enable employers to: (1) be easily accessible to clients; (2) assure the delivery of goods and services; and (3) effectively recruit and retain qualified personnel.

G. Voluntary participation by public and private employers is critical to the success of a transportation systems management (TSM) program. (Ord. 1708 § 2, 1997)

17.24.020 Definitions.

For purposes of this chapter, the following words or phrases shall have meanings as provided in this section:

A. "Alternative work hours program" means any system for shifting the workday of an employee so that the workday starts and/or ends outside of the peak periods. Such programs include, but are not limited to: (1) compressed work weeks; (2) staggered work hours involving a shift in the set work hours of all employees at the workplace;

and (3) flexible work hours involving individually determined work hours within guidelines established by the employer.

B. "Carpool" means a vehicle occupied by two to six people travelling together between their residences and their work sites or destination for the majority of the total trip distance. Employees who work for different employers, as well as nonemployed people, are included within this definition as long as they are in the vehicle for the majority of the total trip distance.

C. "Commute trip" means the trip made by an employee from home-to-work or work-to-home. The commute trip may include stops between home and the work site.

D. "Compressed work week" means a regular full-time work schedule which eliminates at least one round-trip commute trip (both home-to-work and work-to-home) at least once every two weeks. Examples include, but are not limited to, working three 12-hour days (3/36), or four 10-hour days (4/40) within a one week period, or eight nine-hour days and one eight-hour day (9/80) within a two week period.

E. "Commute alternatives" means carpooling, vanpooling, transit, bicycling, walking, and telecommuting.

F. "Employee" means any person working for an employer for either wages or salary, including part-time, seasonal and limited term employees. The term excludes independent contractors.

G. "Employer" means any public or private employer, including the city, with a permanent place of business in the city.

H. "Employer trip reduction program" means a program developed and implemented by the employer to provide information, assistance, incentives or other measures for employees to increase commute alternative use, increase the number of employees using alternative work hours program and decrease the number of trips made inside the peak period.

I. "Flexible work hours" means a system for shifting the workday of an employee so that the workday starts and/or ends outside of the peak periods.

J. "Level of service" means a measure of the percentage of capacity of a roadway or intersection being used during the peak hour, as determined by the city engineer, and in accordance with the definition contained in the "Highway Capacity Manual," HRB Special Report 87.

K. "Peak hour periods, peak hour, and peak periods" means the hours from 7:30 a.m. to 8:30 a.m. and 4:30 p.m. to 5:30 p.m. during workdays for calculating peak hour vehicle reduction.

L. "Single-occupancy vehicle" means a motor vehicle occupied by one person.

M. "Survey" means a form designed to ascertain employee commute information in order to calculate peak hour vehicle reduction for the work site.

N. "Telecommuting" means a system of working at home or at an off-site, nonhome telecommute facility for the full workday on a regular basis for at least one day per week.

O. "Transportation coordinator" means a management employee who is responsible for the implementation of the TSM program and for fulfilling the conditions of the city/employer participation agreement. The transportation coordinator is also a member of the transportation committee.

P. "Transportation committee" shall consist of transportation coordinators from each employer enrolled in the TSM program and the city TSM coordinator, a representative from each of the following may participate: any transit authority serving Pleasanton, Business Parks, Pleasanton Chamber of Commerce, and the Pleasanton Downtown Association. The transportation committee shall participate in any and all programs necessary to coordinate and implement citywide TSM efforts.

Q. "Vanpool" means a vehicle occupied by seven to 15 employees including the driver who commute together to work for the majority of their individual commute trip distance. Employees who work for different employers are included within this definition as long as they are in the vehicle for the majority of their individual trip distance.

R. "Work site" means any place of employment, base of operation or predominant location of the employer including multiple buildings or facilities occupied by the same employer within the city. A temporary building construction site is excluded from this definition. (Ord. 1708 § 2, 1997)

17.24.030 Participation agreement.

Every existing or future employer with 75 or more employees wishing to enroll in the TSM program shall enter into a participation agreement with the city to do the following:

A. Develop an employer trip reduction program plan designed to achieve the purpose of this chapter. Develop cooperatively with the city reasonable and ambitious trip reduction goals with the goals to be based on a variety of criteria, which may include employee commute patterns and times and the corporate environment. A copy of the plan shall be filed with the city.

B. Every other year each employer shall, during the month of May, conduct an employee transportation survey at the work site. This survey will provide the employer with monitoring, planning and marketing information to help develop an effective trip reduction program. The aggregate results of the employer survey as well as progress toward the employer's goal shall be shared with the city.

C. Within 30 days following enrollment in the TSM Program, the employer shall appoint a management level employee as the transportation coordinator.

D. The transportation coordinator shall represent the employer as a member of the transportation committee. (Ord. 1708 § 2, 1997)

17.24.040 City's participation.

The city is committed to providing support, guidance and assistance to employers who enroll in the TSM program. city shall:

A. Appoint a city TSM coordinator who will coordinate and staff the transportation committee, provide direct support to employers and manage the citywide TSM program.

B. Develop and provide marketing materials.

C. Form and support the transportation committee that will provide networking opportunities, information sharing, help in designing TSM programs, and participation in applying for grants.

D. Offer training for the transportation coordinator.

E. Coordinate and/or conduct on-site events.

F. Conduct one to two major membership-wide events per year.

G. Sponsor employer recognition through awards, TSM newsletter and local newspaper articles.

H. Develop TSM program guides (e.g., preferential parking, telecommuting, alternative work hours, etc.).

I. Operate a guaranteed ride home program for participating employers. (Ord. 1708 § 2, 1997)

17.24.050 Transportation committee.

The transportation committee shall be formed and shall participate in any and all programs necessary to coordinate and implement citywide TSM efforts in order to achieve as congestion-free circulation system as feasible. The transportation committee shall hold its first meeting within 60 days following the effective date hereof, and shall continue to meet on a regularly scheduled basis, as determined by the transportation committee. (Ord. 1708 § 2, 1997)

Chapter 17.28

RESIDENTIAL SCHOOL FACILITY IMPACT FEE
(Rep. by Ord. 1282, 1986)

Chapter 17.32

(RESERVED)

Chapter 17.36

GROWTH MANAGEMENT PROGRAM*

Sections:

* **Prior ordinance history:** Ords. 1614, 1567, 1545, 1538, 1505, 1466, 1413, 1403, 1378, 1366, 1336.

17.36.010 Purpose.

A. Since the mid-1960s, Pleasanton's transformation from a small, agricultural-based community to a suburban bedroom community and then to a suburban "edge city" has been marked by periods of rapid growth which stressed the city's ability to provide infrastructure and services, affecting the quality of life of both existing and new residents.

B. In order to minimize the adverse effects of rapid uncontrolled residential growth, the city council adopted its first growth management ordinance in 1978, designed to regulate the location and rate of new residential growth in a period of sewage treatment capacity constraints brought about by air quality degradation concerns. Through the 1980s and 1990s, the city council modified the growth management ordinance in order to better achieve the evolving goals set for it, with the rate, location, and type of residential units regulated to achieve the general welfare of the city.

C. In 1996, the city council adopted a comprehensive revision to its general plan. Key goals and policies reflect the city's continued commitment to developing in an efficient, orderly, and logical fashion, ensuring adequate infrastructure and services are present to ensure that the city's quality of life and level of services are maintained. The general plan calls for assuring its citizens of a predictable growth rate, while providing housing to meet the needs of all economic segments of the community, regional housing needs, and employment growth.

D. Despite the controls established by past versions of the city's growth management program, residential development has continued to fluctuate over time, there has been little predictability of the actual number of new building permits issued and development under construction, and there is uncertainty over the city's ability to maintain its service levels and quality of life for its citizens due to regional influences and uncertain revenue sources for city and other local service-providing agencies.

E. This revised growth management program has been designed to rectify the areas wherein the former programs did not totally succeed; to establish a predictable growth rate which reflects community sentiment and which alleviates the potential for strain on the ability of the city and other local service providers to keep pace with services with no reduction in their quality; to continue to relate new residential growth to housing needs (including regional needs and local employment growth) and the availability of infrastructure and services; to move toward build-out of the community in a logical manner while affording future development areas the ability to accommodate changing housing demands; and to be fair and equitable to the development community, developers large and small, who have either received past approvals under former growth management programs or who have undertaken or will undertake development plans consistent with current goals and policies. (Ord. 1729 § 2, 1997)

17.36.020 Objectives.

The protection of the public health, safety, and general welfare requires a growth management program to accomplish the following:

A. Regulate the timing, location, and type of residential growth in accordance with the goals and policies of the general plan.

B. Achieve predictability in the rate of growth at levels which reflect community sentiment and the ability of the city and other local service-providing agencies to provide services without compromising quality of life issues.

C. Retain flexibility to accommodate projects desiring and capable of actual development in the short-term in order to more closely meet annual development goals.

D. Create certainty for larger project developers in the treatment of build-out of their projects which, for a variety of reasons, do not proceed to actual development in accordance with originally approved schedules.

E. Facilitate and implement the general plan goals, including the goals of the housing element, which cannot be accomplished by zoning alone.

F. Provide significant incentives to developers to provide subsidized housing. (Ord. 1729 § 2, 1997)

17.36.030 Building permit restriction.

Except as otherwise provided in this chapter, no building permit for a new residential unit, including permits for installation of a mobilehome unit, shall be issued except pursuant to the regulations contained in this chapter. (Ord. 1729 § 2, 1997)

17.36.040 Exemptions.

This chapter shall not be applicable to the following categories of residential units:

A. Second units approved in accordance with city zoning regulations.

B. Mobilehomes and/or living quarters located on school sites, public and institutional properties, and commercial/industrial properties used for security purposes or other purposes ancillary to the primary use, the use of which has been approved in accordance with city zoning regulations, when such residential units do not exceed one dwelling per site.

C. A condominium conversion or replacement unit of an existing unit demolished and/or destroyed. (Ord. 1729 § 2, 1997)

17.36.050 Administration of the growth management program.

A. Review of Annual Growth Management Report.

1. An annual growth management report shall be prepared which shall include:

   a. Historical building permit activity;

   b. Projections of likely building activity within the city by category of project;

   c. Estimates of new projects which may seek approval in the following year or years;

   d. Analysis of the capability of infrastructure and services to meet the demands of new residential development, including any changes to established conditions and/or measures designed to mitigate the adverse effects of new residential development; and

   e. Progress toward meeting city general plan goals and policies.

2. An annual growth management report shall be presented to the planning commission for its review. The planning commission shall make recommendations to the city council regarding the annual growth management report, including, but not limited to, annual allocation issues.

3. The city council shall receive and review an annual growth management report, and the recommendations of the planning commission. The city council's review of an annual growth management report should coincide with the council's review of requests for modifications of major project allocations and should occur at the council's second meeting in September. The city council may schedule such review at any time during the year should changed circumstances relating to the provision of planned infrastructure and/or services require a review and possible modification to the growth management program.

B. Annual Review.

1. The city council, following review of the annual growth management report, shall have the following duties and powers:

   a. Determine whether the annual new residential unit limits require adjustment downward due to infrastructure/service constraints;

   b. Determine whether to adjust for the future the suballocations established for categories of new residential units;

   c. Coordinate the requested trades of units among major project developers;

   d. Determine the disposition of major project developers' reallocation requests;

   e. Take other action determined by the council to be necessary to implement the provisions of this chapter.

2. The city council shall act on the following in administering the growth management program on an ongoing basis:

   a. Grant initial growth management allocations to affordable housing projects and major projects;

   b. Review and act on requests for reinstatement of lapsed growth management approvals and building permits;

   c. Adjust annual limits and/or suballocations as it deems necessary pursuant to subsection A of this section;

   d. Coordinate between January 1st and September 1st, in response to developers' requests, any requested reallocation requests and/or trades of units among major project developers or affordable housing projects;

   e. Take any other action determined by the council to be necessary to implement this chapter. (Ord. 1802 § 1, 2000; Ord. 1729 § 2, 1997)

17.36.060 Establishment of annual new residential unit limits.

A. Except as provided herein, building permits issued for new residential units subject to this chapter shall not exceed the following aggregate totals for calendar years as follows:

Calendar Year	Maximum Building Permits
1998	700 units
1999	600 units
2000	550 units
2001	500 units
2002	450 units
2003	400 units
2004	350 units
2005- build-out	350 units

Except as provided in subsection C of this section, the maximum limitations established in this section are nondiscretionary and shall not be modified by the city council in implementing this chapter.

B. Building permits in excess of the limits in subsection A of this section may be issued to a qualified affordable housing project in accordance with Section 17.36.080(A)(2) of this chapter.

C. The limitations established in subsection A of this section may be reduced by the city council if, upon reviewing the annual growth management report, it determines that infrastructure and/or services will not be available to satisfy the demands of the new residential units allowed for a given year. The limitation reduction mentioned in the previous sentence may be citywide or localized, depending on the scope of the infrastructure and/or service shortfalls. The city council shall exercise its discretion pursuant to this subsection if the planned, phased infrastructure expansions which form the basis for establishing the managed growth to build-out of the general plan are not completed in a timely manner. "Infrastructure" as used herein includes new school construction pursuant to the school financing agreement, sewage treatment/export facility expansions, treated water availability, traffic network expansions consistent to implement city LOS policies, park procurement/development, and other measures of infrastructure/services as described in the growth management reports.

D. No reduction in future annual new residential unit limits shall affect any major project or affordable housing project which has received growth management approval granting future years' allocations so long as the conditions in effect at the time of the initial approval remain unchanged and the approved project continues to meet all project requirements. Nothing herein, however, limits the city's ability to impose a development moratorium under state law. (Ord. 1729 § 2, 1997)

17.36.070 Apportionment of yearly total new residential units to categories of projects.

All new residential units shall be classified in one of the following categories and shall be issued building permits in accordance with the regulations and limitations established for each category:

A. Categories of Projects. There shall be three categories of projects as defined below:

1. Affordable Housing Project. A project which meets the minimum requirements as established from time to time by the city for providing housing to either:

   a. Lower income households, or

   b. Moderate income households.

   The requirements for qualifying as an affordable housing project shall be established by the city in implementing its affordable housing program.

2. Major Project. A project which meets any of the following criteria:

   a. Has 100 or more units,

   b. Has fewer than 100 units but whose developer wishes the certainty of a multi-year allocation of at least three years,

   c. Has received an annual allocation pursuant to a growth management program at a time prior to the effective date hereof which grants growth management approval to units in calendar year 1998 or later years.

3. First-Come, First-Served Project. All projects and/or single unit applications which are neither an "affordable housing project" nor a "major project" as defined in subsections (A)(1) and (A)(2) of this section.

B. Establishment of Suballocations for Categories of Projects.

1. Affordable Housing Projects. Affordable housing projects shall have a suballocation of 50 units per year, beginning in 2001 and continuing each year thereafter.

2. Major Projects and First-Come, First-Served Projects.

   a. Major projects and first-come, first-served projects shall have an initial suballocation as set forth in the following table:

Initial Suballocations

	Year							
Categories of projects	1998	1999	2000	2001	2002	2003	2004	2005
Major projects (units)	590	500	400	300	250	250	200	200
First-come, first-served projects (units)	110	100	150	150	150	100	100	100
Affordable housing projects (units)	-	-	-	50	50	50	50	50
Yearly limit (units)	700	600	550	500	450	400	350	350

b. The city council may adjust the suballocation of units among the "major project" and "first-come, first-served project" categories to reflect actual or projected activity among these two categories. Such a reallocation may be made by the council at the annual review or a periodic review of the growth management program as described in Section 17.36.050 of this chapter. (Ord. 1729 § 2, 1997)

17.36.080 Approval procedures.

The procedures which are prerequisites for obtaining a building permit are set forth in this section for each category of project.

A. Affordable Housing Project. A qualifying project developer must first receive a specific allocation for the number of units and years in which the units shall be built from the affordable housing project suballocation established in Section 17.36.070(B)(1) of this chapter.

1. Availability of Building Permits to Affordable Projects.

a. Initial Suballocation and Carry-Over. The affordable housing project suballocation shall be initially available in the year it first appears. If not used, or partially used, the unused units shall be added to the following year's affordable housing suballocation, and all unused units shall continue to carry over to succeeding years in the event they are not fully used.

b. Use of Future Years' Suballocations. In addition to utilizing the existing year's suballocation (including any units carried over from prior years), a qualifying project developer may use up to four succeeding years' suballocations as described below.

(1) The yearly units allowed to be built in an affordable housing project, when added to the units in all other projects, may exceed the annual maximum limitation established in Section 17.36.060(A) of this chapter, but in no event may an affordable housing project developer be granted an allocation for any year which, when added to all other projects, would exceed the general plan yearly limitation for building permits (750 units).

(2) The use of up to four succeeding years' suballocations shall be allowed only if there are units available in the affordable housing suballocation for the initial year for which the approval is sought. The initial year for the affordable housing suballocation, pursuant to Section 17.36.070(B)(1) of this chapter, is 2001. No new affordable housing project shall be approved for any year which has had that year's annual suballocation totally allocated to another project.

(3) Although year 2000 has no initial suballocation for affordable housing projects, projects in year 2000 shall be eligible to utilize future years' suballocations (2001-2004) pursuant to the regulations established in subsection (A)(1)(b) of this section.

2. Approval Process.

a. Prior Discretionary Project Approval Necessary. The qualifying project should normally have received planned unit development plan approval or design review approval prior to requesting growth management approval; however, a project may be considered for an allocation prior to such approval if sufficient information is presented to the city council for it to be able to determine the nature of the project, its affordability component, and its required allocation.

b. Growth Management Approval. Following its determination that a proposed project is a qualifying affordable housing project and that there are units available in the affordable housing suballocation to allocate to it, the city council, at its discretion, may grant an allocation to the project for such year or

years as it deems necessary to allow construction of the project consistent with city growth management policies. The city may exercise its discretion in determining both the size of a qualifying project as well as its phasing. The council approval shall be in the form of an affordable housing agreement.

B. Major Project. A major project developer must receive a specific allocation for the number of units and years in which its project's units will be built. This allocation must be made from the suballocation for major projects.

1. Availability of Building Permits to Major Projects.

a. Initial Suballocation and Adjustments. The major project suballocation shall be as initially established in Section 17.36.070(B)(2) of this chapter and may be modified from time to time by the city council as described in Section 17.36.070 of this chapter.

b. Unused First-Come, First-Served Suballocation: On December 1st of each calendar year, a major project developer which has received growth management approval is eligible to secure building permits from the first-come, first-served suballocation, including its 15 units set-aside, if the suballocation for that calendar year has remaining units available.

2. Approval Process.

a. Prior Discretionary Project Approval Necessary.

(1) A major project developer may request a growth management allocation at the time of, or after, any of the following: PUD plan approval, design review approval, or a tentative map approval. The planning department shall provide the necessary application forms, and a project developer must file the application with the planning department. The application shall be accompanied by a fee established by the resolution establishing fees and the charges for various municipal services. The request shall indicate the desired phasing of the project.

(2) No application for a major project allocation will be accepted for processing by the planning department if capacity within the major project suballocation is not available for a reasonable project phase within at least the second calendar year after the year the application is tendered.

b. Growth Management Approval.

(1) The major project suballocation established in Section 17.36.070(B)(2) of this chapter shall not be exceeded. The city council may grant a specific growth management allocation to a project for one or more years so long as the total units allocated to major projects in any given year does not exceed the suballocation for that year.

(2) In reviewing a major project developer's request for allocation, the city council shall use its discretion in establishing a phasing schedule, giving consideration to the number of major projects which are pending or are likely to seek approval in the near term, the principle of "first-come, first-served," the economic feasibility of phasing the project, and other factors. The approval shall be in the form of a growth management agreement.

C. First-Come, First-Served Project. A first-come, first-served project developer shall be issued building permits, if available, from the suballocation for first-come, first-served projects, as described herein.

1. Availability of Building Permits to First-Come, First-Served Projects.

a. Initial Suballocation and Adjustments. The first-come, first-served project suballocation shall be as initially established in Section 17.36.070(B)(2) of this chapter and may be modified from time to time by the city council as described in Section 17.36.070 of this chapter.

b. Set-Aside for Small Projects. Of the total first-come, first-served suballocation, 15 units shall be set aside and shall be available only to building permit applications for custom residential units on existing lots of record at least one year old on the date of building permit issuance or for units within a project of four or fewer units. Five units shall become available on a first-come, first-served basis on the first working day following March 31st, June 30th, and September 30th, respectively. Unused units from any period shall be added to the following period. If unused as of December 1st, these

shall become available to any developer of a first-come, first-served project or a major project developer.

c. Unused Major Project Suballocation. In the event that major project developers, in the aggregate, do not seek to utilize all the units included in an annual suballocation for major projects, any unused suballocation following the annual review in September shall be added to the units available for first-come, first-served projects.

d. Unused 15 Unit Set-Aside. In the event that any of the 15 units set aside pursuant to subsection C1b of this section are not used as of December 1st, these shall be added to the units remaining available in the first-come, first-served suballocation.

2. Approval Process.

a. Prerequisites for Issuance of Building Permit. A project developer may obtain first-come, first-served building permits when, following the normal course of processing an application, the application is deemed eligible for issuance of a permit by the building division and the suballocation for first-come, first-served projects has not been fully utilized. Building permits will be issued typically following a project's first having received all necessary discretionary approvals (e.g., PUD plan, design review, tentative map), a recorded final map (if required), and complete plans for constructing the residential unit. Partial building permit plans (e.g., foundation plans) shall not be sufficient for issuance of a building permit under this subsection. At the time of issuance of the building permit, subdivision improvements sufficient to allow the issuance of a foundation permit are required to have been completed and all fees paid.

b. Limitations on Annual Building Permits per Project.

(1) A first-come, first-served project developer shall be subject to the following limitations on the number of building permits it may secure:

(a) For a project seventy to ninety nine (70—99) units in size—a maximum of 35 building permits per year.

(b) For a project 40 to sixty nine (40—69) units in size—a maximum of 25 building permits per year.

(c) For a project of less than 40 units—a maximum of 20 building permits per year.

The size of the "project" shall be established based on the number of units included in the discretionary approval for the project, regardless of the number of preexisting lots it includes; any subdivision after the effective date hereof shall not create separate parcels for purposes of creating discrete "projects."

(2) Notwithstanding the limitations established above, use by a project developer of any units remaining in the first-come, first-served suballocation on December 1st or added to the first-come, first-served allocation pursuant to subsections (C)(1)(c) and (C)(1)(d) of this section shall not be limited by the annual project limitations established in subsection (C)(2)(b)(1) of this section.

c. Small Project Applicants. Projects eligible to use the 15 unit small project set-aside are eligible to use the first-come, first-served suballocation as follows:

(1) From January 1st through March 31st, small project applicants shall use the regular first-come, first-served suballocation.

(2) From April 1st through November 30th, small project applicants shall use, first, the regular first-come, first-served suballocation, if available, and, then, if not available, shall use any available small project set-aside units.

(3) After December 1st, small project applicants shall use the regular first-come, first-served suballocation.

d. Proration of Project Permits, Generally. The first-come, first-served suballocation is intended to be made available to developers in chronological order as building permits are ready to be issued. However, in certain instances when the demand for permits is known to exceed the number of permits available, the city shall prorate the available permits. Should the proration yield units in excess of those available due to rounding, the city shall reduce the total to equal the units available in any manner it finds equitable.

(1) Prior to the Beginning of Any Calendar Year. If, prior to January 1st of any year, the city has processed building permit applications seeking the next year's first-come, first-served suballocation which, in the aggregate, exceed the annual suballocation less the small project set-aside, the city shall prorate the permits to developers seeking permits.

(a) First Priority. Permits shall be issued first to first-come, first-served projects which were under construction in the prior year and secured permits for, or attempted to secure permits for, all units it was qualified to be issued permits for during that year.

(b) Second Priority. Permits shall be issued second to all projects eligible to apply for the available permits. Each project's pro rata share of the available suballocation shall be the percentage derived by the permits sought by the project (subject to the project limitations established herein) divided by all permits sought (subject to the same size limitations).

(2) Proration of Project Permits, Prior to Availability of Unused Major Project Units, Small Project Set-Aside Units, or Units Remaining Available on December 1st. If, prior to the determination that unused units may become available in September or on December 1st pursuant to subsections (C)(1)(c) and (C)(1)(d) of this section, the city may require project developers who may seek these units to apply for the units in advance so that, should the aggregate number of permits sought exceed the number to be made available, the city may issue permits on the following basis:

(a) First Priority. Permits shall be issued first to first-come, first-served projects under construction which did not receive permits equal to the project's annual maximum limitation. If the total of these exceeds the permits available, the permits shall be prorated based on each project's requested permits in relation to the total aggregate permits sought.

(b) Second Priority. Permits shall be issued second to all projects eligible to apply for the available permits. If the total of these exceeds the permits available, a project's permits shall be prorated based on the total permits issued that calendar year to the project (as of the date of application) in relation to the aggregate of all permits issued to all projects seeking the available units. New projects seeking these permits which have not built any units in that calendar year shall be assumed to have built the annual limit or the total project size, whichever is smaller, in making the proration. In the event such a proration method would allow a project more units than it requests, that project shall be entitled to 100 percent of its request, and any remaining units shall be redistributed in the manner described above. (Ord. 1729 § 2, 1997)

17.36.090 Use and loss of growth management approval.

A. Affordable Housing Project.

1. Building permits may be secured, following normal and customary review and processing procedures, up to the annual limit included in the project approvals for any year. Building permits may be issued at any time during the calendar year and in any number of phases, so long as the annual limit contained in the approval is not exceeded. A building permit issued for a unit in such a project shall be subject to the Uniform Building Code regulations concerning lapsing.

2. If an affordable housing project developer wishes to modify its phasing schedule, fails to secure all the building permits for which it was granted an allocation in any calendar year, or allows a building permit to

lapse, it shall follow any rules established as a part of its growth management agreement. If no special rules are contained in its agreement, it shall apply to, or be referred to, the city council for its decision as to whether to allow a reallocation of the project. The council may reallocate the project as it deems best meets the needs of the city. If the project has not begun, the city council may void the growth management approval.

3. In the event a project's phasing schedule is revised or voided, any unused affordable housing project suballocation shall be available for use by a different qualifying project in that calendar year and, if it remains unused, it shall be carried over and shall be available for use by the same or a different qualifying affordable housing project in the following years.

B. Major Project.

1. A major project developer may be issued building permits up to the maximum yearly number established in its agreement. Permits may be issued at any time during the calendar year and at any rate.

2. Should a major project developer wish to revise its annual allocation, the following regulations shall apply:

a. For project developers seeking to move units into a later year or years:

(1) Prior to September 1st of a given calendar year, a project's developer may request a reallocation to a later year of some or all of its allocation. The planning department shall provide the necessary application forms, and a project developer must file the application with the planning department. The application shall be accompanied by a fee established by the resolution establishing fees and the charges for various municipal services.

(2) The city shall coordinate the "trade" of units for developers seeking to move to later years with those of developers seeking more permits in the current year. If an agreeable "trade" is established by the city, the units shall be moved to later years and shall be placed in the project's annual allocation in the year in which the "traded" unit originally occupied before the trade. If units moving forward come from a year later than the last allocation year of the project moving units to a future year, the units may be moved to the project's last allocation year, if available, rather than to the later year of the "trading" project. The city shall not refuse to make any trade which otherwise follows the provisions of this section. The traded units shall be approved by the city council and shall take the form of amended growth management agreements.

(3) If no "trade" is available for a unit or units, those units shall be reallocated to the last year for which the project has an allocation. (Subsequent year unused allocations shall also be added to the last year for which the project has an allocation.) This automatic reallocation shall occur only if the year to which the units are moving has available capacity in the major project suballocation. If no capacity is available, the reallocation shall be made to the first available year following the last year of the project's allocation. This reallocation shall be nondiscretionary on the part of the council and shall be documented in a revised schedule in a project's growth management agreement.

b. For project developers seeking to move units from later years into the current year:

(1) Prior to September 1st of a given calendar year, a project's developer may request a reallocation to the current year of some or all of its future years' allocations by filing an application with the planning department, together with any fee which may be established.

(2) The city shall coordinate the transfer of units for developers seeking to move forward to the current year with the requested transfer of units to later years. To the extent not all requests to move units forward can be accommodated, the city shall seek to prorate and/or coordinate the "trades" in a manner satisfactory to all parties seeking to move forward and to future years. Transfers shall be approved by the city council and shall take the form of amended growth management agreements.

(3) Units successfully transferred to the current year shall be treated in all ways as current year allocations. Building permits may be secured from the date of approval until December 31st of that calendar year and at any rate.

3. Should a major project developer seek to use the unused first-come, first-served suballocation which may be available after December 1st of any year, the developer shall apply for the number of units for which it wishes to receive permits. If on December 1st major project developers apply for remaining available units within the first-come, first-served suballocation which exceed the remaining units available, the permits shall be issued on a pro rata basis, as described in Section 17.36.080(C)(2)(d) of this chapter. After December 1st, all permits under this subsection shall be issued on a first-come, first-served basis. In all events, major projects shall be subject to the rules governing issuance of first-come, first-served units when they avail themselves of the unused first-come, first-served suballocation. Any units issued to a major project developer pursuant to this subsection shall be subtracted from the final year of the major project developer's allocation.

4. Developers who have current year units and do not request the units to be reallocated as of September 1st and who subsequently do not obtain a building permit prior to January 1st of the following year, or where building permits lapse pursuant to the provisions of the Uniform Building Code after December 31st of the year of their allocation, shall lose their growth management approval for those units. No building permit shall be issued for such units until a new application for growth management approval has been made and a new approval granted by the city council following the procedures for major project initial approvals.

C. First-Come, First-Served Projects.

1. A first-come, first-served project shall be issued a building permit, if available, as described in Section 17.36.080(C) of this chapter. The building permit shall be governed by the applicable provisions of the Uniform Building Code.

2. In the event a building permit lapses pursuant to the provisions of the Uniform Building Code, the permit owner may petition the city council to reinstate the permit. The city council, at its discretion, may grant a reinstatement for a specified period of time or may require the owner to reapply for a new permit, subject to the rules for first-come, first-served units. During the time needed to hear a reinstatement request, the building permit shall not lose its approved status and shall not become an unused part of the first-come, first-served suballocation unless and until the reinstatement request is denied.

3. Should a first-come, first-served building permit lapse (and any reinstatement request denied) during the calendar year in which it was issued, it shall become part of the "pool" of the first-come, first-served suballocation and may be issued to another project. However, should such a building permit lapse in the year following the year in which it was issued, it shall not be added to that year's allocation.

D. The city council shall have the discretion to approve rules or procedures concerning the use and loss of growth management approval which vary from subsections A, B, or C of this section if it occurs as part of a project developer's development agreement or other legislative act and as long as the overall number of allowed permits does not exceed the limits established in Section 17.36.060 of this chapter. (Ord. 1729 § 2, 1997)

17.36.100 Modification to projects with growth management approval.

A. Once an affordable housing project or a major project has secured an affordable housing or a growth management agreement, the project may be modified without affecting its growth management approval, subject to city council review and approval, so long as no additional units are added. Such a modified project retains its original growth management allocation. Project modifications as used in this section shall mean significant changes to a project's design, density, product type, affordability component, amenities, and other aspects which bear on its original approval. Architectural modifications, site plan changes, and other project adjustments which are characterized as "minor modifications" in the city's PUD ordinance shall not need city council review and approval to retain growth management approval. Should the modification reduce the number of units, the units eliminated shall be deducted from the project's final year's allocation.

B. For first-come, first-served projects which have been issued a building permit for a residential unit, modifications to the unit shall be allowed without affecting the permit's growth management entitlement when such modifications are allowed by the Uniform Building Code to be made without requiring the issuance of a new building permit. In the event the modifications require issuance of a new building permit, the new building permit shall be subject to the rules for any developer seeking a building permit for a new unit at that time. (Ord. 1729 § 2, 1997)

17.36.110 Fees and exactions.

A. A project developer will pay normal city development fees in effect at the time building permits are issued or at the time otherwise provided by the city ordinances or resolutions, or by agreement.

B. A project developer shall pay a growth management fee in conjunction with the issuance of a building permit. Growth management fees shall be placed in a special fund applied to public projects made necessary by the cumulative effects of ongoing residential development.

C. The city council may approve an increase or decrease in the growth management fees or permit a developer to provide finished public works in lieu of paying growth management or other city fees in order to achieve the purposes of this chapter and the general plan. The fee or public work may be implemented by resolution or by agreement with the developer. (Ord. 1729 § 2, 1997)

17.36.120 Application to prior approved projects.

A. Projects which have had an annual allocation pursuant to either the Growth Management Program adopted in 1993 (the "New Program") or who have agreed to the provisions of the modified program shall be considered "major projects" for purposes of this chapter.

1. These prior approved projects shall retain their annual allocations as they exist as of October 1, 1997. However, the custom lots in the Ruby Hill (Signature Properties) project which have 1998 and 1999 allocations shall be treated as custom lots within subdivisions with improvements installed and shall be treated as first-come, first-served projects, subject to the regulations described in subsections C and D of this section.

2. As "major projects", these prior approved projects shall be subject to the rules and regulations governing reallocations, lapsing, and modifications as all other major projects. In particular, future reallocations must fall within the major project suballocation in future years. Transfers between projects may occur between new projects and those with prior approvals, and between those with prior approvals.

3. The city council specifically finds and declares that treating these prior approved projects as major projects is consistent with their existing approvals and agreements and is solely intended to affect the procedure to which these projects are being developed in accordance with their existing approvals and expectations.

B. Projects which were approved prior to the effective date hereof and which were nonparticipants in the modified program shall be treated as first-come, first-served projects to the extent that they have no vesting approval which would provide otherwise. Any building permit issued to such projects shall count toward the first-come, first-served suballocation total allowable units in any given year, whether the project is vested or not. Projects which retain vested approvals shall be subject to the regulations in effect at the time of the vesting approval until such vesting approval lapses, at which time they will be first-come, first-served projects.

C. Projects which were approved prior to the effective date hereof and which: (1) were exempt under the previous growth management ordinance; or which (2) are custom lots within subdivisions with improvements installed in past years shall be treated as first-come, first-served projects. Any building permit issued to such projects shall count toward the first-come, first-served suballocation total allowable in any given year. In the event such project/unit retains a vested approval, it shall be governed by those regulations until such approval lapses.

D. A residential unit in projects which were approved prior to the effective date hereof and which have been determined by the city attorney to have a vested right to the issuance of a building permit at the time such a permit is sought shall be issued such permit notwithstanding the annual limitation on building permits contained in Section 17.36.060 of this chapter. (Ord. 1729 § 2, 1997)

Chapter 17.40

LOWER-INCOME HOUSING FEES

Sections:

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.

If additional floor area is constructed for, or converted to, commercial, industrial or office use, the fee shall be applicable only to the square footage of the floor area added or to that portion of the square footage of the floor area converted for which the fee has not been paid.

B. The city council may adjust the fee in consideration of on-site programs promoting lower-income housing such as the dedication of land suitable for lower-income housing. (Ord. 1488 § 1 (part), 1990)

17.40.040 Exemptions.

A. The following are exempt from the lower-income housing fee:

1. All units within a residential development project when the project has a minimum of 15 percent lower-income housing units;
2. Those lower-income housing units in a residential development project with less than 15 percent lower-income housing units;
3. Moderate-income housing units in residential development projects;
4. Second units as that term is used in Section 56852.2 of the Government Code;
5. Reconstruction or other new development on a site when such reconstruction replaces an equal number of square feet of floor area, as defined in the Uniform Building Code, when the use is similar, and when such reconstruction occurs within two years from the time the previous structure on the site was demolished;
6. Churches.

B. The project developer shall enter into a regulatory agreement with the city in order for a project to qualify for an exemption by the inclusion of lower-income or moderate-income housing units. (Ord. 1488 § 1 (part), 1990)

17.40.050 Reduction of fee—Commercial, office or industrial project.

A. The city council may reduce the required fee for a commercial, office or industrial development project when the project developer can demonstrate (1) that the proposed use will generate substantially fewer workers than the uses which have established the fee; and (2) that the building design is unable to house another use without substantial renovation. Examples of such uses are public utility facilities, exclusive storage buildings, etc.

B. In the event such buildings are renovated to house another use, the fee then applicable shall be due at that time. (Ord. 1488 § 1 (part), 1990)

17.40.060 Commercial, office or industrial projects—Construction of lower-income housing.

Commercial, office or industrial development projects may construct lower-income housing to fulfill the requirements of this chapter in accordance with this section.

A. Lower-income housing proposed to offset the requirements of this chapter must be proposed in conjunction with the commercial, office or industrial development project which would give rise to the fee and must be approved by the city council in offsetting otherwise required lower-income housing fees.

B. For lower-income housing constructed on lands designated for other than residential development in the general plan as of the effective date of the ordinance codified in this chapter, the project developer shall be given a credit, for purposes of offsetting the lower-income housing fee otherwise required, in an amount established by separate city council resolution and which credit amount shall be set forth in the city's fees and charges appendix.

C. For lower-income housing constructed on lands designated for residential development in the general plan as of the effective date of the ordinance codified in this chapter, for each lower-income housing unit constructed beyond 15 percent of the residential development project, the project developer shall be given a credit for purposes of off-setting the lower-income housing fee otherwise required, in an amount established by separate city council resolution and which credit amount shall be set forth in the city's fees and charges appendix.

D. In the event the lower-income housing constructed by the developer of a commercial, office or industrial development project creates an offset of the lower-income housing fee greater than the total fee required by the devel-

opment project, the developer may apply the difference to other sites then owned by the developer. This transfer shall be so noted in the regulatory agreement accompanying the project. (Ord. 1488 § 1 (part), 1990)

17.40.070 Annual adjustment of the fee.

The lower-income housing fee shall annually be revised effective January 1st of each year, commencing on January 1, 1992, by the percentage increase or decrease in the Consumer Price Index for San Francisco/Oakland region. (Ord. 1488 § 1 (part), 1990)

17.40.080 Establishment of lower-income housing fund.

A. All fees generated pursuant to this chapter shall be deposited into the lower-income housing fund, and any property interest or other value contributed, including interest earned by the fund, shall be segregated and used exclusively for the purposes provided for herein.

B. The city manager shall make a written annual report to the city council regarding the administration of the housing fund, and shall present such annual report at a regular meeting of the city council.

C. Pursuant to Government Code Section 66000, et seq., the city shall make findings once each fiscal year with respect to any portion of the fees remaining unexpended or uncommitted in its account five or more years after the deposit of the fees to identify the purpose to which the fee is to be put and to demonstrate a reasonable relationship between the fee and the purpose for which it was charged. The findings required by this section need only be made for moneys in the possession of the city and need not be made with respect to letters of credit, bonds or other instruments taken to secure payment of the fee at a future date.

D. Any refunds shall be made pursuant to Government Code Section 66001. (Ord. 1488 § 1 (part), 1990)

17.40.090 Use of lower-income housing fund.

A. Any moneys generated by this chapter shall be used in accordance with and in support of activities to implement the city's adopted housing element. Activities may include, but are not limited to, land acquisition, construction, rehabilitation, subsidization, and counseling or assistance to other governmental entities, private organizations, or individuals to expand housing opportunities to lower-income households.

B. Moneys in the housing fund may be disbursed, hypothecated, collateralized, or otherwise employed for the purposes set forth herein. These purposes include, but are not limited to, assistance to housing development corporations, equity participation loans, grants, development loan funds, participation leases, loans to develop affordable housing or other public/private partnership arrangements. The housing fund may be used for the benefit of both rental or owner-occupied housing.

C. Moneys in the housing fund shall be so segregated such that revenue generated by commercial, office or industrial development projects shall be used solely for lower-income housing activities aimed at providing such housing for workers.

D. When the city uses housing fund moneys to construct or assist in the construction of lower-income units, the city may establish the rules which will apply to occupancy of said units. It is the intention of this chapter and the general plan that such units be made available on a priority basis to Pleasanton residents and workers.

E. The city council may use housing fund moneys for moderate-income housing as determined necessary and desirable to meet general plan goals and policies. (Ord. 1488 § 1 (part), 1990)

17.40.100 Time of payment.

Lower-income housing fees shall be paid at the time of issuance of a building permit for the residential unit and/or for the commercial, office or industrial development project giving rise to the fee, unless otherwise determined by the city. (Ord. 1488 § 1 (part), 1990)

Chapter 17.44

INCLUSIONARY ZONING

Sections:

Article I. General Provisions

17.44.010 Title.

This chapter shall be called the "Inclusionary Zoning Ordinance of the City of Pleasanton." (Ord. 1818 § 1, 2000)

17.44.020 Purpose.

The purpose of this chapter is to enhance the public welfare and assure that further housing development attains the city's affordable housing goals by increasing the production of residential units affordable to households of very low, low, and moderate income, and by providing funds for the development of very low, low, and moderate income ownership and/or rental housing. In order to assure that the remaining developable land is utilized in a manner consistent with the city's housing policies and needs, 15 percent of the total number of units of all new multiple-family residential projects containing 15 or more units, constructed within the city as it now exists and as may be altered by annexation, shall be affordable to very low and low income households. For all new single-family residential projects of 15 units or more, at least 20 percent of the project's dwelling units shall be affordable to very low, low, and/or moderate income households. These requirements shall apply to both ownership and rental projects. (Ord. 1818 § 1, 2000)

17.44.030 Definitions.

For the purposes of this chapter, certain words and phrases shall be interpreted as set forth in this section unless it is apparent from the context that a different meaning is intended.

"Affordable housing proposal." A proposal submitted by the project owner as part of the city development application (e.g., design review, planned unit development, etc.) stating the method by which the requirements of this chapter are proposed to be met.

"Affordable rent." A monthly rent (including utilities as determined by a schedule prepared by the city) which does not exceed one-twelfth of 30 percent of the maximum annual income for a household of the applicable income level.

"Affordable sales price." A sales price which results in a monthly mortgage payment (including principal and interest) which does not exceed one-twelfth of 35 percent of the maximum annual income for a household of the applicable income level.

"Amenities." Interior features which are not essential to the health and safety of the resident, but provide visual or aesthetic appeal, or are provided as conveniences rather than as necessities. Interior amenities may include, but are not limited to, fireplaces, garbage disposals, dishwashers, cabinet and storage space and bathrooms in excess of one. Amenities shall in no way include items required by city building codes or other ordinances that are necessary to ensure the safety of the building and its residents.

"Applicant." Any person, firm, partnership, association, joint venture, corporation, or any entity or combination of entities which seeks city permits and approvals for a project.

"City." The city of Pleasanton or its designee or any entity with which the city contracts to administer this chapter.

"Commercial, office, and industrial project." For the purposes of this chapter, any new nonresidential (commercial, office, or industrial) development or redevelopment greater than 10 gross acres 250,000 square feet of gross building area, whichever is less.

"Dwelling unit." A dwelling designed for occupancy by one household.

"HUD." The United States department of housing and urban development or its successor.

"Household." One person living alone; or two or more persons sharing residency whose income is considered for housing payments.

"Household, low income." A household whose annual income is more than 50 percent but does not exceed 80 percent of the annual median income for Alameda County, based upon the annual income figures provided by the U.S. department of housing and urban development (HUD), as adjusted for household size.

"Household, moderate income." A household whose annual income is more than 80 percent but does note exceed 120 percent of the annual median income for Alameda County, based upon the annual income figures provided by HUD, as adjusted for household size.

"Household, very low income." A household whose annual income does not exceed 50 percent of the annual median income for Alameda County, based upon the annual income figures provided by HUD, as adjusted for household size.

"Inclusionary unit." A dwelling unit as required by this chapter which is rented or sold at affordable rents and/or affordable sales prices (as defined by this chapter) to very low, low, or moderate income households.

"Inclusionary unit credits." Credits approved by the city council in the event a project exceeds the total number of inclusionary units required in this chapter. Inclusionary unit credits may be used by the project owner to meet the affordable housing requirements of another project subject to approval by the city council.

"Income." The gross annual household income as defined by HUD.

"Life of the inclusionary unit." The term during which the affordability provisions for inclusionary units shall remain applicable. The affordability provisions for inclusionary units shall apply in perpetuity from the date of occupancy, which shall be the date the city of Pleasanton performs final inspection for the building permit.

"Lower income housing fee." A fee paid to the city by an applicant for a project in the city, in lieu of providing the inclusionary units required by this chapter.

"Median income for Alameda County." The median gross annual income in Alameda County as determined by HUD, adjusted for household size.

"Off-site inclusionary units." Inclusionary units constructed within the city of Pleasanton on a site other than the site where the applicant intends to construct market rate units.

"Ownership units." Inclusionary units developed as part of a residential development which the applicant intends will be sold, or which are customarily offered for individual sale.

"Project." A residential housing development at one location or site including all dwelling units for which permits have been applied for or approved.

"Project owner." Any person, firm, partnership, association, joint venture, corporation, or any entity or combination of entities which holds fee title to the land on which the project is located.

"Property owner." The owner of an inclusionary unit, excepting a "project owner."

"Recapture mechanisms." Legal programs and restrictions by which subsidies provided to inclusionary units will be controlled and repaid to the city and/or other entity upon resale, to ensure the ongoing preservation of affordability of inclusionary units or to ensure funds for inclusionary units remain within the city's affordable housing program.

"Rental units": Inclusionary units which the applicant intends will be rented or leased, or which are customarily offered for lease or rent.

"Resale restrictions." Legal restrictions which restrict the price of inclusionary units to ensure that they remain affordable to very low, low, and moderate income households on resale.

"Residential project, multiple-family." A residential project consisting of condominiums, apartments, and similar dwellings attached in groups of four or more units per structure and including multiple units located on a single parcel of land under common ownership.

"Residential project, single-family." A residential project consisting of detached and attached single-family homes, including paired single-family, duets, duplexes, townhomes, and similar unit types where each unit is located on a separate parcel of land.

"Unit type." Various dwelling units within a project which are distinguished by number of bedrooms and/or the type of construction (e.g., detached single-family, duets, townhomes, condominiums). (Ord. 1818 § 1, 2000)

Article II. Zoning Requirements

17.44.040 General requirements/applicability.

A. Residential Development. For all new multiple-family residential projects of 15 units or more, at least 15 percent of the project's dwelling units shall be affordable to very low, and/or low income households. For all new single-family residential projects of 15 units or more, at least 20 percent of the project's dwelling units shall be affordable to very low, low, and/or moderate income households. These dwelling units shall be referred to as "Inclusionary Units". Special consideration will be given to projects in which a significant percentage of the inclusionary units are for very low and low income households. The specific mix of units within the three affordability categories shall be subject to approval by the city.

The inclusionary units shall be reserved for rent or purchase by eligible very low, low, and moderate income households, as applicable. Projects subject to these requirements include, but are not limited to, single-family detached dwellings, townhomes, apartments, condominiums, or cooperatives provided through new construction projects, and/or through conversion of rentals to ownership units.

The percentage of inclusionary units required for a particular project shall be determined only once on a given project, at the time of tentative map approval, or, for projects not processing a map, prior to issuance of building permit. If the subdivision design changes, which results in a change in the number of unit types required, the number of inclusionary units required shall be recalculated to coincide with the final approved project. In applying and calculating the 15 percent requirement, any decimal fraction less than or equal to 0.50 may be disregarded, and any decimal fraction greater than 0.50 shall be construed as one unit.

B. Commercial, Office, and Industrial (COI) Development. In lieu of paying the lower income fee as set forth in city Ordinance No. 1488, COI development may provide affordable housing consistent with this chapter. As a result, new COI developments are strongly encouraged to submit an affordable housing proposal as set forth in Section 17.44.090 of this chapter. Upon submittal of the affordable housing proposal, city staff will meet with the developer to discuss the potential for providing incentives to encourage on-site construction of affordable housing units and alternatives to constructing affordable units as set forth in this chapter. In the event a developer requests incentives or alternatives as a means of providing affordable housing in connection with a COI development, the affordable housing proposal will be reviewed as set forth in Section 17.44.090 of this chapter. COI development

not pursuing the inclusion of affordable housing shall be subject to the lower income fees as set forth in city ordinance 1488. (Ord. 1818 § 1, 2000)

17.44.050 Inclusionary unit provisions and specifications.

A. Inclusionary units shall be dispersed throughout the project unless otherwise approved by the city.

B. Inclusionary units shall be constructed with identical exterior materials and an exterior architectural design that is consistent with the market rate units in the project.

C. Inclusionary units may be of smaller size than the market units in the project. In addition, inclusionary units may have fewer interior amenities than the market rate units in the project. However, the city may require that the inclusionary units meet certain minimum standards. These standards shall be set forth in the affordable housing agreement for the project.

D. Inclusionary units shall remain affordable in perpetuity through recordation of an affordable housing agreement as described in Section 17.44.060 of this chapter.

E. All inclusionary units in a project shall be constructed concurrently within or prior to the construction of the project's market rate units.

F. For purposes of calculating the affordable rent or affordable sales price of an inclusionary unit, the following household size assumptions shall be used for each applicable dwelling unit type:

Unit Size	HUD Income Category by Household Size
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

G. The city's adopted preference and priority system shall be used for determining eligibility among prospective beneficiaries for affordable housing units created through this inclusionary zoning ordinance. (Ord. 1818 § 1, 2000)

17.44.060 Affordable housing agreement.

An affordable housing agreement shall be entered into by the city and the project owner. The agreement shall record the method and terms by which a project owner shall comply with the requirements of this chapter. 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 building permits for such lots or units.

The affordable housing agreement shall state the methodology for determining a unit's initial and ongoing rent or sales and resale price(s), any resale restrictions, occupancy requirements, eligibility requirements, city incentives including second mortgages, recapture mechanisms, the administrative process for monitoring unit management to assure ongoing affordability and other matters related to the development and retention of the inclusionary units.

In addition to the above, the affordable housing agreement shall set forth any waiver of the lower income housing fee. For projects which meet the affordability threshold with very low and/or low income units, all units in the project shall be eligible for a waiver of the lower income housing fee. For single-family residential projects which meet the affordability threshold with moderate income units, or multiple-family residential projects which do not meet the affordability threshold, only the inclusionary units shall be eligible for a waiver of the lower income housing fee except as otherwise approved by the city council.

To assure affordability over the life of the unit, the affordable housing agreement shall be recorded with the property deed or other method approved by the city attorney. In the event an inclusionary unit is affordable by design the

affordable housing agreement shall stipulate the method for assuring that the units retain their affordability as the housing market changes.

The director of planning and community development may waive the requirement for an affordable housing agreement for projects approved prior to the effective hereof and/or for projects that have their affordable housing requirements included in a development agreement or other city document. (Ord. 1818 § 1, 2000)

17.44.070 Incentives to encourage on-site construction of inclusionary units.

The city shall consider making available to the applicant incentives to increase the feasibility of residential projects to provide inclusionary units. Incentives or financial assistance will be offered only to the extent resources for this purpose are available and approved for such use by the city council or city manager, as defined below, and to the extent that the project, with the use of incentives or financial assistance, assists in achieving the city's housing goals. However, nothing in this chapter establishes, directly or through implication, a right of an applicant to receive any assistance or incentive from the city.

Any incentives provided by the city shall be set out in the affordable housing agreement pursuant to Section 17.44.060 of this chapter. The granting of the additional incentives shall require demonstration of exceptional circumstances that necessitate assistance from the city, as well as documentation of how such incentives increase the feasibility of providing affordable housing.

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

A. 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 inclusionary 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 affordable housing agreement shall include the terms of the fee waiver.

B. Design Modifications. The granting of design modifications relative to the inclusionary requirement shall require the approval of the city council and shall meet all applicable zoning requirements of the city of Pleasanton. Modifications to typical design standards may include the following:

   Reduced setbacks;

   Reduction in infrastructure requirements;

   Reduced open space requirements;

   Reduced landscaping requirements;

   Reduced interior or exterior amenities;

   Reduction in parking requirements;

   Height restriction waivers.

C. Second Mortgages. The city may utilize available lower income housing funds for the purpose of providing second mortgages to prospective unit owners or to subsidize the cost of a unit to establish an affordable rent or an affordable sales price. Terms of the second mortgage or subsidy shall be stated in the affordable housing agreement. The utilization of these incentives shall not be the sole source of providing the inclusionary units and they are intended to augment the developer's proposal.

D. Priority Processing. After receiving its discretionary approvals, a project that provides inclusionary units may be entitled to priority processing of building and engineering approvals subject to the approval of the city manager. A project eligible for priority processing shall be assigned to city engineering and/or building staff and processed in advance of all nonpriority items. (Ord. 1818 § 1, 2000)

17.44.080 Alternatives to constructing inclusionary units on-site.

The primary emphasis of this inclusionary zoning ordinance is to achieve the inclusion of affordable housing units to be constructed in conjunction with market rate units within the same project in all new residential projects. However, the city acknowledges that it may not always be practical to require that every project satisfy its affordable

housing requirement through the construction of affordable units within the project itself. Therefore, the requirements of this chapter may be satisfied by various methods other than the construction of inclusionary units on the project site. Some examples of alternate methods of compliance appear below. As housing market conditions change, the city may need to allow alternatives to provide options to applicants to further the intent of providing affordable housing with new development projects.

A. Off-Site Projects. Inclusionary 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 inclusionary units must meet the following criteria:

1. The off-site inclusionary 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.
2. The off-site inclusionary units must not result in a significant concentration of inclusionary units in any one particular neighborhood.
3. The off-site inclusionary units shall conform to the requirements of all applicable city ordinances and the provisions of this chapter.
4. The occupancy and rents of the off-site inclusionary 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 inclusionary units.

The affordable housing agreement shall stipulate the terms of the off-site inclusionary 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.

B. Land Dedication. An applicant may dedicate land to the city or a local nonprofit housing developer in place of actual construction of inclusionary units upon approval of the city council. The intent of allowing a land dedication option is to provide the city or a local nonprofit housing developer the free land needed to make an inclusionary unit development feasible, thus furthering the intent of this chapter.

The dedicated land must be appropriately zoned, buildable, free of toxic substances and contaminated soils, and large enough to accommodate the number of inclusionary units required for the project. The city's acceptance of land dedication shall require that the lots be fully improved, with infrastructure, adjacent utilities, grading, and fees paid.

C. Credit Transfers. In the event a project exceeds the total number of inclusionary units required in this chapter, the project owner may request inclusionary unit credits which may be used to meet the affordable housing requirements of another project. Inclusionary unit credits are issued to and become the possession of the project owner and may not be transferred to another project owner without approval by the city council. The number of inclusionary unit credits awarded for any project is subject to approval by the city council.

D. Alternate Methods of Compliance. Applicants may propose creative concepts for meeting the requirements of this chapter, in order to bring down the cost of providing inclusionary units, whether on- or off-site. The city council may approve alternate methods of compliance with this chapter if the applicant demonstrates that such alternate method meets the purpose of this chapter (as set forth in Section 17.44.020 of this chapter).

E. Lower Income Housing Fee Option. In lieu of providing inclusionary units in a project, an applicant may pay the city's lower income housing fee as set forth in Chapter 17.40 of this title. (Ord. 1818 § 1, 2000)

Article III. Miscellaneous

17.44.090 Administration.

An applicant of a project subject to this chapter shall submit an affordable housing proposal stating the method by which it will meet the requirements of this chapter. The affordable housing proposal shall be submitted as part of the applicant's city development application (e.g., design review, planned unit development, etc.) to the planning department in a form approved by the city manager. The director of planning and community development may waive the

requirement for submittal of an affordable housing proposal for projects approved prior to the effective date hereof and/or for projects that have undergone considerable public review during which affordable housing issues were addressed.

The affordable housing proposal shall be reviewed by the city's housing commission at a properly noticed meeting open to the public. The housing commission shall make recommendations to the city council either accepting, rejecting or modifying the developer's proposal and the utilization of any incentives as outlined in this chapter. The housing commission may also make recommendations to the planning commission regarding the project as necessary to assure conformance with this chapter.

Acceptance of the applicant's affordable housing proposal is subject to approval by the city council, which may direct the city manager to execute an affordable housing agreement in a form approved by the city attorney. The city manager or his or her designee shall be responsible for monitoring the sale, occupancy and resale of inclusionary units. (Ord. 1818 § 1, 2000)

17.44.100 Conflict of interest.

The following individuals are ineligible to purchase or rent an inclusionary unit: (a) city employees and officials (and their immediate family members) who have policymaking authority or influence regarding city housing programs; (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. 1818 § 1, 2000)

17.44.110 Enforcement.

The city manager is designated as the enforcing authority. The city manager may suspend or revoke any building permit or approval upon finding a violation of any provision of this chapter. The provisions of this chapter shall apply to all agents, successors and assigns of an applicant. No building permit or final inspection shall be issued, nor any development approval be granted which does not meet the requirements of this chapter. In the event that it is determined that rents in excess of those allowed by operation of this chapter have been charged to a tenant residing in an inclusionary unit, the city may take appropriate legal action to recover, and the project owner shall be obligated to pay to the tenant, or to the city in the event the tenant cannot be located, any excess rents charged. (Ord. 1818 § 1, 2000)

17.44.120 Appeals.

Any person aggrieved by any action or determination of the city manager under this chapter, may appeal such action or determination to the city council in the manner provided in Chapter 18.144 of this code. (Ord. 1818 § 1, 2000)

Chapter 17.48

RIGHT TO FARM

Sections:

17.48.010 Findings and policy.

A. The city council finds that commercially viable agricultural land exists within the city, and that it is in the public interest to enhance and encourage economically viable agricultural operations within the city. The city council also finds that residential and commercial development adjacent to certain agricultural lands often leads to restrictions on agricultural operations to the detriment of the adjacent agricultural uses and the economic viability of the city's agricultural industry as a whole.

B. The purposes of this chapter are to promote public health, safety and welfare and to support and encourage continued agricultural operations. This chapter is not to be construed as in any way modifying or abridging state law as set forth in the California Civil Code, Health and Safety Code, Fish and Game Code, Food and Agricultural Code, Division 7 of the Water Code, or any other applicable provisions of state law relative to nuisances, rather it is only to be utilized in the interpretation and enforcement of the provision of this code and city regulations and provide a forum to discuss and resolve disputes to avoid litigation.

C. This chapter is to promote a good neighbor policy between agricultural and nonagricultural property owners by providing owners of property adjacent to or near agriculture operations a forum to discuss problems resulting from agricultural operations including, but not limited to, the noises, odors, dust, chemicals, smoke and hours of operation that may accompany agricultural operations. It is intended that, through a discussion forum, property owners will understand the impact of living adjacent to or, near agricultural operations and be prepared to accept attendant conditions as the natural result of living in or near rural areas and agricultural operations. (Ord. 1633 § 1, 1994)

17.48.020 Definitions.

A. "Agricultural land" shall mean all that real property within the city of Pleasanton currently zoned in the A (Agricultural) Zoning District or in another zoning district and may be used for "agricultural operations" as defined herein.

B. "Agricultural operation" shall mean and include, but not be limited to, the cultivation and tillage of the soil, dairying, the production, irrigation, frost protection, cultivation, growing, harvesting and processing of any agricultural commodity, including viticulture, horticulture, floriculture, nursery products, timber or apiculture, the raising of livestock, poultry and any commercial agricultural practices performed as incidental to or in conjunction with such operations, including preparation for market, delivery to storage or to market, or to carriers for transportation to market, consistent with all city regulations. (Ord. 1633 § 1, 1994)

17.48.030 Nuisance.

No present or future agricultural operation or any of its appurtenances conducted or maintained for commercial purposes and in a manner consistent with proper and accepted customs and standards of the agricultural industry on agricultural land shall become or be a nuisance, private or public, due to any changed condition of the use of adjacent land in or about the locality thereof, provided that the provisions of this section shall not apply whenever a nuisance results from the negligent or improper operation of any such agricultural operation and its appurtenances or if the agri-

cultural activity or appurtenances obstruct the free passage or use in the customary manner of any stream, canal, or basin or any public park, square, street or highway. (Ord. 1633 § 1, 1994)

17.48.040 Resolution of disputes.

Should any dispute arise regarding any inconveniences or discomforts occasioned by agricultural operations, including, but not limited to, noises, odors, fumes, dust, the operations of machinery of any kind during any 24-hour period (including aircraft), the storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides, and pesticides, the parties shall submit the dispute to the city council in an attempt to resolve the matter prior to filing any court action as set forth below. (Ord. 1633 § 1, 1994)

17.48.050 Role of agricultural advisory committee.

In the event a dispute rises between an owner of an agricultural operation and a resident (or residents) in or about the locality thereof as to whether a particular agricultural operation constitutes a nuisance, the city council may request the Alameda County agricultural advisory committee to act as a mediator in such dispute. The agricultural advisory committee may decline any such request to consider or issue an advisory opinion or mediate a dispute.

The agricultural advisory committee may request technical assistance from city agencies, departments, private industry or the general public in the course of investigation and evaluating any dispute. (Ord. 1633 § 1, 1994)

17.48.060 Procedures.

A. Any dispute between the parties shall be submitted to the city council within 30 days of the date of the occurrence of the particular activity giving rise to the dispute or of the date a party became aware of the occurrence.

B. The parties to a dispute recognize the value and importance of full discussion and complete presentation and agreement concerning all pertinent facts in order to eliminate any misunderstandings. The parties will cooperate in the exchange of pertinent information concerning the controversy.

C. The dispute shall be presented to the city council by written request of one of the parties within the time limits specified. Thereafter the city council may investigate the facts of the dispute, but must, within 30 days of the written request, either hold a meeting to consider the merits of the matter and within 10 days of the meeting must render a written decision to the parties or refer the dispute to the Alameda County agricultural advisory committee within 45 days of the date the written request was presented to the council. Within 90 days of the referral of the dispute from the city council, the agricultural advisory committee must render a written decision to the parties. At the time of the city council meeting both parties shall have an opportunity to present what each considers to be pertinent facts. This matter may be continued from time to time as determined by the city council or the agricultural advisory committee.

D. The decision of the city council and/or agricultural advisory committee shall be binding. (Ord. 1633 § 1, 1994)

Chapter 17.50

GREEN BUILDING*

Sections:

* **Prior ordinance history:** Ord. 1873.

17.50.010 Purpose.

The purpose of this chapter is to enhance the public welfare and assure that further residential, commercial, and civic development is consistent with the city's desire to create a more sustainable community by incorporating green building measures into the design, construction, and maintenance of buildings. The green building practices referenced in this chapter are designed to achieve the following goals:

A. To encourage resource conservation;

B. To reduce the waste generated by construction projects;

C. To increase energy efficiency; and

D. To promote the health and productivity of residents, workers, and visitors to the city. (Ord. 1934 § 1, 2006)

17.50.020 Findings.

The city finds that:

A. Green building design, construction, and operation can have a significant positive effect on energy and resource efficiency, waste and pollution generation, and the health and productivity of a building's occupants over the life of the building.

B. Green building benefits are spread throughout the systems and features of the building. Green buildings may use recycled content building materials, consume less energy and water, have better indoor air quality, and use less wood fiber than conventional buildings. Construction waste is often recycled and remanufactured into other building products, resulting in reduced landfill impacts.

C. Design and construction decisions made by the city in the construction and remodeling of city buildings can result in significant energy cost savings to the city over the life of the buildings. Use of green building techniques in all construction can reduce overall energy consumption throughout the city.

D. Based on studies by the Alameda County waste management authority (ACWMA), construction and demolition debris comprises up to 21 percent of materials disposed in Alameda County landfills, and opportunities exist for reducing the generation of this waste.

E. In recent years, green building design, construction, and operational techniques have become increasingly widespread. Many homeowners, businesses, and building professionals have voluntarily sought to incorporate green building techniques into their projects. A number of local and national systems have been developed to serve as guides to green building practices. At the national level, the U.S. Green Building Council, developer of the leadership in energy and environmental design (LEED™) commercial green building rating system and LEED™ ref-

erence guide, has become a leader in promoting and guiding green building. At the regional level, ACWMA has developed green building guidelines and green building rating systems for single-family and multi-family residences following a collaborative process with the development community.

F. Requiring certain commercial, residential, and city sponsored (civic) projects to incorporate LEED™ green building measures is necessary and appropriate to achieve the benefits of green building.

G. Health and Safety Code Sections 18938 and 17958 provide that the California Building Standards Code establish building standards for all occupancies throughout the state.

H. Many of the prerequisites and means of achieving credits under LEED™, the single-family green building rating system and the multi-family green building rating system do not impact areas where state law has established building standards. The city further finds that, for specific projects, the applicant may believe that achieving the LEED™, single-family or multi-family green building rating required by this chapter could require use of otherwise unauthorized building standards, and, accordingly, the city finds that it is appropriate to provide for an exemption from this chapter in such circumstances. (Ord. 1934 § 1, 2006)

17.50.030 Definitions.

For the purposes of this chapter, certain words and terms used are defined as follows:

A. "ACWMA" means the Alameda County waste management authority.

B. "ACWMA's Multi-family Green Building Guidelines" means a supporting document published by ACWMA that provides detailed information, resources, and standards for the multi-family green building rating system, including information regarding the documentation required for certification.

C. "ACWMA's New Home Construction Green Building Guidelines" means a supporting document published by ACWMA that provides detailed information, resources, and standards for the single-family green building rating system, including information regarding the documentation required for certification.

D. "Applicant" means any individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity that applies to the city for the applicable permits to undertake any covered project within the city.

E. "Building" means any structure used for support or shelter of any use or occupancy, as defined in the California Building Standards Code.

F. "City" means the city of Pleasanton.

G. "City sponsored project" means a building(s) primarily funded and sponsored by the city or on city owned land.

H. "Commercial project" means any retail, office, industrial, warehouse or service building(s) within city limits, which is not a city sponsored project, a residential project, or a mixed use project.

I. "Conditioned space" means an enclosed space in a building that is provided with a mechanical heating system that has a capacity exceeding 10 Btu/(hr. x $ft.^2$), or is provided with a mechanical cooling system that has a capacity exceeding five Btu/(hr. x $ft.^2$), unless the space conditioning system is designed and thermostatically controlled to maintain a process environment temperature less than 55 degrees Fahrenheit or to maintain a process environment temperature greater than 90 degrees Fahrenheit for the entire space the system serves.

J. "Construction" means the building of any structure or any portion thereof.

K. "Covered project" means: (1) construction of any city sponsored project; (2) construction of any commercial project that includes 20,000 gross square feet or more of conditioned space; (3) renovation of any commercial project or city sponsored project that adds 20,000 gross square feet or more of additional conditioned space, but not a renovation project that consists solely of interior improvements to an existing building; (4) construction of any single-family residential project that is 2,000 square feet or more in size; (5) construction of any multi-family residential project; (6) construction of any mixed use project; (7) additions to residential projects where the addition is 2,000 square feet or greater; or (8) additions of any size to residential projects where the residential project was less than 2,000 square feet when built and it has been less than five years from the date the certificate of oc-

cupancy was issued. Covered projects do not include historic buildings or privately owned commercial or mixed use buildings within the boundaries of the downtown specific plan (adopted March 5, 2002).

L. "Green building" means a whole systems approach to the design, construction, and operation of buildings that helps mitigate the environmental, economic, and social impacts of buildings. Green building practices recognize the relationship between natural and built environments and seek to minimize the use of energy, water, and other natural resources and provide a healthy, productive indoor environment.

M. "Green building compliance official" means the director of planning and community development or his or her designee.

N. "Green building project checklist" means a checklist or scorecard developed for the purpose of calculating a score on the LEED™ commercial green building rating system, the single-family green building rating system or the multi-family green building rating system. Covered projects shall utilize the green building project checklist that corresponds with the green building rating system approved for use.

O. "Green building worksheet" means a worksheet or form developed by the green building compliance official and, as may be amended, which specifies information to be submitted prior to any hearing for design review or planned unit development design review approval for a covered project. The green building worksheet shall specify the form and content of the required documentation.

P. "Hardship" means circumstances, by some verifiable level of adversity or difficulty, by which an applicant would not be able to reasonably fulfill the obligations to meet the ordinance as determined by the green building compliance official.

Q. "Historic building" means any building listed on or eligible for listing on a national, state, or local register or listing of historic resources.

R. "Infeasible" means the existence of obstacles which render the applicant/developer incapable of fulfilling the obligations to meet this chapter as determined by the green building compliance official.

S. "LEED™ commercial green building rating system" means the most recent version of the leadership in energy and environmental design (LEED™) commercial green building rating system, or other related LEED™ rating system, approved by the U.S. Green Building Council. As new rating systems are developed by the U.S. Green Building Council, the green building compliance official shall have the authority to specify the applicable LEED™ commercial green building rating system for a covered project. For the first six months after the release of any new version of the LEED™ commercial green building rating system when the covered project is formally submitted to the planning department for approval with the payment of appropriate fees, the applicant shall be given the choice of using the most current version or the version to be superseded. city staff shall maintain the most recent version of the applicable LEED™ commercial green building rating systems at all times.

T. "LEED™ Commercial Green Building Reference Guide" means a supporting document published by the U.S. Green Building Council that provides detailed information, resources, and standards for the five environmental categories covered by the LEED™ commercial green building rating system, including information regarding the documentation required for LEED™ certification. city staff shall maintain the most recent version of the LEED™ reference guide at all times.

U. "Mixed use project" means a building(s) within city limits that combines the uses of a commercial project and a residential project.

V. "Multi-family green building rating system" means ACWMA's green building rating system for multi-family residential projects. As new rating systems are developed by ACWMA, the green building compliance official shall have the authority to specify the applicable multi-family green building rating system for a covered project. For the first six months after the release of any new version of the multi-family green building rating system when the covered project is formally submitted to the planning department for approval with the payment of appropriate fees, the applicant shall be given the choice of using the most current version or the version to be superseded.

W. "Multi-family residential project" means a residential project containing more than one attached dwelling unit, including duplexes, apartments, condominiums, and townhouses.

X. "Noncovered project" means: (1) renovation of any commercial project, city sponsored project, or residential project that consists solely of interior improvements to an existing building; (2) additions to historic buildings (commercial or residential); (3) privately owned commercial or mixed use buildings within the boundaries of the downtown specific plan (adopted March 5, 2002); or (4) any project not listed as a "covered project" in subsection K of this section.

Y. "Prepermitting documentation" means the documentation required by Section 17.50.050 of this chapter.

Z. "Renovation" means any change, addition, or modification to an existing building.

AA. "Residential project" means any building within city limits used for living, sleeping, eating, and cooking. For the purposes of this chapter, a residential project includes assisted living facilities and senior housing. A residential project does not include hotels, motels, inns, or similar commercial enterprises wherein rooms or suites of rooms are rented for transient occupancy and are considered commercial projects.

BB. "Single-family green building rating system" means ACWMA's green building rating system for single-family residential projects. As new rating systems are developed by ACWMA, the green building compliance official shall have the authority to specify the applicable single-family green building rating system for a covered project. For the first six months after the release of any new version of the single-family green building rating system when the covered project is formally submitted to the planning department for approval with the payment of appropriate fees, the applicant shall be given the choice of using the most current version or the version to be superseded.

CC. "Single-family residential project" means a residential project containing one dwelling unit.

DD. "Structure" means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built or composed of parts joined together in some definite manner and permanently attached to the ground, as defined in the California Building Standards Code. (Ord. 1934 § 1, 2006)

17.50.040 Standard for compliance.

A. Covered Projects. All covered projects shall meet the following requirements:

1. All commercial projects shall meet a minimum LEED™ "certified" rating, except as modified by the provisions of subsection B of this section.

2. All city sponsored projects that are neither residential projects nor mixed use projects shall achieve a minimum LEED™ "certified" rating, except as modified by the provisions of subsection B of this section, and are encouraged to meet the "silver" rating.

3. All single-family residential projects, including any such city sponsored project, shall achieve a "green home" rating on the single-family green building rating system, which currently requires 50 points.

4. All multi-family residential projects, including any such city sponsored project, shall achieve a "green home" or similarly entitled minimum compliance rating on the multi-family green building rating system, which currently requires 50 points, unless the green building compliance official determines that the single-family green building rating system is more appropriate for the building, such as for a duplex that is not part of a larger project.

5. All mixed use projects, including any such city sponsored project, shall meet the requirements for a multi-family residential project, unless the green building compliance official determines that another rating system is more appropriate.

B. Actions Not Required.

1. LEED™ Registration And Certification. Applicants are encouraged to register commercial projects and other applicable covered projects with the U.S. Green Building Council. LEED™ certification through the U.S. Green Building Council is not required under this chapter.

2. Building Commissioning. Building commissioning, although specified as a prerequisite for all LEED™ ratings, is not required under this chapter. Applicants are encouraged to verify that fundamental building systems are designed, installed, and calibrated to operate as intended.

C. Noncovered Projects. Applicants for noncovered projects are encouraged to incorporate green building measures, but are not required to submit any documentation nor is there any verification of compliance.

D. Compliance as a Condition of Approval. Compliance with the provisions of this chapter shall be listed as a condition of approval on any design review or planned unit development design review approval issued for a covered project. Failure to comply with any of the terms of this chapter shall subject the covered project to the full range of enforcement mechanisms set forth in Section 17.50.100 of this chapter. (Ord. 1934 § 1, 2006)

17.50.050 Submission of prepermitting documentation.

A. Prepermitting Documentation. In conjunction with the application for design review or planned unit development design review, whichever is applicable, the applicant shall submit documentation indicating the measures to be used to achieve the applicable green building rating ("prepermitting documentation"). The city encourages the applicant to use a LEED™ accredited professional or similarly experienced person to prepare the prepermitting documentation. This documentation shall include:

1. The applicable green building project checklist;
2. The applicable green building worksheet with an analysis of each credit claimed; and
3. Any other documentation that may be necessary to show compliance with this chapter.

B. Review and Prehearing Meeting. After submission of the prepermitting documentation required by subsection A of this section, but prior to the hearing on the design review or planned unit development design review, the green building compliance official shall review the prepermitting documentation and arrange a meeting with the applicant to discuss the proposed green building measures, as needed. (Ord. 1934 § 1, 2006)

17.50.060 Review of prepermitting documentation.

A. Approval. The green building compliance official shall only approve the prepermitting documentation if it is determined that the prepermitting documentation indicates that the covered project can achieve the applicable green building rating, as set forth in Section 17.50.040 of this chapter. If the green building compliance official determines that these conditions have been met, the prepermitting documentation shall be marked "approved," and returned to the applicant. The green building compliance official shall provide a copy of the approved prepermitting documentation at the hearing on the design review or planned unit development design review and shall notify the building and safety division that the prepermitting documentation has been approved. No building permit shall be issued until the prepermitting documentation has been approved under this section or an exemption has been granted under Section 17.50.080 of this chapter.

B. Nonapproval. If the green building compliance official determines that the prepermitting documentation is incomplete or fails to indicate that the covered project will meet the required green building rating for the covered project as set forth in Section 17.50.040 of this chapter, he or she shall either:

1. Return the prepermitting documentation to the applicant marked "denied", including a statement of reasons, and so notify the building and safety division; or
2. Return the prepermitting documentation to the applicant marked "further explanation required", and detail the additional information needed.

C. Resubmission: If the prepermitting documentation is returned to the applicant, the applicant may resubmit the prepermitting documentation with such additional information as may be required or may apply for an exemption under Section 17.50.080 of this chapter.

D. Timing of Review. The green building compliance official shall review the green building project checklist and all other prepermitting documentation for compliance with this chapter prior to the hearing on design review or planned unit development design review, and again during plan check. (Ord. 1934 § 1, 2006)

17.50.070 Compliance.

A. Building Permit Documentation. With the application for a building permit, the applicant shall submit a completed green building project checklist with the first building permit plan set submitted. All building plans shall indicate in the general notes or individual detail drawings, where feasible, the green building measures to be used to attain the applicable green building rating. Notwithstanding any other provision of this code, no building permit shall be issued for any covered project unless and until the green building compliance official has approved the prepermitting documentation submitted for the covered project.

B. Compliance Review. Building division staff shall verify that the green building measures and provisions indicated in the prepermitting documentation are being implemented at foundation inspection, framing inspection, and prior to issuance of a final certificate of occupancy. The green building compliance official or the building and safety division staff may also conduct other inspections as needed to ensure compliance with this chapter. If, as a result of any such inspection, the green building compliance official or building and safety division staff determines that the covered project does not comply with the prepermitting documentation, a stop work order may be issued. At the discretion of the green building compliance official such a stop work order may apply to the portion of the project impacted by noncompliance or to the entire project. The stop work order shall remain in effect until the green building compliance official determines that the covered project will be brought into compliance with the prepermitting documentation and this chapter.

C. Substitution of Credits. During compliance review for covered projects, flexibility may be exercised by the green building compliance official to substitute the approved credits with other credits in the approved, applicable green building rating system. Substitution shall occur only at the request of the applicant and when it is determined that the originally approved credits are no longer feasible.

D. Compliance Documentation. Documentation shall be provided as described below:

1. Prior to final building approval and/or issuance of a final certificate of occupancy for any covered commercial, city sponsored, single-family residential, multi-family residential, or mixed use project, the applicant shall submit to the green building compliance official:

   a. Documentation that verifies incorporation of the design and construction related credits from the prepermitting documentation for the covered project; and

   b. A letter from the project architect or project contractor that certifies that the covered project has been constructed in accordance with the approved green building project checklist.

   The applicant may also provide:

   c. Any additional documentation that would be required by the LEED™ reference guide for LEED™ certification, and

   d. Any additional information the applicant believes is relevant to determining its good faith efforts to comply with this chapter.

2. After one year of occupancy, the applicant shall submit to the green building compliance official documentation detailing conformance with the operation, efficiency, and conservation related credits from the prepermitting documentation for any covered commercial, city sponsored, single-family residential, multi-family residential, or mixed use project, if required by the green building compliance official. The applicant may also provide any additional information the applicant believes is relevant to determining its good faith efforts to comply with this chapter.

3. After five years of occupancy, the applicant shall submit to the green building compliance official documentation detailing conformance with the operation, efficiency, and conservation related credits from the prepermitting documentation for any covered commercial, city sponsored, multi-family residential, or mixed use project, if required by the green building compliance official. The applicant may also provide any additional information the applicant believes is relevant to determining its good faith efforts to comply with this chapter.

E. Final Determination of Compliance. Prior to issuance of an occupancy permit, the green building compliance official shall review the information submitted by the applicant and determine whether the applicant has achieved

the required green building rating, as set forth in Section 17.50.040 of this chapter. If the green building compliance official determines that the applicant has not achieved the required green building rating, the green building compliance official shall find as follows:

1. Good Faith Effort to Comply. If the green building compliance official determines that the covered project has not met the requirements for the applicable green building rating, as set forth in Section 17.50.040 of this chapter, he or she shall determine on a case by case basis whether the applicant has made a good faith effort to comply with this chapter. In making this determination, the green building compliance official shall consider the availability of markets for materials to be recycled, the availability of green building materials and technologies, and the documented efforts of the applicant to comply with this chapter. The green building compliance official may require additional reasonable green building measures as authorized in subsection (E)(3) of this section to be taken in the operation of the covered project to mitigate the failure to comply fully with this chapter.
2. Noncompliance. If the green building compliance official determines that the applicant has not made a good faith effort to comply with this chapter, or if the applicant fails to submit the documentation required by subsection (D)(1) of this section within the required time period, then the final building approval and/or occupancy permit may be withheld. The green building compliance official may require additional reasonable green building measures as authorized in subsection (E)(3) of this section to be employed in the operation of the covered project to mitigate the applicant's failure to comply with this chapter. Once the applicant has performed such additional reasonable green building measures, the green building compliance official shall approve the covered project for final building approval and/or issuance of an occupancy permit. If the documentation submitted by the applicant as required by subsections (D)(2) and (D)(3) of this section indicates that the applicant has not made a good faith effort to maintain the originally approved conservation and energy related credits in the operation of the building, the green building compliance official may require additional reasonable green building measures as authorized in subsection (E)(3) of this section.
3. Mitigation. If the green building compliance official determines that the applicant has not complied with this chapter, the green building compliance official may require further reasonable green building measures to be employed in the operation and maintenance of the covered project to mitigate the applicant's failure to comply fully with this chapter. Such mitigation measures may include, but are not limited to, changes to landscaping for the covered project to decrease water and energy consumption, use of energy efficient fixtures, including the use of energy efficient light bulbs, and education of the building's occupants and owners regarding ongoing energy and resource savings techniques.

F. LEED™ Certification. For covered projects that have voluntarily registered with the U.S. Green Building Council with the intent to certify the building at the "certified" level or above, the green building compliance official may reduce the scope of the city's compliance review. Depending on the timing of certification, the documentation required by subsections (D)(1), (D)(2) and (D)(3) of this section may be reduced or eliminated. (Ord. 1934 § 1, 2006)

17.50.080 Hardship or infeasibility exemption.

A. Exemption. If an applicant for a covered project believes that circumstances exist that make it a hardship or infeasible to meet the requirements of this chapter, he or she may apply for an exemption as set forth below. In applying for an exemption, the burden is on the applicant to show hardship or infeasibility.

B. Application. If an applicant for a covered project believes such circumstances exist, the applicant may apply for an exemption at the time that he or she submits the prepermitting documentation required under Section 17.50.050 of this chapter. The applicant shall indicate in the prepermitting documentation the maximum number of credits he or she believes is practical or feasible for the covered project and the circumstances that he or she believes make it a hardship or infeasible to comply fully with this chapter. Such circumstances may include, but are not limited to, availability of markets for materials to be recycled, availability of green building materials and technologies, and compatibility of green building requirements with existing building standards.

C. Meeting with Green Building Compliance Official. The green building compliance official shall review the information supplied by the applicant, may request additional information from the applicant, and may meet with the applicant to discuss the request.

D. Granting of Exemption. If the green building compliance official determines that it is a hardship or infeasible for the applicant to meet fully the requirements of this chapter based on the information provided, the green building compliance official shall determine the maximum feasible number of credits reasonably achievable for the covered project and shall indicate this number on the prepermitting documentation submitted by the applicant. The green building compliance official shall return a copy of the prepermitting documentation to the applicant marked "approved with exemption." The green building compliance official shall provide a copy of the approved prepermitting documentation marked "approved with exemption" at the hearing on the design review or planned unit development design review and shall notify the building and safety division that the prepermitting documentation has been approved. If an exemption is granted, the applicant shall be required to comply with this chapter in all other respects and shall be required to achieve, in accordance with this chapter, the number of credits determined to be achievable by the green building compliance official. If an exemption is granted, the planning commission and the city council shall be notified of the action. Any member of the planning commission or city council may appeal the determination to grant or deny an exemption.

E. Denial of Exemption. If the green building compliance official determines that it is possible for the applicant to fully meet the requirements of this chapter, he or she shall so notify the applicant in writing. The applicant may resubmit the prepermitting documentation in full compliance with Sections 17.50.050 and 17.50.060 of this chapter. If the applicant does not resubmit the prepermitting documentation, or if the resubmitted prepermitting documentation does not comply with Sections 17.50.050 and 17.50.060 of this chapter, the green building compliance official shall deny the prepermitting documentation in accordance with Section 17.50.060(B) of this chapter. (Ord. 1934 § 1, 2006)

17.50.090 Appeal.

A. Any applicant or person may appeal the determination of the green building compliance official regarding: (1) the granting or denial of an exemption pursuant to Section 17.50.080 of this chapter; (2) compliance with this chapter pursuant to Section 17.50.070 of this chapter; or 3) the type or scope of mitigation measures required for noncompliance pursuant to Section 17.50.070(E)(3) of this chapter.

B. Appeals must be filed in writing with the city manager within 15 days of the determination by the green building compliance official. The appeal shall state the alleged error or reason for the appeal. In reviewing the appeal, the city manager may request additional written or oral information from the applicant or the green building compliance official. The city manager shall issue a written determination within 15 days of the receipt of the appeal.

C. The determination by the city manager may be appealed to the city council by filing a written appeal with the city clerk within 15 days of the written determination by the city manager. The city council shall hold a public hearing regarding the appeal within 40 days of the date when the appeal was filed. (Ord. 1934 § 1, 2006)

17.50.100 Enforcement.

A. Violation of any provision of this chapter due to the applicant's failure to build the covered project in accordance with the covered project's plans, including the prepermitting documentation and the conditions of approval in the applicable permit, shall be punishable as provided in Chapter 1.28 of this code.

B. Where the applicant has violated any provision of this chapter due to the applicant's failure to build the covered project in accordance with the project's plans, including the prepermitting documentation and the conditions of approval in the applicable permit, the green building compliance official may require mitigation as set forth in Section 17.50.070(E)(3) of this chapter.

C. Enforcement pursuant to this section shall be undertaken by the city through its director of planning and community development or the city attorney.

D. These remedies are cumulative and the choice of one by the city shall not preclude pursuing the others. (Ord. 1934 § 1, 2006)

Title 18

ZONING

Chapters:

Chapter 18.04

GENERAL PROVISIONS

Sections:

18.04.010 Objectives.

This title is to protect and to promote the public health, safety, peace, comfort, convenience, prosperity and general welfare. More specifically, this title is designed to achieve the following objectives:

A. To provide a precise guide for the physical development of the city in such a manner as to achieve progressively the arrangement of land uses depicted in the general plan adopted by the city council;

B. To foster a harmonious, convenient, workable relationship among land uses;

C. To promote the stability of existing land uses that conform with the general plan and to protect them from inharmonious influences and harmful intrusions;

D. To insure that public and private lands ultimately are used for the purposes which are most appropriate and most beneficial from the standpoint of the city as a whole;

E. To prevent excessive population densities and overcrowding of the land with structures;

F. To promote a safe, effective traffic circulation system;

G. To foster the provision of adequate off-street parking and off-street truck-loading facilities;

H. To facilitate the appropriate location of community facilities and institutions;

I. To promote commercial and industrial activities in order to strengthen the city's tax base;

J. To protect and enhance real property values;

K. To safeguard and enhance the appearance of the city. (Prior code § 2-5.01)

18.04.020 Nature of title.

This title shall consist of a zoning map designating certain districts and a set of regulations controlling the uses of land; the density of population, the bulk, locations and uses of structures; the areas and dimensions of sites; the appearance of certain uses, structures and signs; requiring provision of usable open space, screening and landscaping, and off-street parking and off-street loading facilities; and controlling the location, size and illumination of signs. The zoning map shall be maintained on file in the office of the zoning administrator. (Prior code § 2-5.02)

18.04.030 Interpretation.

A. In their interpretation and application, the provisions of this title shall be held to be minimum requirements. No provision of this title is intended to repeal, abrogate, annul, impair or interfere with any existing ordinance of the city, except as specifically repealed herein, provided that where this title imposes a greater restriction on the use of land or structures or the height or bulk of structures, or requires greater open spaces about structures, or greater areas or dimensions of sites, or greater restrictions on signs than is imposed or required by an existing ordinance, this title shall control.

B. This title is not intended to abrogate, annul, impair or interfere with any deed restriction, covenant, easement, or other agreement between parties, provided that where this title imposes a greater restriction on the use of land or structures or the height or bulk of structures, or requires greater open spaces about structures or greater areas or

dimensions of sites than is imposed or required by deed restriction, covenant, easement, or other agreement, this title shall control. (Prior code § 2-5.03)

18.04.040 Applicability.

A. This title shall apply to all property owned by private persons, firms, corporations or organizations except public streets and alleys. It shall also apply to property owned by the city; or by any agencies of the city; or by any local agency required to comply with this title by state law. However, this title shall not apply to property owned by the United States of America or any of its agencies; by the state of California or any of its agencies or political subdivisions not required by state law to comply with this title; or by any city (other than the city of Pleasanton), county or rapid transit district. All exempted agencies are urged to submit their proposed projects to the permit and review procedures set forth in this title and to cooperate in meeting the goals and objectives of this code and the general plan.

B. This title shall apply to structures and signs extending into or above streets or alleys, to railroad rights-of-way, to electric and communications distribution and service wires where prescribed in the district regulations; provided, however, that the routes or proposed electric or gas transmission lines shall be submitted to the planning commission for approval prior to the acquisition of right-of-way thereof. Upon review of the utility company's application and the planning director's proposed conditions for route approval, the planning commission may set a public hearing for purposes of considering alternate routes, or modifying any conditions vital to the public interest, which in the opinion of the planning commission requires a public hearing. (Prior code § 2-5.04)

Chapter 18.08

DEFINITIONS

Sections:

18.08.205 Fuel cell facility.
18.08.207 Game arcade.
18.08.210 Garage or carport.
18.08.215 Garage, parking.
18.08.220 Garage, repair.
18.08.225 Garden center.
18.08.230 Grid.
18.08.232 Habitable room.
18.08.235 Home occupation.
18.08.240 Hotel.
18.08.245 Household pet.
18.08.250 Illumination, diffused.
18.08.255 Illumination, direct.
18.08.260 Illumination, indirect.
18.08.265 Intersection, street.
18.08.270 Junkyard.
18.08.275 Kennel.
18.08.280 Living room.
18.08.285 Lodging house.
18.08.290 Lot.
18.08.295 Lot, corner.
18.08.300 Lot, double frontage.
18.08.305 Lot, interior.
18.08.310 Lot, key.
18.08.315 Lot line, front.
18.08.320 Lot line, rear.
18.08.325 Lot line, side.
18.08.330 Lot, reversed corner.
18.08.335 Megawatt.
18.08.337 Microbrewery.
18.08.340 Motel or hotel.
18.08.345 Motor vehicle wrecking yard.
18.08.350 Multi-family dwelling.
18.08.355 Nonconforming sign.
18.08.360 Nonconforming structure.
18.08.365 Nonconforming use.
18.08.370 Nuclear power facility.
18.08.372 Nursery.
18.08.375 Nursery school.
18.08.380 Nursing home.
18.08.385 Off-street loading facilities.
18.08.390 Off-street parking facilities.
18.08.395 Oriel window.
18.08.400 Outdoor advertising structure.
18.08.405 Patio, covered.
18.08.410 Personal wireless service.
18.08.415 Personal wireless service facility.
18.08.420 Personal wireless service facility tower.
18.08.425 Personal wireless service provider.
18.08.430 Photovoltaic facility.
18.08.432 Plant shop.
18.08.435 Portable, temporary electricity generator, fuel cell, or battery facility.

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. "Director of public works" means the director of public works of the city of Pleasanton.
6. "Secretary" means the secretary of the city planning commission.
7. "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. (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))

18.08.020 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. A restaurant which sells alcoholic beverages after 10:00 p.m. shall be classified as a bar for purposes of this zoning code. (Ord. 1743, 1998; Ord. 1665 § 1, 1995; Ord. 1346 § 1, 1987)

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. 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 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, handicapped or underprivileged persons, but not including 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. (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)

18.08.120 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, labor camps, camp cars, tents, railroad cars and temporary structures. (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)

18.08.167 Family.

"Family" means an individual or two or more persons related by blood, marriage or adoption, or a group of not more than five persons, not including servants, who need not be related, living as a single housekeeping unit. (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 ammuni-

tion 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))

18.08.240 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))

18.08.270 Junkyard.

"Junkyard" means a site or portion of a site on which waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled, or handled, including used furniture and household equipment yards, house wrecking yards, used lumberyards and similar uses; excepting a site on which such uses are conducted within a completely enclosed structure and excepting "motor vehicle wrecking yards," as defined in this chapter. An establishment for the sale, purchase or storage of used cars or salvaged machinery in operable condition and the processing of used or salvaged materials as part of a manufacturing operation shall not be deemed a junkyard. (Prior code § 2-5.22(b))

18.08.275 Kennel.

"Kennel" means any premises, except where accessory to a permitted or conditional agricultural use, where any combination of dogs or cats totaling four or more animals four months of age or older are kept. (Prior code § 2-5.22(c))

18.08.280 Living room.

"Living room" means the principal room designed for general living purposes in a dwelling unit. Each dwelling unit shall have a living room. (Prior code § 2-5.22(d))

18.08.285 Lodging house.

"Lodging house" means a dwelling in which lodging or lodging and meals are provided for compensation for more than three but not more than 15 persons other than members of the resident family, excepting a "nursing home," as defined in this chapter. (Prior code § 2-5.22(e))

18.08.290 Lot.

See definition of Site or Lot. (Prior code § 2-5.23(a))

18.08.295 Lot, corner.

"Corner lot" means a site bounded by two or more adjacent street lines which have an angle of intersection of not more than 135 degrees. (Prior code § 2-5.23(b))

18.08.300 Lot, double frontage.

"Double frontage lot" means an interior lot having frontage on two parallel or approximately parallel streets. For the purpose of determining front yard requirements, each frontage from which access is permitted shall be deemed a front lot line. (Prior code § 2-5.23(c))

18.08.305 Lot, interior.

"Interior lot" means a lot other than a corner lot. (Prior code § 2-5.23(d))

18.08.310 Lot, key.

"Key lot" means the first interior lot to the rear of a reversed corner lot. (Prior code § 2-5.23(e))

18.08.315 Lot line, front.

"Front lot line" means a line separating an interior lot from a street, or a line separating either the narrower or the wider street frontage of a corner lot from a street at the option of the owner. (Prior code § 2-5.24(b))

18.08.320 Lot line, rear.

"Rear lot line" means a lot line, not a front or side lot line, which is generally opposite the front lot line, and not necessarily a straight line. (Prior code § 2-5.24(c))

18.08.325 Lot line, side.

"Side lot line" means any lot line which is not a front lot line or a rear lot line. (Prior code § 2-5.24(d))

18.08.330 Lot, reversed corner.

"Reversed corner lot" means a corner lot the side line of which is substantially a continuation of the front property line of the first lot to its rear. (Prior code § 2-5.24(a))

18.08.335 Megawatt.

"Megawatt" means 1,000 kilowatts or 1,000,000 watts. (Ord. 1880, 2003)

18.08.337 Microbrewery.

"Microbrewery" means a business taking up no more than 10,000 square feet in area that brews beer primarily for retail sales. Ancillary wholesale sales are also permitted. No on site consumption of beer is permitted except as part of quality testing and/or tours. A business where customers brew beer on site for their personal use shall be classified as a microbrewery for purposes of this zoning code. (Ord. 1880, 2003; Ord. 1665 § 1, 1995)

18.08.340 Motel or hotel.

"Motel" or "hotel" means a structure or portion thereof or a group of attached or detached structures containing completely furnished individual guestrooms or suites, occupied on a transient basis for compensation, and in which more than 60 percent of the individual guestrooms and suites are without kitchens or cooking facilities. (Prior code § 2-5.24(e))

18.08.345 Motor vehicle wrecking yard.

"Motor vehicle wrecking yard" means a site or portion of a site on which the dismantling or wrecking of used vehicles, whether self-propelled or not, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts is conducted. The presence outside a fully enclosed structure of three or more used motor vehicles which are not capable of operating under their own power shall constitute prima facie evidence of a motor vehicle wrecking yard. (Prior code § 2-5.25(a))

18.08.350 Multi-family dwelling.

"Multi-family dwelling" means a structure containing more than one dwelling unit, designed for occupancy or occupied by more than one family. (Prior code § 2-5.25(b))

18.08.355 Nonconforming sign.

"Nonconforming sign" means a sign, outdoor advertising structure, or display of any character, which was lawfully erected or displayed, but which does not conform with standards for location, size or illumination for the district in which it is located by reason of adoption or amendment of this chapter, or by reason of annexation of territory to the city. (Prior code § 2-5.25(c))

18.08.360 Nonconforming structure.

"Nonconforming structure" means a structure which was lawfully erected, but which does not conform with the standards for yard spaces, height of structures, or distances between structures prescribed in the regulations for the dis-

trict in which the structure is located, by reason of adoption or amendment of this chapter, or by reason of annexation of territory to the city. (Prior code § 2-5.25(d))

18.08.365 Nonconforming use.

"Nonconforming use" means a use of a structure or land which was lawfully established and maintained, but which does not conform with the use regulations or required conditions for the district in which it is located, by reason of adoption or amendment of this chapter, or by reason of annexation of territory to the city. (Prior code § 2-5.25(e))

18.08.370 Nuclear power facility.

"Nuclear power facility" means one or more electrical power generators that convert heat produced in a reactor by the fissioning of nuclear fuel into electricity by using the heat created to drive an engine or turbine. (Ord. 1880, 2003)

18.08.372 Nursery.

"Nursery" means a site or structure where only plants, plant materials, or garden supplies (such as fertilizer, pesticides, herbicides, small garden tools, etc.) are offered for sale; plants are raised or stored; and landscape design services may be offered. (Ord. 1880, 2003; prior code § 2-5.25(f))

18.08.375 Nursery school.

"Nursery school" means a school for five or more preelementary school-age children, or use of a site or portion of a site for a group daycare program (including, but not limited to, a day nursery, play group or after school group) for five or more children when not located in the provider's own home, and a school and/or group daycare program for 13 or more children when located in the provider's own home. (Ord. 1126 § 2, 1984; prior code § 2-5.26(a))

18.08.380 Nursing home.

"Nursing home" means a structure operated as a lodging house in which nursing, dietary and other personal services are rendered to convalescents, invalids or aged persons, not including persons suffering from contagious or mental diseases, alcoholism or drug addiction, and in which surgery is not performed and primary treatment, such as customarily is given in hospitals or sanitariums, is not provided. A convalescent home or a rest home shall be deemed a nursing home. (Prior code § 2-5.26(b))

18.08.385 Off-street loading facilities.

"Off-street loading facilities" means a site or portion of a site devoted to the loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives, and landscaped areas. (Prior code § 2-5.26(c))

18.08.390 Off-street parking facilities.

"Off-street parking facilities" means a site or portion of a site devoted to the off-street parking of motor vehicles, including parking spaces, aisles, access drives and landscaped areas. (Prior code § 2-5.26(d))

18.08.395 Oriel window.

"Oriel window" means a window which projects from the main line of an enclosing wall of a building and is carried on brackets or corbels. (Prior code § 2-5.26(e))

18.08.400 Outdoor advertising structure.

"Outdoor advertising structure" means a structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any advertising sign may be placed. (Prior code § 2-5.27(a))

18.08.405 Patio, covered.

"Covered patio" means an attached or detached structure not exceeding 14 feet in height, and enclosed on not more than three sides, except for posts necessary for roof support. (Prior code § 2-5.27(b))

18.08.410 Personal wireless service.

"Personal wireless service" means commercial mobile services and unlicensed wireless service. For the purpose of this definition, radio towers and television towers are not considered personal wireless services. Common examples of personal wireless services are personal communications service (PCS), cellular radiotelephone service, and paging. (Ord. 1743, 1998)

18.08.415 Personal wireless service facility.

"Personal wireless service facility" means an unstaffed facility, generally consisting of transmitters, antenna structures, and other types of installations which receive and transmit radio frequency signals for the provision of personal wireless services including support structure, ancillary equipment cabinet or structure, and related equipment. (Ord. 1743, 1998)

18.08.420 Personal wireless service facility tower.

"Personal wireless service facility tower" means a monopole, lattice tower, freestanding tower, or other structure designed to support antennas. (Ord. 1743, 1998)

18.08.425 Personal wireless service provider.

"Personal wireless service provider" means any authorized provider of personal wireless services. (Ord. 1743, 1998)

18.08.430 Photovoltaic facility.

"Photovoltaic facility" means one or more electrical power generators that convert sunlight into electricity through the utilization of semiconductor cells. (Ord. 1880, 2003)

18.08.432 Plant shop.

"Plant shop" means a use located wholly within a structure where the principal activity is the retail sale of indoor plants. (Ord. 1880, 2003; prior code § 2-5.27(c))

18.08.435 Portable, temporary electricity generator, fuel cell, or battery facility.

"Portable, temporary 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 portable, less then 10 kW in combined total size, and which are used only on a temporary and intermittent basis. (Ord. 1880, 2003)

18.08.437 Preexisting.

"Preexisting" means in existence prior to the effective date of Ordinance 520, May 3, 1968. (Ord. 1880, 2003; prior code § 2-5.27(d))

18.08.440 Private school.

"Private school" means a private institution where children attend and receive their primary instruction for any combination of schooling between preschool and grade 12. (Ord. 1743, 1998)

18.08.445 Radioactive materials uses.

"Radioactive materials uses" means any use which would require the user to obtain a specific license for activities specified in Part 30, 40, 50, or 70, Title 10, Code of Federal Regulations, or equivalent requirements of the state. Activities exempted or permitted by general license are excluded from this definition except for exemption for common carriers listed in paragraphs 30.13 and 70.12, Title 10, Code of Federal Regulations. (Prior code § 2-5.27(e))

18.08.450 Railroad right-of-way.

"Railroad right-of-way" means a strip of land on which railroad tracks, switching equipment and signals are located, but not including lands on which stations, offices, storage buildings, spur tracks, sidings, yards or other uses are located. (Prior code § 2-5.27(f))

18.08.455 Recycling collection facility, large.

"Large recycling collection facility" means a center for the acceptance by donation, redemption or purchase, of recyclable materials from the public which occupies an area of more than 500 square feet. A large recycling facility may include permanent structures and may use power-driven processing equipment pursuant to the requirements set forth in Section 9.22.060 of this code. (Ord. 1354 § 2, 1988)

18.08.460 Recycling collection facility, small.

"Small recycling collection facility" means a center for the acceptance by donation, redemption or purchase, of recyclable materials from the public which occupies an area no larger than 500 square feet. A small recycling collection facility may include one or more reverse vending machines, a mobile unit, kiosk type units (which may include permanent structures), and unattended containers placed for the donation of recyclable materials. A small recycling facility may not use power driven processing equipment except as set forth in Section 9.22.060 of this code. (Ord. 1354 § 2, 1988)

18.08.465 Recycling processing facility, large.

"Large recycling processing facility" means a building or enclosed space used for the collection and processing of recyclable materials which occupies an area of gross collection, processing and storage that is 45,000 square feet or greater, and which has an average of more than two outbound truck shipments per day. Processing means the preparation of materials for efficient shipment, or to an end user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning and remanufacturing. (Ord. 1354 § 2, 1988)

18.08.470 Recycling processing facility, small.

"Small recycling processing facility" means a building or enclosed space used for the collection and processing of recyclable materials which occupies an area of gross collection, processing and storage that is less than 45,000 square feet, and which has up to an average of two outbound truck shipments per day. Small recycling processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting of source separated recyclable materials and repairing of reusable materials sufficient to qualify as a certified processing facility. A light processing facility shall not shred, compact or bale ferrous metals other than food and beverage containers. (Ord. 1354 § 2, 1988)

18.08.475 Second units.

"Second unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same lot as the one-family dwelling is situated. A second unit also includes the following:

A. An efficiency unit, as defined in Section 17958.1 of the California Health and Safety Code.

B. A manufactured home, as defined in Section 18007 of the California Health and Safety Code. (Ord. 1885 § 2, 2003; Ord. 1812, 2000; Ord. 1690 § 1, 1996)

18.08.480 Senior care/assisted living facility.

"Senior care/assisted living facility" means a group residential facility for seniors which arranges services such as meals, housekeeping, supervision of self-administration of medication, medication administration, incontinence care, limited nursing service, and 24-hour oversight of persons who need assistance with the activities of daily living and instrumental activities of daily living. Some or all of the living units may include kitchenettes and private bathrooms. (Ord. 1743, 1998)

18.08.485 Service station.

A. "Service station, full-service" means a place where gasoline or any other motor fuel, grease, lubricating oil and accessories for the normal operation of motor vehicles are offered for sale to the public, the direct delivery of gasoline, motor fuel and lubricants into the motor vehicle is made by the station operator or vehicle operator, and where minor repairs to motor vehicles are performed only inside a work bay. One tow truck based at the site may be considered an incidental use to the service station.

B. "Service station, self-service" means a place where gasoline or other motor fuel and lubricating oil for the normal operation of motor vehicles are offered for sale to the public and the direct delivery of motor fuel and lubricants into the motor vehicle is made by the vehicle operator.

C. "Service station, quick-service" means a place where lubrication of the motor vehicle chassis, engine and drive train is performed by the service station operator and where minor repair to motor vehicles may be performed. (Ord. 1690 § 2, 1996; Ord. 1494 § 2, 1991; prior code § 2-5.27(g))

18.08.490 Sign.

"Sign" means any lettering or symbol made of cloth, metal, paint, paper, wood or other material of any kind whatsoever placed for advertising, identification, or other purposes on the ground or on any bush, tree, rock, wall, post, fence, building, structure, vehicle, or on any place whatsoever. The term "placed" shall include constructing, erecting, posting, painting, printing, tacking, nailing, gluing, sticking, carving, or otherwise fastening, affixing, or making visible in any manner whatsoever beyond the boundaries of a site. (Prior code § 2-5.28(a))

18.08.495 Sign area.

"Sign area" means the area of a sign shall be computed as the entire area within a single continuous rectilinear perimeter or not more than eight straight lines enclosing the extreme limits of writing, representation, emblem, or design, together with any material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed. Sign supports shall not be included in determining sign area unless they are an integral part of the display. The area of a sign or the total area of all signs on a site shall be the total area that would be visible, whether legible or not, to an off-site observer having an unobstructed view of the site from any single point within a horizontal distance of 100 feet from the site boundary at an elevation not more than 100 feet above the site boundary. (Prior code § 2-5.28(b))

18.08.500 Sign, subdivision.

"Subdivision sign" means any sign located either on or off a subdivision tract which indicates the direction to or advertises the location, existence, or sale of a subdivision or any part thereof. (Prior code § 2-5.28(c))

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))

18.08.525 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 struc-

tures 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))

18.08.555 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))

18.08.570 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)

18.08.585 Usable open space.

"Usable open space" means open space meeting the requirements of Section 18.84.170 of this title. (Prior code § 2-5.31(b))

18.08.590 Use.

"Use" means the purpose for which a site or structure is arranged, designed, intended, constructed, erected, moved, altered or enlarged, or for which either a site or a structure is or may be occupied or maintained. (Prior code § 2-5.30(e))

18.08.595 Use, accessory.

"Accessory use" means a use which is appropriate, subordinate, and customarily incidental to the main use of the site and which is located on the same site as the main use. (Prior code § 2-5.31(a))

18.08.600 Width.

"Width" means the horizontal distance between the side property lines of a site measured at right angles to the depth at a point midway between the front and rear property lines. (Prior code § 2-5.31(c))

18.08.605 Wind energy facility.

"Wind energy facility" means one or more electrical power generators that convert wind into electricity through the utilization of a shaft turned by blades or similar structure, which are turned by wind. (Ord. 1880, 2003)

18.08.607 Yard.

"Yard" means an open space on the same site as a structure, unoccupied and unobstructed by structures from the ground upward or from the floor level of the structure requiring the yard upward, except as otherwise provided in this chapter, including a "front yard," "side yard," "rear yard" or space between structures. (Ord. 1880, 2003; prior code § 2-5.31(d))

18.08.610 Yard, front.

"Front yard" means a yard extending across the full width of a site, the depth of which is the minimum horizontal distance between the front property line and a line parallel thereto on the site. (Prior code § 2-5.31(e))

18.08.615 Yard, rear.

"Rear yard" means a yard extending across the full width of a site, the depth of which is the minimum horizontal distance between the rear property line and a line parallel thereto on the site. (Prior code § 2-5.32(a))

18.08.620 Yard, side.

"Side yard" means a yard extending from the rear line of the required front yard or the front property line of the site where no front yard is required, to the front line of the required rear yard, or the rear property line of the site where no rear yard is required, the width of which is the minimum horizontal distance between the side property line and a line parallel thereto on the site. On the street side of a corner lot the side yard shall extend from the rear line of the required front yard, or the front property line where no front yard is required, to the rear property line of the site. (Ord. 1182 § 2, 1985; prior code § 2-5.32(b))

Chapter 18.12

ADMINISTRATIVE PROVISIONS

Sections:

Article I. Generally

18.12.010 Permits, certificates and licenses.

All officials, departments and employees of the city vested with the authority or duty to issue permits, certificates or licenses shall comply with the provisions of this chapter and shall issue no permit, certificate or license which conflicts with the provisions of this chapter. Any permit, certificate or license issued in conflict with the provisions of this chapter shall be void. (Prior code § 2-12.20)

18.12.020 Duties of city officials.

The director of building inspection and zoning administrator shall be the officials responsible for the enforcement of this title. The director of building inspection and zoning administrator, or their deputies, shall have the right to enter on any site or to enter any structure for the purpose of investigation and inspection related to any provision of this title; provided, that the right of entry shall be exercised only at reasonable hours and that in no case shall any structure be entered in the absence of the owner or tenant without the written order of a court of competent jurisdiction. The director of building inspection or zoning administrator may serve notice requiring the removal of any structure or use in violation of the regulations on the owner or his or her authorized agent, on a tenant, or on an architect, builder, contractor, or other person who commits or participates in any violation. The director of building inspection or the zoning administrator may call upon the city attorney to institute necessary legal proceedings to enforce the provisions of this title, and the city attorney is authorized to institute appropriate actions to that end. The director of building inspection or the zoning administrator may call upon the chief of police and his or her authorized agents to assist in the enforcement of this title. (Ord. 1425 § 1 (part), 1989: prior code § 2-12.21)

18.12.030 Administrative extension of approvals.

A. Prior to the lapse of any approval granted by an approving body under this title, an applicant or his or her successor may apply to the zoning administrator for an extension of the approval for one year. The zoning administrator

may grant an extension subject to the provisions of this section. No more than two such extensions shall be granted. Further applications for extension shall be processed as though they were initial applications.

B. An application for extension shall be accompanied by a fee equal to the current fee for an initial application as established by the city council. An application for extension shall be granted unless the zoning administrator determines that there have been either substantial changes in the proposal or that the circumstances surrounding the initial approval have changed. Rather than take action administratively, the zoning administrator may forward any application for extension, or any aspect thereof, to the appropriate approving body as though it were an initial application. In such cases the approving body may grant the extension, modify the approval as originally granted or deny the extension in accord with the purposes and objectives of this title.

C. Within five days of the granting of any approval extension under this section, the zoning administrator shall forward notice of the action to the planning commission and the city council. Any member of the planning commission or city council may within seven days after such notification request that the action of the zoning administrator be reviewed by appropriate approving body. Such review shall occur at the next available meeting of the appropriate approving body and shall be considered as an action on an initial application for approval under the appropriate provisions of this title. (Prior code § 2-12.24)

18.12.040 Public hearing—Time and notice.

The zoning administrator shall set the time and place of public hearings required by this title to be held by the city planning commission or the board of adjustment, provided that the commission or the board may change the time or place of a hearing. The city clerk shall set the time and place of public hearings required by this title to be held by the city council, provided that the council may change the time or place of a hearing. Public hearings shall be held not more than 40 days after submission of the applicant or the appeal from a decision unless the applicant or appellant shall consent to an extension of time. Notice of a public hearing shall be given not less than 10 days nor more than 30 days prior to the date of the hearing by publication in a newspaper of general circulation in the city. When the hearing concerns a matter other than an amendment to the text of this chapter or a general plan amendment, notice also shall be given by posting in conspicuous places close to the property affected or by mailing a notice of the time and place of the hearing to the applicant, if any, and to all persons whose names appear on the latest adopted tax roll of the county as owning property in the vicinity of the area that is the subject of the hearing. The zoning administrator shall determine the number and location of posted notices or the area within which property owners are to be notified by mail. Failure to post or mail notices shall not invalidate the proceedings. (Prior code § 2-5.08)

Article II. Zoning Certificate and Certificate of Occupancy

18.12.050 Zoning certificate—Purpose.

A. To ensure that each new or expanded use of a structure or site and each new structure or alteration of an existing structure complies with all applicable provisions of this title, and in order that the city may have a record of each new or expanded use of a structure or site, a zoning certificate is required before any building permit may be issued or any structure or site used; and a certificate of occupancy required by the building code shall be issued only for a structure that conforms with the zoning certificate.

B. To ensure that each new sign or enlargement or change in the design or lighting of certain signs specified in Section 18.96.130, complies with all applicable provisions of this title, a zoning certificate is required before the sign may be displayed or altered. (Prior code § 2-11.38)

18.12.060 Zoning certificate—Application and issuance.

Application for a zoning certificate shall be made on a form prescribed by the city planning commission and shall be accompanied by plans and additional information as necessary, in the opinion of the zoning administrator, to demonstrate conformity with this title. The zoning administrator shall check the application and all data submitted with it and shall issue a zoning certificate if he or she finds that all provisions of this title will be complied with. (Prior code § 2-11.39)

18.12.070 Issuance of building permit.

The director of building inspection or his or her designee shall not issue a building permit until the zoning administrator has approved a zoning certificate for the structure which is the subject of the building permit. (Ord. 1425 § 1 (part), 1989: prior code § 2-11.40)

18.12.080 Certificate of occupancy—Issuance.

A. The director of building inspection shall not issue a certificate of occupancy for a structure or alteration until he or she has found that the structure or alteration conforms with the zoning certificate, until all required screening and landscaping and off-street parking and loading facilities are complete, and he or she has found that all conditions attached to a use permit, a variance and design review have been met, provided that the director of building inspection may issue a certificate of occupancy prior to fulfillment of all requirements of this chapter if a faithful performance bond in an amount determined by the director of building inspection to be sufficient to complete the work necessary to meet requirements is filed with the city. Cash in the amount of the faithful performance bond may be deposited with the city in lieu of the bond.

B. A temporary certificate of occupancy may be issued by the director of building inspection prior to the time that all of the requirements for a certificate of occupancy have been met, provided that no permit other than a temporary permit shall be issued for gas or electric utilities until the director of building inspection determines that all of the requirements for a certificate of occupancy have been met. A temporary permit for gas or electric utilities shall be valid for 10 working days, and may be renewed upon application to the director of building inspection for not more than two additional periods of 10 working days. If temporary permits for gas or electric utilities expire without the requirements for issuance of a certificate of occupancy having been met, the director of building inspection shall request the public utility to discontinue service. (Ord. 1425 § 1 (part), 1989; prior code § 2-11.41)

18.12.090 Determination of compliance with required conditions.

If the zoning administrator is unable to determine from information submitted by the applicant that a proposed use will comply with the required conditions for the district in which it is to be located, he or she shall not issue a zoning certificate, but shall request the applicant to authorize the city to secure expert professional advice from firms or individuals acceptable to both the city and the applicant. Professional fees shall be paid by the applicant. The zoning administrator may require that the applicant agree to pay professional fees for necessary investigations to determine compliance with required conditions prior to and after issuance of a certificate of occupancy. (Prior code § 2-11.42)

Article III. Moratorium

18.12.100 Designated.

Where land use has been approved on the effective date of Ordinance No. 520, May 3,1968, there shall be a moratorium as to those requirements set forth in this article. (Prior code § 2-11.46)

18.12.110 Applicability of article.

This article shall apply only where the land is subject to controls, as follows:

A. Approved tentative maps, so long as the maps shall not have expired by time or by refusal of the city to extend time;

B. Final tract maps;

C. Planned unit development permits, until expiration date, but in no event later than July 1, 1972. (Prior code § 2-11.47)

18.12.120 Specific provisions.

The specific provisions of this title where this moratorium shall apply are as follows:

A. Section 18.84.050, width of corner lots;

B. Section 18.84.060, depth of lots adjoining freeways or railroads;

C. Section 18.84.080A, front yard setback;

D. Section 18.84.090A, side yard setback. (Prior code § 2-11.48)

18.12.130 Controlling provisions.

The provisions of Ordinance No. 309, adopted April 26, 1960, as amended, shall control land use where this article and moratorium applies. (Prior code § 2-11.49)

Chapter 18.20

DESIGN REVIEW*

Sections:

* **Prior ordinance history:** Ords. 1410, 1507, 1520, 1586.

18.20.010 Projects subject to design review.

In order to preserve and enhance the city's aesthetic values and to ensure the preservation of the public health, safety, and general welfare, the following projects shall be subject to discretionary design review.

A. The planning commission is empowered to review and make decisions concerning the following classes of projects:

1. All outdoor uses, new improvements and structures, or expansions thereof, proposed within all zoning districts except the PUD district.
2. Any matter referred to it by the zoning administrator for decision.
3. Appeals of items acted upon by the zoning administrator.

B. The zoning administrator shall review and make decisions concerning the following classes of projects:

1. All accessory structures which exceed 10 feet in height, measured from average ground level to the highest point on the structure.
2. Additions to single-family houses which exceed 10 feet in height, as height is defined in this title.
3. Fences, walls, and hedges greater than six feet in height, as height is defined in this title.
4. All models of single-family projects.
5. All custom single-family homes.
6. All outdoor uses, new improvements, and structures in PUD districts in which the conditions of approval specifically have delegated decision making authority over design issues to the preexisting design review board.
7. All signs.
8. All satellite earth stations and microwave dish antennas, whether located in a residential or nonresidential district.
9. Minor building additions in "straight zoned" (non-PUD) districts. (Minor building additions in PUD districts would continue to be treated as minor modifications, subject to staff approval with special report to the city council.)
10. Exterior improvements or expansions to unreinforced masonry buildings, as defined in Section 18.08.580 of this title.
11. Commercial and noncommercial towers, spires, cupolas, chimneys, penthouses, water tanks, fire towers, flagpoles, monuments, scenery lofts, and similar structures.
12. Commercial and noncommercial radio and television antennas and transmission towers, personal wireless service facilities, and receive-only antennas greater than 10 feet in height.

13. All covered front porches that are located in the front yard setback area in the R-1, RM zoning districts and PUD zoned residential properties referencing the R-1/RM development standards of this code.

14. Small electricity generator facilities, and small fuel cell facilities.

The zoning administrator may refer any of the above items to the planning commission for review and action.

C. Modifications or deviations from an approved plan, if deemed substantial by the zoning administrator, shall be reviewed in accordance with the procedures for the original use or structure classification.

D. The zoning administrator may waive review altogether or administratively process an application if:

1. A new or modified use or structure shall not be visible from any public street or area held open to the public; or

2. For photovoltaic facilities, the facilities shall adhere to the following conditions:

a. The photovoltaic panels or shingles shall be mounted flat on the roof surface of a single-family detached house, second unit, patio cover, trellis, and/or carport (including office, commercial, industrial, and public and institutional patio covers, trellises, and carports).

b. The photovoltaic facilities, including all related accessory equipment, shall comply with all locational and height requirements of this title, including setback regulations.

c. The photovoltaic facilities shall not create adverse glare that distracts motorists.

d. If photovoltaic panels are proposed, the panels (including visible trim caps and returns) shall be black, clear, blue, gray or the same color as the roof on which they are mounted.

e. If photovoltaic shingles are proposed, the shingles shall comply with any roof color regulations for the subject property.

If the installation of a photovoltaic facility creates glare that distracts motorists after it has been installed, at the discretion of the zoning administrator, the photovoltaic facility may be subject to design review even if the facility was exempt from design review prior to its installation. If necessary, the zoning administrator may add conditions of approval to mitigate the glare impact, which may include, but are not limited to, moving the photovoltaic facility. (Ord. 1880, 2003; Ord. 1876 § 1, 2002; Ord. 1743, 1998; Ord. 1738 § 1, 1998; Ord. 1612 § 2, 1993; Ord. 1600 § 1, 1993; Ord. 1591 § 2, 1993)

18.20.020 Powers—Duties.

The planning commission or zoning administrator shall have the following powers and duties:

A. In making decisions, approve, approve with modifications or conditions, or deny an application.

B. Require such improvements, either on or off site, which are reasonably related to the project and are in the best interests of the public health, safety, or general welfare, or which are necessary in order to mitigate adverse environmental effects disclosed in an environmental assessment, negative declaration, EIR/EIS, etc.

C. Conform the project to the goals and policies of the general plan, and relevant specific plan, and/or the purposes and objectives of the zoning district.

D. Prepare pamphlets for distribution describing the policies and procedures to be used by architects and builders under this chapter.

E. Determine such application requirements as may be required to carry out its duties.

F. Initiate and recommend to the city council amendments to the zoning ordinance in order to further the purposes of design review. (Ord. 1612 § 2, 1993; Ord. 1591 § 2, 1993)

18.20.030 Scope of review—Criteria.

A. The planning commission or zoning administrator shall review site plans, landscape plans, building architecture and such other plans and reports (grading plans, EIR/negative declarations, etc.) as may be required to preserve and enhance the city's aesthetic values and ensure the preservation of the public health, safety and general wel-

fare. The planning commission and zoning administrator review of project plans shall include, but not be limited to, the following:

1. Preservation of the natural beauty of the city and the project site's relationship to it;
2. Appropriate relationship of the proposed building to its site, including transition with streetscape, public views of the buildings, and scale of buildings within its site and adjoining buildings;
3. Appropriate relationship of the proposed building and its site to adjoining areas, including compatibility of architectural styles, harmony in adjoining buildings, attractive landscape transitions, and consistency with neighborhood character;
4. Preservation of views enjoyed by residents, workers within the city, and passersby through the community;
5. Landscaping designed to enhance architectural features, strengthen vistas, provide shade, and conform to established streetscape;
6. Relationship of exterior lighting to its surroundings and to the building and adjoining landscape;
7. Architectural style, as a function of its quality of design and relationship to its surroundings; the relationship of building components to one another/the building's colors and materials; and the design attention given to mechanical equipment or other utility hardware on roof, ground or buildings;
8. Integration of signs as part of the architectural concept; and
9. Architectural concept of miscellaneous structures, street furniture, public art in relationship to the site and landscape. (Ord. 1612 § 2, 1993; Ord. 1591 § 2, 1993)

18.20.040 Procedures.

A. An applicant for a project requiring planning commission design review shall submit to the zoning administrator a site plan, exterior elevations, landscape plans, and such plans, reports and other data as may be required by the planning commission in evaluating the proposed project. The zoning administrator shall refer all applications to the planning commission. The planning commission shall consider and render a decision within the time frames established by law for decision making on projects.

B. An applicant for a project requiring design review by the zoning administrator shall submit a site plan and/or architectural drawings or sketches showing building elevations and/or details of the structure, or other such plans, reports, or data as may be required by the zoning administrator to evaluate each project.

1. For those classes of projects described in Sections 18.20.010(B)(7), (B)(8), and (B)(9) of this chapter, the zoning administrator shall approve, conditionally approve, or disapprove the application in accordance with the purposes of this chapter. No notice shall be given prior to the zoning administrator's action on these classes of projects.
2. For those classes of projects described in Sections 18.20.010(B)(1) through (B)(6), and (B)(12) of this chapter, the zoning administrator shall send notice of the applications to the surrounding property owners. The zoning administrator shall determine the area within which property owners are to be notified by mail. If within seven days of mailing such notice, the zoning administrator receives a request for a hearing, the zoning administrator shall schedule an administrative hearing within seven days. Either administratively, if no hearing is requested, or after conducting the administrative hearing, the zoning administrator shall approve, conditionally approve, or disapprove the application in accordance with the purposes of this chapter.
3. For that class of project described in Section 18.20.010(B)(13) of this chapter, the zoning administrator shall send notice of the application to surrounding property owners within 1000 feet of the project site. If within seven days of mailing such notice, the zoning administrator receives a request for a hearing, the zoning administrator shall schedule an administrative hearing within the time frame established by law for decision making on projects. Either administratively, if no hearing is requested, or after the administrative hearings, the zoning administrator shall approve, conditionally approve, or disapprove the application in accordance with the purposes of this chapter.

4. Projects:

   a. Minor Projects. For those classes of projects described in Section 18.20.010(B)(10) of this chapter determined by the zoning administrator to be minor in nature, the zoning administrator shall approve, conditionally approve, or disapprove the application in accordance with the purposes of this chapter. No notice shall be given prior to the zoning administrator's action on these classes of projects.

   b. Substantial Projects: For those classes of projects described in Section 18.20.010(B)(10) of this chapter determined by the zoning administrator to be substantial in nature, the zoning administrator shall send a notice of the application to the surrounding property owners. The zoning administrator shall determine the area within which property owners are to be notified by mail. If within seven days of mailing such notice the zoning administrator receives a request for a hearing, the zoning administrator shall schedule a public hearing at the next available city council meeting. The city council after conducting the hearing shall approve, conditionally approve, or disapprove the application in accordance with the purposes of this chapter.

The zoning administrator shall consider and render a decision within the time frames established by law for decision making on projects.

C. For those projects which are judged by the zoning administrator to involve complex design issues or which may be of a sensitive or controversial nature, the zoning administrator shall refer the plans to a licensed design professional for review and comment. The zoning administrator shall maintain a list of qualified design consultants who agree not to do any professional work in Pleasanton. Upon making a determination that such review is required, the zoning administrator shall refer the plans to one of the design consultants within one week of receiving a completed application. The design professional shall comment on the design of the proposal, attend staff meetings, and attend public hearings as deemed necessary by the zoning administrator. The cost of the consultant services shall be borne by the applicant.

D. The zoning administrator may use the voluntary services of licensed design professionals on minor design review applications where necessary to resolve design issues. Design professionals who provide only voluntary services are not restricted from doing other professional work in Pleasanton. (Ord. 1880, 2003; Ord. 1743, 1998; Ord. 1612 § 2, 1994; Ord. 1591 § 2, 1993)

18.20.050 Effective date of decision.

A. Within five days of the date of the planning commission's decision approving or conditionally approving a project, the secretary shall transmit written notice of the decision to the city council and the applicant. Unless a timely appeal is filed as provided in Section 18.20.060 of this chapter, or unless the city council elects to review the decision of the commission, the decision shall be effective on the later of the following:

   1. The day following the first meeting of the council after the council has received notice of the decision; or

   2. The day after the expiration of the appeal period.

B. Within five days of the date of the zoning administrator's decision approving or conditionally approving drawings, the secretary shall transmit written notice of the decision to the planning commission, city council, and the applicant. Unless a timely appeal is filed as provided in Section 18.20.060 of this chapter, or unless the planning commission and/or the city council elects to review the decision of the zoning administrator, the decision shall be effective on the later of the following:

   1. The day following the first meeting of the council after the council has received notice of the decision; or

   2. The day after the expiration of the appeal period.

C. Unless a timely appeal is filed as provided in Section 18.20.060 of this chapter, the decision of the zoning administrator shall be effective at the expiration of the appeal period. (Ord. 1612 § 2, 1994; Ord. 1591 § 2, 1993)

18.20.060 Appeals.

A. Any appeal pursuant to this action shall follow the procedures outlined in Section 18.144.020 of this title.

B. Any aggrieved party and/or any member of the city council may appeal any decision of the planning commission to the city council.

C. Any aggrieved party may appeal an action of the zoning administrator to the planning commission, except for zoning administrator actions on improvements or expansions to unreinforced masonry (URM) buildings, which shall be taken directly to the city council on appeal. Any appeal to the planning commission may be further appealed to the city council. Any member of the planning commission and/or city council may appeal an action of the zoning administrator to the planning commission or the city council, respectively, except for zoning administrator actions on improvements or expansions to unreinforced masonry (URM) buildings, which shall be taken directly to the city council on appeal. Appeals to the planning commission or council shall be governed by this title as if the appeal of the zoning administrator's action were a new application before the commission or council. (Ord. 1612 § 2, 1993; Ord. 1591 § 2, 1993)

18.20.070 Lapse of approval.

Design approval shall lapse and shall be void one year following the effective date of approval, unless prior to the expiration of one year a building permit is issued and construction is commenced and diligently pursued toward completion, or the applicant or the applicant's successor has filed a request for approval of extension with the zoning administrator pursuant to the provisions of Section 18.12.030 of this title. (Ord. 1612 § 2, 1993; Ord. 1591 § 2, 1993)

Chapter 18.24

DISTRICTS GENERALLY

Sections:

18.24.010 Designated.

The districts established by the zoning regulations shall be as follows:

A agricultural district.

R residential districts:

R-1-40,000 one-family residential district, 40,000 square feet minimum site area per dwelling unit;

R-1-20,000 one-family residential district, 20,000 square feet minimum site area per dwelling unit;

R-1-10,000 one-family residential district, 10,000 square feet minimum site area per dwelling unit;

R-1-8,500 one-family residential district, 8,500 square feet minimum site area per dwelling unit;

R-1-7,500 one-family residential district, 7,500 square feet minimum site area per dwelling unit;

R-1-6,500 one-family residential district, 6,500 square feet minimum site area per dwelling unit;

RM-4,000 multi-family residential district, 8,000 square feet minimum site area, 4,000 square feet site area per dwelling unit;

RM-2,500 multi-family residential district, 7,500 square feet minimum site area, 2,500 square feet site area per dwelling unit;

RM-2,000 multi-family residential district, 10,000 square feet minimum site area, 2,000 square feet site area per dwelling unit;

RM-1,500 multi-family residential district, 10,500 square feet site area per dwelling unit.

O office district.

C commercial districts:

C-N neighborhood commercial district;

C-C central commercial district;

C-R regional commercial district;

C-S commercial service district;

C-F freeway interchange commercial district;

C-A automobile commercial district.

I industrial districts:

I-P industrial park district;

I-G general industrial district.

Q rock, sand and gravel extraction district.

P public and institutional district.

S study district.

RO residential overlay district.

PUD planned unit development district. Any use permitted by this chapter may be approved.

H-P-D hillside planned development district. (Prior code § 2-5.05)

18.24.020 Boundaries.

Wherever any uncertainty exists as to the boundary of a district as shown on the zoning map, the following regulations shall control:

A. Where a boundary line is indicated as following a street or alley, it shall be construed as following the right-of-way line thereof.

B. Where a boundary line is indicated as following a watercourse, it shall be construed as following the centerline thereof.

C. Where a boundary line follows or coincides approximately with a lot line or a property ownership line, it shall be construed as following the lot line or property ownership line.

D. Where a boundary line is not dimensioned and is not indicated as following a street or alley and does not follow or coincide approximately with a lot line or property ownership line, the boundary line shall be determined by the use of the scale designated on the zoning map.

E. Where further uncertainty exists, the city planning commission, upon written application or on its own motion, shall determine the location of the boundary in question, giving due consideration to the location indicated on the zoning map and the objectives of this chapter and the purposes set forth in the district regulations. (Prior code § 2-5.06)

18.24.030 Conformity required.

A. No site or structure shall be used or designated for use for any purpose or in any manner other than in conformity with the regulations for the district in which the structure or use is located.

B. No structure shall be erected and no existing structure or use shall be moved, altered or enlarged except in conformity with the regulations for the district in which the structure or use is located.

C. No yard space provided in compliance with the regulations for the district in which it is located shall be deemed to provide a yard space for any other structure, and no yard space or usable open space on one site shall be deemed to provide a yard space or usable open space for a structure on any other site.

D. No yard, court or usable open space shall be used, encroached upon, or reduced in any manner except in conformity with the regulations for the district in which the yard, court or open space is located.

E. No site held in one ownership at the time of the adoption of the ordinance codified in this section, April 3, 1968, or at any time thereafter shall be reduced in any manner below the minimum area, frontage, width, or depth prescribed for the district in which the site is located. (Prior code § 2-5.07)

Chapter 18.28

A AGRICULTURAL DISTRICT

Sections:

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, second units and farm employee housing for persons employed on the premises. Not more than one dwelling unit, other than farm employee housing or a second unit, shall be permitted on each site;

B. Field and truck crops and horticultural specialties;

C. Home occupations conducted in accord with the regulations prescribed in Chapter 18.104 of this title;

D. 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;

E. Nurseries, greenhouses and botanical conservatories;

F. Orchards and vineyards;

G. Photovoltaic facilities;

H. 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; 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;

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;

I. Administrative offices for on site and off site agricultural activities which are clearly ancillary to the agricultural pursuits taking place on the site;

J. Small family daycare homes. (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 accord 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; and
        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. Agricultural processing plants and wineries.
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. Fur farms and rabbit raising.
Q. Garbage and refuse incineration.
R. Gas and oil wells.
S. Golf courses and golf driving ranges.
T. Guest ranches.
U. Hog and livestock raising, not including feedlots where more than 50 percent of the feed is imported.
V. Hospitals.
W. Labor camps.
X. 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.
Y. 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.

Z. 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.

AA. Poultry raising, egg processing, and hatcheries.

BB. 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.

CC. 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.

DD. Recreational vehicle storage facilities.

EE. Riding academies and stables.

FF. Rifle and pistol ranges.

GG. Roadside stands for the sale of agricultural produce grown on the site.

HH. Sanitary landfill operations.

II. Veterinarians' offices.

JJ. Wood sales and storage yards for unmilled lumber. (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.

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

B. Raising of fruit and nut trees, vegetables and horticultural specialties.

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. (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. Charitable institutions.

B. Churches, convents, monasteries, parish houses, parsonages and other religious institutions.

C. Golf courses.

D. 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.

E. 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.

F. Private recreation parks and swim clubs.

G. 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.

H. 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.

I. 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; 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 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.

J. Home occupations conducted in accord with the regulations prescribed in Chapter 18.104 of this title.

K. Rabbits or fowl (including more than six female chickens) consistent with the provisions of Section 7.36.010 of this code.

L. 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.

M. Large family daycare homes in accordance with Chapter 18.124, Article II of this title.

N. Skateboard ramps.

O. Small bed and breakfasts in accordance with Chapter 18.124, Article III of this title. (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

Sections:

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. (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 director of public works 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. (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)

Chapter 18.40

O OFFICE DISTRICT

Sections:

18.40.010 Purpose.

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

A. To provide opportunities for offices of a semicommercial character to locate outside of commercial districts;

B. To establish and maintain in portions of the city the high standards of site planning, architecture and landscape design sought by many business and professional offices;

C. To provide adequate space to meet the needs of modern offices, including off-street parking of automobiles and, where appropriate, off-street loading of trucks;

D. To provide space for semipublic facilities and institutions that appropriately may be located in office districts;

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 amount of land around them;

F. To protect offices from the noise, disturbance, traffic hazards, safety hazards, and other objectionable influences incidental to certain commercial uses;

G. To protect offices from fire, explosion, noxious fumes and other hazards. (Prior code § 2-6.35)

18.40.020 Required conditions.

A. All uses shall comply with the regulations prescribed in Chapter 18.84 of this title;

B. All professional pursuits and businesses shall be conducted entirely within a completely enclosed structure, except for off-street parking and loading areas;

C. No use shall be permitted, and no process, equipment or material shall be employed which is found by the 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, insect nuisance, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare, unsightliness or truck traffic, or to involve any hazard of fire or explosion. (Prior code § 2-6.36)

18.40.030 Permitted uses.

The following uses shall be permitted in the O District:

A. Offices of the following types:

1. Administrative headquarters and executive offices.

2. Business offices, including wholesaling establishments without stock, and not including the retail sale of any commodity on the premises.
3. Business service offices, including employment agencies, accountants, notaries, stenographic, addressing, computing, and related services.
4. Consulting service offices, business and professional.
5. Design professions offices not including retail sales on the premises.
6. Insurance offices.
7. Investment service offices.
8. Legal service offices.
9. Massage establishments, not in conjunction with medical uses, of three or fewer massage technicians at any one time, for which the applicant has obtained a massage technician permit from the police department, provides massages only between 8:00 a.m. and 9:00 p.m., and can meet the parking requirements as established in Chapter 18.88 of this title. If operation of the use results in conflicts pertaining to parking noise, traffic, or other factors, the planning commission may modify or add conditions to mitigate such impacts, or may revoke the zoning certificate for the use.
10. Medical, dental and related health services offices, including laboratories rendering services only and not involving the manufacture, fabrication or sale of any article or commodity other than those incidental to the services provided.
11. Public utility consumer service offices.
12. Real estate, title company, and related service offices.
13. Research service offices, analytical and scientific, not involving the manufacture, fabrication, procession or sale of products on the premises.
14. Travel agencies.

B. Prescription pharmacies, provided that at least 80 percent of the interior display area shall be used for the preparation and sale of prescription or trade drugs.

C. Charitable institutions.

D. Churches and other religious institutions.

E. Private noncommercial clubs and lodges.

F. Mortuaries.

G. Nursing homes and senior care/assisted living facilities 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. Parking facilities improved in conformity with the standards prescribed in Chapter 18.88 of this title relating to standards for off-street parking facilities.

I. Any other use which is determined by the planning commission, as provided in Chapter 18.128 of this title, to be similar to the uses listed in this section.

J. 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 "Spare The Air Days" in Alameda County.
2. Photovoltaic facilities.

3. 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; 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.
4. 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.

K. Financial institutions including banks, savings and loan associations, finance companies, credit unions and related services.

L. 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, including music and dance studios not less than 150 feet from an R district with no more than 20 students in the private school, tutorial school, college, music studio, or dance studio, at any one time shall be permitted uses subject to the following conditions:
    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 such use.

    The standard city noise ordinance applies. (Ord. 1950 § 2 (Exh. A), 2007; Ord. 1880, 2003; Ord. 1743, 1998; Ord. 1726 § 1, 1997; Ord. 1668 § 1, 1995; prior code § 2-6.37)

18.40.040 Conditional uses.

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

A. Hospitals and sanitariums, not including hospitals or sanitariums for mental, drug addict or liquor addict cases.

B. Restaurants, including on-sale liquor and soda fountains, not including drive-in establishments or establishments providing entertainment.

C. 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, including music and dance studios not less than 150 feet from an R district which cannot meet the criteria for private schools, tutorial schools, colleges, music studios, and dance studios as written in Section 18.40.030.

D. 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.

E. 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.

F. Barbershops.

G. Massage establishments, not in conjunction with medical uses, which cannot meet the criteria for massage establishments in Section 18.40.030 of this chapter. (Ord. 1950 § 2 (Exh. A), 2007; Ord. 1880, 2003; Ord. 1743, 1998; Ord. 1726 § 1, 1997; Ord. 1668 § 1, 1995; prior code § 2-6.38)

18.40.050 Prohibited uses.

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

A. Any use not specifically or conditionally permitted by this chapter, unless a determination is made under Chapter 18.128 of this title.

B. Firearm sales. (Ord. 1880, 2003; Ord. 1738 § 1, 1998)

18.40.060 Underground utilities.

Electric and communication service wires to a new structure shall be placed underground from the nearest utility pole. If the director of public works 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. 1738 § 1, 1998; prior code § 2-6.39)

18.40.070 Off-street parking.

Off-street parking facilities shall be provided for each use in the O district as prescribed in Chapter 18.88 of this title. (Ord. 1738 § 1, 1998; prior code § 2-6.40)

18.40.080 Off-street loading.

Off-street loading facilities shall be provided for each use as prescribed in Chapter 18.92 of this title. (Ord. 1738 § 1, 1998; prior code § 2-6.41)

18.40.090 Signs.

No sign, outdoor advertising structure or display of any character shall be permitted in the O district except as prescribed in Chapter 18.96 of this title. (Ord. 1738 § 1, 1998; prior code § 2-6.42)

18.40.100 Design review.

All permitted and conditional uses in the O district 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. 1738 § 1, 1998; prior code § 2-6.43)

Chapter 18.44

C COMMERCIAL DISTRICTS

Sections:

18.44.010 Purpose.

In addition to the objectives prescribed in Section 18.04.010 of this title, the C commercial districts are included in this title to achieve the following purposes:

A. To provide appropriately located areas for retail stores, offices, service establishments, amusement establishments, and wholesale businesses, offering commodities and services required by residents of the city and its surrounding market area;

B. To provide opportunities for retail stores, offices, service establishments, amusement establishments, and wholesale businesses to concentrate for the convenience of the public and in mutually beneficial relationship to each other;

C. To provide space for community facilities and institutions that appropriately may be located in commercial areas;

D. To provide adequate space to meet the needs of modern commercial development, including off-street parking and truck loading areas;

E. To minimize traffic congestion and to avoid overloading of utilities by preventing the construction of buildings of excessive size in relation to the amount of land around them;

F. To protect commercial properties from noise, odor, dust, dirt, smoke, vibration, heat, glare, heavy truck traffic, and other objectionable influences incidental to industrial uses;

G. To protect commercial properties from fire, explosion, noxious fumes, and other hazards. (Prior code § 2-7.00)

18.44.020 Special purpose—C-N neighborhood commercial district.

The purpose of the C-N neighborhood commercial district is as follows:

A. To provide appropriately located areas for retail stores, offices, and personal service establishments patronized primarily by residents of the immediate area;

B. To permit development of neighborhood shopping centers of the size and in the appropriate locations shown on the general plan, according to standards that minimize adverse impact on adjoining residential uses. (Prior code § 2-7.01)

18.44.030 Special purpose—C-C central commercial district.

The purpose of the C-C central commercial district is as follows:

A. To maintain compactness and encourage more intensive development in Pleasanton's central business district;

B. To maximize the efficiency of the central district by limiting or prohibiting uses that break the continuity of commercial frontage or are incompatible with an attractive pedestrian shopping area;

C. To facilitate the establishment of assessment districts for provision of off-street parking facilities by limiting or prohibiting drive-in type uses that would not benefit substantially from public off-street parking facilities. (Prior code § 2-7.02)

18.44.040 Special purpose—C-R regional commercial district.

The purpose of the C-R regional commercial district is as follows:

A. To provide a large site at an appropriate location for a major shopping center drawing trade from the entire Amador-Livermore Valley;

B. To ensure that a major center will be developed in accord with high standards of site planning, architecture, and landscape design;

C. To minimize the adverse effect of major commercial facilities on nearby dwellings. (Prior code § 2-7.03)

18.44.050 Special purpose—C-S service commercial district.

The purpose of the C-S service commercial district is as follows:

A. To provide appropriately located areas for commercial uses having features that are incompatible with the purposes of the other commercial districts;

B. To provide sites for businesses that typically are not found in shopping centers, that usually have relatively large sites providing off-street parking, and that attract little or no pedestrian traffic. (Prior code § 2-7.04)

18.44.060 Special purpose—C-F freeway interchange commercial district.

The purpose of the C-F freeway interchange commercial district is as follows:

A. To provide appropriately located areas for establishments catering to freeway travelers and tourists;

B. To enhance the appearance of certain entrances to the city, and to protect motel and restaurant patrons from nuisances by limiting or prohibiting certain commercial service uses that often are unsightly or have nuisance features;

C. To provide appropriately located areas for establishments that generally require large sites and do not require close proximity to other commercial uses. (Prior code § 2-7.05)

18.44.070 Special purpose—C-A automobile commercial district.

The purpose of the C-A Automobile Commercial District is to provide an opportunity for automobile dealers and closely related businesses to benefit from the proximity and high design standards possible in a shopping center type of automotive district. (Prior code § 2-7.06)

18.44.080 Required conditions.

A. All uses shall comply with the regulations prescribed in Chapter 18.84 of this title, except in the C-R District where the zoning administrator and/or planning commission shall establish such regulations on a case-by-case basis in accordance with the purposes of Chapter 18.20 of this title.

B. All uses, except as indicated below, shall be conducted entirely within a completely enclosed structure. Uses include, but are not limited to, all business transactions, services, processes and displays, but do not include off-street parking and loading areas.

1. Certain uses which by their nature require and ordinarily include outdoor activities (whether services, processes, display, or whatever) may conduct aspects of the business outside of a completely enclosed structure. Such uses include the following and such other similar uses as determined by the zoning administrator:
   a. Service stations.
   b. Outdoor dining areas as part of a restaurant.
   c. Nurseries.
   d. Garden shops.
   e. Christmas tree sales lots.
   f. Lumberyards.
   g. Utility substations and equipment installations.
   h. Amusement parks.
   i. Auto sales, rental, or leasing.
   j. Boat sales.
   k. Drive-in theaters.
   l. Outdoor art and craft shows.
   m. Outdoor recreation and sports facilities.
   n. Equipment rental yards.
   o. Drive-in restaurants.
   p. Stone and monument yards.
   q. Commercial storage yards.
   r. Mobilehome sales.
   s. Truck and trailer sales.

   Such uses shall require design review and/or use permit approval pursuant to the procedures of this title.
2. Temporary outdoor uses may be permitted pursuant to Section 18.116.040 of this title.
3. Outdoor decorative displays for the purpose of enhancing the appearance of a structure or site, occupying no more than 50 square feet and not located in a public right-of-way or in any required parking area, will be allowed by the zoning administrator upon making the finding that such displays are not detrimental to the public health, safety or general welfare. Such displays shall not contain signing (unless they are submitted as a sign). The zoning administrator's decision with regard to what constitutes a decorative display may be appealed to the planning commission by the affected merchant or property owner. The requirements of Section 18.144.030 of this title shall not govern such an appeal.

C. In a C-N district all products produced on the site of any of the permitted uses shall be sold primarily at retail on the site where produced.

D. No use shall be permitted, and no process, equipment, or material shall be employed which is found by the 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, insect nuisance, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare, unsightliness, or heavy truck traffic, or to involve any hazard of fire or explosion. No exterior illumination closer than 200 feet to the boundaries of a site or interior illumination closer than 10 feet to a window within 200 feet of the boundary of a site and visible beyond the boundary of a site, whether related to a sign or not, shall exceed the intensity permitted by Chapter 18.96 of this title regarding illumination. (Ord. 1656 § 1, 1995; Ord. 1104 § 1, 1983; prior code § 2-7.07)

18.44.090 Permitted and conditional uses.

A. Permitted and conditional uses in a C District are provided in Table 18.44.090 at the end of this section.

B. Multi-family dwellings shall be permitted in the C-C district provided that there shall be not less than 1,000 square feet of site area per dwelling unit, and provided that dwelling units not located above a permitted nonresidential use shall be subjected to the requirements for usable open space per dwelling unit of the RM-1,500 district.

Yards and courts at and above the first level occupied by dwelling units shall be as required by Section 18.84.100 of this title, except that where no side or rear yard is required for a nonresidential use on the site, no side or rear yard need be provided except adjoining walls with openings.

C. Any other use which is determined by the planning commission, as provided in Chapter 18.128 of this title, to be similar to the uses listed in this section shall be a permitted use or a conditional use in the districts in which the uses to which it is similar are permitted uses or conditional uses.

Table 18.44.090

PERMITTED AND CONDITIONAL USES

The following uses shall be permitted uses or conditional uses in a C district where the symbol "P" for permitted use, "C" for conditional use, or "TC" for temporary conditional use appears in the column beneath the C district:

Note:

* Uses which are part of a completely enclosed mall complex, all activities take place entirely indoors.

** Uses on peripheral sites physically separated from a central enclosed mall.

	CR*(m)	CR**(p)	CN	CC	CS	CF	CA
Accessory uses and structures, not including warehouses, 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 "Spare The Air Days" in Alameda County;	P	P	P	P	P	P	P
2. Photovoltaic facilities;	P	P	P	P	P	P	P
3. 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;							

	CR*(m)	CR**(p)	CN	CC	CS	CF	CA
d. The facilities shall not exceed a noise level of 45 dBA at any point on a 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;	P	P	P	P	P	P	P
4. 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 1 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 applicable subject district;							
Small fuel cell facilities are encourages to be cogeneration or combined cycle facilities	P	P	P	P	P	P	P
Accessory uses and structures 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	C	C	C	C	C	C	C

	CR*(m)	CR**(p)	CN	CC	CS	CF	CA
2. Medium fuel cell facilities that meet the applicable standards of Section 18.124.290 of this title	C	C	C	C	C	C	C
Adult entertainment establishments (see Chapter 18.114 of this title)	P	P		P	P		
Ambulance services				C	P		
Amusement parks					C		
Antique stores, no firearm sales				P			
Antique stores with sales of antique firearms				C			
Appliance sales and repair, provided repair services shall be incidental to retail sales	P	P		P	P		
Art galleries and artists' supply stores	P	P	P	P			
Auction rooms				C	C	C	
Automobile racing stadiums and drag strips					C		
Automobile rental, sales and/or leasing; no service	P			P	C	C	P
Automobile repairing, overhauling and painting		C			C		P
Automobile sales and service including new and used car sales		P			C	C	P
Automobile supply stores, no service or shop work	P	P	C	P	P		P
Automobile upholstery and top shops						C	P
Barbershops and beauty shops	P	P	P	P			
Bars and brew pubs, as defined in Chapter 18.08 of this title	C	C		C		C	
Beauty shops including massage services which cannot meet the criteria for beauty shops including massage services as written in the use category below	C	C	C	C			
Beauty shops including massage services of three or fewer massage technicians at any one time for which the applicant has obtained a massage technician permit from the police department, provides massages only between 8:00 a.m. and 9:00 p.m., and can meet the parking requirements as established in Chapter 18.88 of this title. If operation of the use results in conflicts pertaining to parking noise, traffic, or other factors, the planning commission may modify or add conditions to mitigate such impacts, or may revoke the zoning certificate for said use	P	P	P	P			
Bed and breakfast inns				C			
Bicycle shops	P	P	P	P	P		
Birthing center				C			
Blacksmiths' shops, not less than 300 feet from an R or O district				C	C		
Boat sales, service and repair					C	C	P
Boat sales, no service or repair	P				P		

	CR*(m)	CR**(p)	CN	CC	CS	CF	CA
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 supplies on a charitable basis and other similar charitable operations				C	C		
Childcare centers, if located a min- mum 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		
1. Existing or approved residences or agricultural zoning districts or in planned unit developments with a residential or agricultural zoning designation;							
2. Undeveloped residential or agricultural zoning districts or undeveloped planned unit developments with a residential or agricultural zoning designation and without an approved development plan, unless designated as a public and institutional land use in the general plan;							
3. Existing or approved public schools, private schools, and childcare centers, not including schools which only provide tutorial services;							
4. Neighborhood parks, community parks, or regional parks, as designated in the general plan; and							
5. Existing or approved senior care/assisted living facilities, including nursing homes.							
All commercial radio and television aerials, antennas, and transmission towers shall be located so as to minimize their visibility and, unless determined by the zoning administrator to be significantly hidden from view, designed to ensure that they will not appear as an aerial, antenna, and/or transmission tower. All such facilities determined by the zoning administrator to be visible 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, shall incorporate appropriate stealth techniques to camouflage, disguise, and/or blend them into the surrounding environment, and shall be in scale and architecturally integrated with their surroundings in such a manner as to be visually unobtrusive. All applications for commercial radio and/or television aerials, antennas, and transmission towers shall include engineering analyses completed to the satisfaction of the zoning administrator. Said analyses shall be peer-reviewed by an outside consultant.							

	CR*(m)	CR**(p)	CN	CC	CS	CF	CA
If mounted on structures or on architectural details of a building, these facilities shall be treated to match the existing architectural features and colors found on the building's architecture through design, color, texture, or other measures deemed to be necessary by the zoning administrator.							
Roof-mounted aerials and antennas shall be located in an area of the roof where the visual impact is minimized. Roof-mounted and ground-mounted aerials, antennas, and transmission towers shall not be allowed in the direct sightline(s) or sensitive view corridors, or where they would adversely affect scenic vistas, unless the facilities incorporate the appropriate, creative techniques to camouflage, disguise, and/or blend them into the surrounding environment, as determined to be necessary by the zoning administrator.							
All commercial radio and television aerials, antennas, and transmission towers shall conform to the applicable requirements of Cal-OSHA and/or the FCC before commencement of, and during operation. Evidence of conformance shall be provided to the zoning administrator before final inspection of the facility by the director of building inspection.							
If the zoning administrator finds that an approved aerial, antenna, or transmission tower is not in compliance with this title, that conditions have not been fulfilled, or that there is a compelling public safety and welfare necessity, the zoning administrator shall notify the owner/operator of the aerial/antenna/ transmission tower in writing of the concern, and state the actions necessary to cure. After 30 days from the date of notification, if compliance with this title is not achieved, the conditions of approval have not been fulfilled, or there is still a compelling public safety and welfare necessity, the zoning administrator shall refer the use to the planning commission for review. Such reviews shall occur at a noticed public hearing where the owner/operator of the aerial/antenna/ transmission tower may present relevant evidence. If, upon such review, the planning commission finds that any of the above have occurred, the planning commission may modify or revoke all approvals and/or permits.							

	CR*(m)	CR**(p)	CN	CC	CS	CF	CA
Copying and related duplicating services and printing/publishing services using only computers, copy machines, etc., not including lithographing, engraving, or such similar reproduction services	P	P	P	P	P		
Dairy products plants					C		
Dairy products manufacturing for retail sale on premises only	P			C	P		
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		
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 square feet. Direct sales to the public shall be limited to petroleum products, automotive accessories, tobacco, soft drinks, candy and gum	C	C	C	C	C	C	C
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	

	CR*(m)	CR**(p)	CN	CC	CS	CF	CA
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 which cannot meet the criteria for gymnasiums and health clubs with massage services as written in the use category below	C	C	C	C	C		
Gymnasiums and health clubs including massage services of three or fewer massage technicians at any one time for which the applicant has obtained a massage technician permit from the police department, provides massages only between 8:00 a.m. and 9:00 p.m. and can meet the parking requirements as established in Chapter 18.88 of this title. If operation of the use results in conflicts pertaining to parking noise, traffic, or other factors, the planning commission may modify or add conditions to mitigate such impacts, or may revoke the zoning certificate for said use	P	C	C	C	P		
Hardware stores	P	P	P	P	P		
Heating and air conditioning shops					C		
Hobby shops	P	P	P	P			
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			
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			

	CR*(m)	CR**(p)	CN	CC	CS	CF	CA
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, not in conjunction with medical uses, which cannot meet the criteria for massage establishments as written in the use category below	C	C		C			
Massage establishments, not in conjunction with medical uses, of three or fewer massage technicians at any one time, for which the applicant has obtained a massage technician permit from the police department, provides massages only between 8:00 a.m. and 9:00 p.m., and can meet the parking requirements as established in Chapter 18.88 of this title. If operation of the use results in conflicts pertaining to parking noise, traffic, or other factors, the planning commission may modify or add conditions to mitigate such impacts or may revoke the zoning certificate for said use	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	
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		

	CR*(m)	CR**(p)	CN	CC	CS	CF	CA
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 must be found by the planning commission to be necessary for the public health, safety, or welfare		C	C	C	C	C	
"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	

	CR*(m)	CR**(p)	CN	CC	CS	CF	CA
Recreation and sport facilities, indoor, including massage services which cannot meet the criteria for recreation and sport facilities, indoor, with massage services as written in the use category below [Staff Comment—This use category is addressed in the use category above and the use category below]							
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, for which the applicant has obtained a massage technician permit from the police department, provides massages only between 8:00 a.m. and 9:00 p.m., and can meet the parking requirements as established in Chapter 18.88 of this title, 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.							
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 establishments	P	P	P	P	C	P	
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

	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.							
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		
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 retreading 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	
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	

	CR*(m)	CR**(p)	CN	CC	CS	CF	CA
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 building which complies with specifications for soundproof construction prescribed by the director of building inspection			C				
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 director of building inspection				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. 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 director of public works 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. (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 18.48

I INDUSTRIAL DISTRICTS

Sections:

18.48.010 Purpose.

In addition to the objectives prescribed in Section 18.04.010 of this title, the I industrial districts are included in this title to achieve the following purposes:

A. The provisions of this chapter shall be administered and enforced in a manner to clearly establish the objectives and to express the desire of the city, community organizations and civic groups to locate industrial development in the Pleasanton area;

B. To reserve appropriately located areas for industrial plants and related activities;

C. To protect areas appropriate for industrial use from intrusion by dwellings and other inharmonious uses;

D. To protect residential and commercial properties and to protect nuisance free, nonhazardous industrial uses from noise, odor, insect nuisance, dust, dirt, smoke, vibration, heat and cold, glare, truck and rail traffic and other objectionable influences, and from fire, explosion, noxious fumes, radiation and other hazards incidental to certain industrial uses;

E. To provide opportunities for certain types of industrial plants to concentrate in mutually beneficial relationship to each other;

F. To provide adequate space to meet the needs of modern industrial development, including off-street parking and truck loading areas and landscaping;

G. To provide sufficient open space around industrial structures to protect them from the hazard of fire and to minimize the impact of industrial plants on nearby residential and agricultural districts;

H. To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the amount of land around them. (Prior code § 2-7.17)

18.48.020 Special purpose—I-P industrial park district.

The special purposes of the I-P district are as follows:

A. To establish and maintain high standards of site planning, architecture and landscape design that will create an environment attractive to the most discriminating industries and research and development establishments seeking sites in northern California;

B. To provide locations for industries that can operate in close proximity to commercial and residential uses with minimum mutual adverse impact;

C. To protect light industrial and related uses from nuisances associated with heavy industrial uses. (Prior code § 2-7.18)

18.48.030 Special purpose—I-G general industrial district.

The special purpose of the I-G district is to provide locations where industries that are incompatible with most other land uses can operate with minimum restriction and without adverse effect on other uses. (Prior code § 2-7.18(a))

18.48.040 Special purpose—L-I light industrial district.

The special purpose of the L-I district is to provide locations for industries that are more restrictive in terms of use than the I-G district and can operate in relatively close proximity to commercial and residential uses with a minimum of adverse effects. (Prior code § 2-7.18(b))

18.48.050 Required conditions generally.

All uses shall comply with the regulations prescribed in Chapter 18.84 of this title and with the additional regulations prescribed in this section. The zoning administrator may require submission of evidence of ability to comply with the required conditions or of maintenance of the required conditions as prescribed in Chapter 18.128 of this title regarding determination of compliance with required conditions. (Prior code § 2-7.19)

18.48.060 Noise restrictions.

In an I-P or L-I district, no use except a temporary construction operation shall be permitted which creates, at any point beyond the boundaries of the site, noise of a maximum sound pressure level greater than the values given in the following table. In an I-G district no use except a temporary construction operation shall be permitted which creates, at any R or O district boundary, noise of a maximum sound pressure level greater than the values given in the following table. The sound pressure levels shall be measured in decibels 0.002 dynes per square centimeter with a sound level meter and associated octave band filter conforming to standards prescribed by the American Standards Association.

Octave Band (Cycles Per Second)	Maximum Permitted Sound Pressure Level (Decibels)
Below 75	72
75—149	67
150—299	59
300—599	52
600—1,199	46
1,200—2,399	40
2,400—4,799	34
4,800 and above	32

(Prior code § 2-7.19(1))

18.48.070 Emissions.

No use shall be permitted which creates any emission which endangers human health, can cause damage to animals, vegetation or other property, or which can cause soiling at any point beyond the boundaries of the site. All uses that emit any of the air contaminants listed in the bay area air pollution control district's Regulation 2, shall comply with the regulations contained therein. (Prior code § 2-7.19(2))

18.48.080 Odor.

No use shall be permitted which creates annoying odor in such quantities as to be readily detectable beyond the boundaries of the site in an I-P or L-I district or beyond the boundaries of the district in an I-G district when diluted in the ratio of one volume of odorous air to four volumes of clean air. (Prior code § 2-7.19(3))

18.48.090 Vibration.

No use except a temporary construction operation shall be permitted which creates vibration sufficient to cause a displacement of 0.003 of one inch beyond the boundaries of the site. (Prior code § 2-7.19(4))

18.48.100 Heat and cold, glare and electrical disturbance.

No use except a temporary construction operation shall be permitted which creates changes in temperature or direct or sky reflected glare, detectable by the human senses without the aid of instruments beyond the boundaries of the site. No use shall be permitted which creates electrical disturbances that affect the operation of any equipment beyond the boundaries of the site. No exterior illumination closer than 200 feet to the boundaries of a site or interior illumination closer than 10 feet to a window within 200 feet of the boundary of a site and visible beyond the boundary of a site, whether related to a sign or not, shall exceed the intensity permitted by Chapter 18.96 of this title relating to illumination. (Prior code § 2-7.19(5))

18.48.110 Radiation.

No use shall be permitted which emits dangerous radioactivity. (Prior code § 2-7.19(6))

18.48.120 Insect nuisance.

No use shall be permitted which creates insect nuisance beyond the boundaries of the site. (Prior code § 2-7.19(7))

18.48.130 Disposal of industrial waste.

All uses shall comply with regulations prescribed by city ordinance. (Prior code § 2-7.19(8))

18.48.140 Permitted uses—I-P district.

The following uses shall be permitted in an I-P district:

A. Light industrial and related uses, including only:

Manufacturing, assembling, compounding, packaging and processing of articles or merchandise from the following previously prepared materials: bone, canvas, cellophane, cellulose, cloth, cork, feathers, felt, fiber and synthetic fiber, fur, glass, hair, ink, horn, leather, paint (not employing a boiling process), paper, plastics, precious or semiprecious metals or stones, rubber and synthetic rubber, shell, straw, textiles, tobacco and wood (not including a planing mill or a sawmill).

Manufacture and assembly of business machines, including electronic data processing equipment, accounting machines, calculators, typewriters and related equipment.

Manufacture and assembly of communications and testing equipment.

Manufacture of cutlery, hardware and hand tools; die and pattern making; metal stamping and extrusion of small products such as custom jewelry, pins and needles, razorblades, bottle caps, buttons and kitchen utensils.

Manufacture and assembly of electrical supplies such as coils, condensers, crystal holders, insulation, lamps, switches and wire and cable assembly, provided no noxious or offensive fumes or odors are produced.

Manufacture of scientific, medical, dental and drafting instruments, orthopedic and medical appliances, optical goods, watches and clocks, electronics equipment, precision instruments, musical instruments and cameras and photographic equipment except film.

Assembly of small electric appliances such as lighting fixtures, irons, fans, toasters and electric toys, but not including refrigerators, washing machines, dryers, dishwashers and similar home appliances.

Assembly of electrical equipment such as radio and television receivers, phonographs and home motion picture equipment, but not including electrical machinery.

Laboratories, commercial, testing, research, experimental or other, including pilot plants.

General office uses (including computer centers).

Photographic processing.

Printing, lithographing and engraving.

Publishing.

Microbreweries*.

*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.

B. Incidental services for employees on a site occupied by a permitted use.

C. Watchmen’s living quarters only when incidental to and on the same site with a permitted use.

D. Parking lots improved in conformity with the standards prescribed in Chapter 18.88 of this title.

E. Any other use which is determined by the city planning commission as provided in Chapter 18.128 of this title would be similar or compatible with the industrial park concept.

F. 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 "Spare The Air Days" in Alameda County.
2. Photovoltaic facilities.
3. 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; 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.
4. 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.

G. 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:

1. Existing or approved residences or agricultural zoning districts or in planned unit developments with a residential or agricultural zoning designation;
2. Undeveloped residential or agricultural zoning districts or undeveloped planned unit developments with a residential or agricultural zoning designation and without an approved development plan, unless designated as a public and institutional land use in the general plan;
3. Existing or approved public schools, private schools, and childcare centers, not including schools which only provide tutorial services;
4. Neighborhood parks, community parks, or regional parks, as designated in the general plan; and
5. Existing or approved senior care/ assisted living facilities, including nursing homes.

All commercial radio and television aerials, antennas, and transmission towers shall be located so as to minimize their visibility and, unless determined by the zoning administrator to be significantly hidden from view, designed to ensure that they will not appear as an aerial, antenna, and/or transmission tower. All such facilities determined by the zoning administrator to be visible 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, shall incorporate appropriate stealth techniques to camouflage, disguise, and/or blend them into the surrounding environment, and shall be in scale and architecturally integrated with their surroundings in such a manner as to be visually unobtrusive. All applications for commercial radio and/or television aerials, antennas, and transmission towers shall include engineering analyses completed to the satisfaction of the zoning administrator. Said analyses shall be peer reviewed by an outside consultant.

If mounted on structures or on architectural details of a building, these facilities shall be treated to match the existing architectural features and colors found on the building's architecture through design, color, texture, or other measures deemed to be necessary by the zoning administrator.

Roof mounted aerials and antennas shall be located in an area of the roof where the visual impact is minimized. Roof mounted and ground mounted aerials, antennas, and transmission towers shall not be allowed in the direct sightline(s) or sensitive view corridors, or where they would adversely affect scenic vistas, unless the facilities incorporate the appropriate, creative techniques to camouflage, disguise, and/or blend them into the surrounding environment, as determined to be necessary by the zoning administrator.

All commercial radio and television aerials, antennas, and transmission towers shall conform to the applicable requirements of Cal-OSHA and/or the FCC before commencement of, and during operation. Evidence of conformance shall be provided to the zoning administrator before final inspection of the facility by the director of building inspection.

If the zoning administrator finds that an approved aerial, antenna, or transmission tower is not in compliance with this title, that conditions have not been fulfilled, or that there is a compelling public safety and welfare necessity, the zoning administrator shall notify the owner/operator of the aerial/antenna/transmission tower in writing of the concern, and state the actions necessary to cure. After 30 days from the date of notification, if compliance with this title is not achieved, the conditions of approval have not been fulfilled, or there is still a compelling public safety and welfare necessity, the zoning administrator shall refer the use to the planning commission for review. Such reviews shall occur at a noticed public hearing where the owner/operator of the aerial/antenna/ transmission tower may present relevant evidence. If, upon such review, the planning commission finds that any of the above have occurred, the planning commission may modify or revoke all approvals and/or permits.

H. Public or private recreation facilities with no more than 20 students on the site at any one time are permitted uses subject to the following conditions:

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. (Ord. 1950 § 2 (Exh. A), 2007; Ord. 1880, 2003; Ord. 1821 § 1, 2001; Ord. 1738 § 1, 1998; Ord. 1665 § 3, 1995; prior code § 2-7.20(1))

18.48.150 Permitted uses—I-G district.

The following uses shall be permitted in an I-G district:

A. All uses permitted in Section 18.48.140 of this chapter.

B. General industrial and related uses, including only:

Aircraft and aircraft accessories and parts manufacture.

Automobile, truck and trailer accessories and parts manufacture.

Automobile, truck and trailer assembly.

Bag cleaning.

Bakeries.

Battery manufacture.

Boat building.

Boiler works.

Bottling works.

Box factories and cooperage.

Breweries and distilleries.

Building materials manufacture and assembly, including composition wallboards, partitions, panels and prefabricated structures.

Can and metal container manufacture.

Candle manufacture, not including rendering.

Carpet and rug manufacture.

Cement products manufacture, including concrete mixing and batching.

Chemical products manufacture, provided no hazard of fire or explosion is created, including adhesives, bleaching products, bluing, calcimine, dyestuffs (except aniline dyes), essential oils, soda and soda compounds, and vegetable gelatin, glue and size.

Clay products manufacture including brick, fire brick, tile, pipe, vitreous china, fine earthenware and porcelain electrical supplies.

Cold storage plants.

Cork manufacture.

Dairy products plants.

Firearms manufacture.

Flour, feed and grain mills.

Food products manufacture, including such processes as cooking, dehydrating, roasting, refining, pasteurization, and extraction involved in the preparation of such products as casein, cereal, chocolate and cocoa products, cider and vinegar, coffee, glucose, milk and dairy products, molasses and syrups, oleomargarine, pickles, rice, sauerkraut, sugar, vegetable oils and yeast.

Freight forwarding terminals.

Glass and glass products manufacture.

Graphite and graphite products manufacture.

Gravel, rock and cement yards.

Gunsmiths.

Hair, felt and feathers processing.

Ice manufacture.

Insecticides, fungicides, disinfectants and similar industrial and household chemical compounds manufacture.

Jute, hemp, sisal and oakum products manufacture.

Laundry and cleaning plants.

Leather and fur finishing and dyeing, not including tanning and curing.

Machine tools manufacture, including metal lathes, metal presses, metal stamping machines and woodworking machines.

Machinery manufacture, including heavy electrical, agricultural, construction and mining machinery and light machinery and equipment such as air conditioning, commercial motion picture equipment, dishwashers, dryers, furnaces, heaters, refrigerators, ranges, stoves, ovens, and washing machines.

Manufacture and maintenance of electric and neon signs, commercial advertising structures, and light sheet metal products including heating and ventilating ducts and equipment, cornices, eaves and the like.

Manufacturing, assembling, compounding, packaging and processing of cosmetics, drugs, pharmaceuticals, perfumes, perfumed toilet soap (not including refining or rendering of fats or oils), and toiletries.

Manufacturing, canning, and packing of food products, including fruits and vegetables but not including meat products, pickles, sauerkraut, vinegar or yeast, dehydrating of garlic or onions, or refining or rendering of fats or oils.

Match manufacture.

Mattress manufacture.

Meat products processing and packaging, not including slaughtering and glue and size manufacture.

Metal alloys and foil manufacture, including solder, pewter, brass, bronze and tin, lead and gold foil.

Metal casting and foundries, not including magnesium foundries.

Metal finishing and plating.

Motor and generator manufacture.

Motor testing of internal combustion motors.

Painting, enameling and lacquering shop.

Paper products manufacture, including shipping containers, pulp goods, carbon paper and coated paper stencils.

Paraffin products manufacture.

Plastics manufacture.

Porcelain products manufacture, including bathroom and kitchen fixtures and equipment.

Precious metals reduction, smelting and refining.

Public utility and public service pumping stations, equipment buildings and installations, service yards, power stations, drainageways and structures, reservoirs, percolation basins, well fields, storage tanks, and transmission lines.

Railroad equipment manufacture, including railroad car and locomotive manufacture.

Railroad stations, repair shops and yards; bus depots.

Repair shops.

Rubber products manufacture, including tires and tubes.

Sandblasting.

Sheet metal shops.

Shoe polish manufacture.

Starch and dextrine manufacture.

Steel products manufacture and assembly, including steel cabinets, lockers, doors, fencing and furniture.

Stone products manufacture and stone processing, including abrasives, stone screening, and sand and lime products (excluding asbestos).

Structural steel products manufacture, including bars, girders, rails and wire rope.

Textile bleaching.

Textile, knitting and hosiery mills.

Trade schools with no more than 20 students in the school at any one time are permitted uses subject to the following conditions:

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.

Trucking terminals.

Warehousing, not including the storage of fuel or flammable liquids.

Welding shops.

Wholesale business establishments.

Wood and lumber processing and woodworking, including planing mills, sawmills, excelsior, plywood, veneer and wood preserving treatment.

Woodworking shops; cabinet shops.

Wool scouring and pulling.

C. Any other use which is determined by the city planning commission, as provided in Chapter 18.128 of this title, to be similar to the uses listed in this section. (Ord. 1950 § 2 (Exh. A), 2007; Ord. 1738 § 1, 1998; prior code § 2-7.20(2))

18.48.160 Permitted uses—L-I district.

The following uses shall be permitted in an L-I district:

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:

A. 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 "Spare The Air Days" in Alameda County.

B. Photovoltaic facilities.

C. Small electricity generator facilities that meet the following criteria:

1. The fuel source for the generators shall be natural gas, biodiesel, or the byproduct of an approved cogeneration or combined cycle facility;

2. The facilities shall use the best available control technology to reduce air pollution;

3. The facilities shall not create any objectionable odors at any point outside of the property plane where the facilities are located;

4. 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

5. 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;

6. The facilities shall be cogeneration or combined cycle facilities, if feasible.

D. Small fuel cell facilities that meet the following criteria:

1. The facilities shall not create any objectionable odors at any point outside of the property plane where the facilities are located;

2. 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

3. 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.

Bakeries.

Beverage distributors.

Blacksmith shops.

Blueprint and photostat shops.

Bookbinding.

Building materials yards.

Cabinet shops.

Carpenter shops.

Clothes cleaning and dyeing.

Cold storage plants.

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:

A. Existing or approved residences or agricultural zoning districts or in planned unit developments with a residential or agricultural zoning designation;

B. Undeveloped residential or agricultural zoning districts or undeveloped planned unit developments with a residential or agricultural zoning designation and without an approved development plan, unless designated as a public and institutional land use in the general plan;

C. Existing or approved public schools, private schools, and childcare centers, not including schools which only provide tutorial services;

D. Neighborhood parks, community parks, or regional parks, as designated in the general plan; and

E. Existing or approved senior care/ assisted living facilities, including nursing homes.

All commercial radio and television aerials, antennas, and transmission towers shall be located so as to minimize their visibility and, unless determined by the zoning administrator to be significantly hidden from view, designed to ensure that they will not appear as an aerial, antenna, and/or transmission tower. All such facilities determined by the zoning administrator to be visible 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, shall incorporate appropriate stealth techniques to camouflage, disguise, and/or blend them into the surrounding environment, and shall be in scale and architecturally integrated with their surroundings in such a manner as to be visually unobtrusive. All applications for commercial radio and/or television aerials, antennas, and transmission towers shall include engineering analyses completed to the satisfaction of the zoning administrator. Said analyses shall be peer reviewed by an outside consultant.

If mounted on structures or on architectural details of a building, these facilities shall be treated to match the existing architectural features and colors found on the building's architecture through design, color, texture, or other measures deemed to be necessary by the zoning administrator.

Roof mounted aerials and antennas shall be located in an area of the roof where the visual impact is minimized. Roof mounted and ground mounted aerials, antennas, and transmission towers shall not be allowed in the direct sightline(s) or sensitive view corridors, or where they would adversely affect scenic vistas, unless the facilities incorporate the appropriate, creative techniques to camouflage, disguise, and/or blend them into the surrounding environment, as determined to be necessary by the zoning administrator.

All commercial radio and television aerials, antennas, and transmission towers shall conform to the applicable requirements of Cal-OSHA and/or the FCC before commencement of, and during operation. Evidence of conformance shall be provided to the zoning administrator before final inspection of the facility by the director of building inspection.

If the zoning administrator finds that an approved aerial, antenna, or transmission tower is not in compliance with this title, that conditions have not been fulfilled, or that there is a compelling public safety and welfare necessity, the zoning administrator shall notify the owner/operator of the aerial/antenna/transmission tower in writing of the concern, and state the actions necessary to cure. After 30 days from the date of notification, if compliance with this title is not achieved, the conditions of approval have not been fulfilled, or there is still a compelling public safety and welfare necessity, the zoning administrator shall refer the use to the planning commission for review. Such reviews shall occur at a noticed public hearing where the owner/operator of the aerial/antenna/ transmission tower may present relevant evidence. If, upon such review, the planning commission finds that any of the above have occurred, the planning commission may modify or revoke all approvals and/or permits.

Contractors' equipment, rental and storage areas.

Dairy products plants.

Electrical repair shops.

Feed and fuel stores.

Freight forwarding terminals.

Frozen food distributors.

Heating and ventilating shops.

Ice storage houses.

Kennels, not less than 300 feet from an R or O district.

Laundry plants.

Lumberyards, not including planing mills or sawmills.

Machinery sales and rental.

Mattress repair shops.

Microbreweries.*

*Permitted use subject to the following conditions:

A. The zoning administrator finds that adequate parking is available for said use.

B. 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 with the exhaust ventilation system to mitigate brewery odors.

C. The applicant is in compliance with all applicable requirements of Chapter 9.04 of this code.

D. 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.

Packing and crating.

Parcel delivery service including repair shop facilities.

Prefabricated structure sales.

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.

Storage yard for commercial and/or recreational vehicles.

Tire sales and service, including retreading and recapping.

Truck terminals.

Warehouses, except for the storage of fuel and flammable liquids.

Wholesale establishments. (Ord. 1880, 2003; Ord. 1821 § 1, 2001; Ord. 1665 § 4, 1995; prior code § 2-7.20(3))

18.48.170 Conditional uses—Generally.

The conditional uses provided in Sections 18.48.180 through 18.48.200 of this chapter shall be permitted upon the granting of a use permit in accord with the provisions of Chapter 18.124 of this title. (Prior code § 2-7.21)

18.48.180 Conditional uses—I-P district.

The following conditional uses shall be permitted in an I-P district:

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:

A. Medium electricity generator facilities that meet the applicable standards of Section 18.124.290 of this title.

B. Medium fuel cell facilities that meet the applicable standards of Section 18.124.290 of this title.

Churches and similar religious and meeting facilities in existing structures.

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.

Fortune telling, palmistry, augury, and related uses.

Garden centers.

Motion picture production.

Nurseries.

Public or private recreation facilities.

Public or private recreation uses which cannot meet the criteria for public or private recreation uses as written in Section 18.48.140.

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.

"Radioactive materials uses" as defined in Section 18.08.445 of this title.

Recycling collection facilities, large.

Recycling collection facilities, small.

Restaurants and soda fountains, not including drive-in establishments.

Service stations, not including trailer rental, providing all operations except the sale of gasoline and oil and the washing of cars shall be within a building enclosed on at least three sides.

Warehousing (not including the storage of fuel or flammable liquids).

Wood sales and storage yards for unmilled lumber. (Ord. 1950 § 2 (Exh. A), 2007; Ord. 1880, 2003; Ord. 1743, 1998; Ord. 1738 § 1, 1998; Ord. 1354 § 5, 1988; Ord. 1276 § 1, 1986; Ord. 1088 § 1, 1983; prior code § 2-7.21(1))

18.48.190 Conditional uses—I-G district.

The following conditional uses shall be permitted in an I-G district:

A. Any use listed as a conditional use in Section 18.48.180 of this chapter.

B. The following uses, provided that the city planning commission shall make a specific finding that the use will conform with each of the required conditions prescribed for uses in the I-G district in Sections 18.48.050 through 18.48.130 of this chapter, in addition to the findings prescribed in Section 18.48.070 of this chapter:

Airports and heliports.

Asphalt and asphalt products manufacture.

Cement, lime, gypsum and plaster of Paris manufacture.

Chemical products manufacture including acetylene, aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, cleaning and polishing preparations, creosote, exterminating agents, hydrogen and oxygen, industrial alcohol, nitrating of cotton or other materials, nitrates of an explosive nature, potash, pyroxyline, rayon yarn, and carbolic, hydrochloric, picric and sulfuric acids.

Churches and similar religious and meeting facilities in existing structures.

Drive-in theaters.

Drop forges.

Explosives manufacture and storage.

Fertilizer manufacture.

Film manufacture.

Gas and oil wells.

Incineration of garbage and refuse.

Junkyards.

Large electricity generator facilities, in accord with the provisions of Chapter 18.124 of this title.

Large fuel cell facilities, in accord with the provisions of Chapter 18.124 of this title.

Linoleum and oil cloth manufacture.

Manure, peat and topsoil processing and storage.

Motor vehicle wrecking yards.

Paint manufacture including enamel, lacquer, shellac, turpentine and varnish.

Paper mills.

Petroleum and petroleum products storage.

Radioactive material uses as defined in Section 18.08.445 of this title.

Recycling collection facilities, large.

Recycling processing facilities, large.

Recycling processing facilities, small.

Rifle and pistol ranges.

Rifle and pistol ranges, with firearm sales.

Rolling mills.

Rubber manufacture or processing including natural or synthetic rubber and gutta-percha.

Sanitary fill operations.

Soap manufacture including fat rendering.

Steam plants.

Storage of used building materials.

Storage yard for commercial (exclusive of contractors' or construction) and/or recreational vehicles.

Tanneries and curing and storage of rawhides.

Trade schools which cannot meet the criteria for trade schools as written in Section 18.48.150.

Wind energy facilities that meet the following criteria:

1. 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
2. The design of the facilities shall be streamlined (without ladders and extra appurtenances) to discourage birds from roosting on the facilities.
3. Facilities on hillsides or ridges shall not be visible from a public right-of-way.

C. Accessory structures and uses located on the same site as a conditional use. (Ord. 1950 § 2 (Exh. A), 2007; Ord. 1880, 2003; Ord. 1743, 1998; Ord. 1738 § 1, 1998; Ord. 1354 § 6, 1988; Ord. 1088 § 1, 1983; prior code § 2-7.21(2))

18.48.200 Conditional uses—L-I district.

The following conditional uses shall be permitted in an L-I district:

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:

A. Medium electricity generator facilities that meet the applicable standards of Section 18.124.290 of this title.

B. Medium fuel cell facilities that meet the applicable standards of Section 18.124.290 of this title.

Auction establishments including outdoor display.

Bottling works.

Carpet and rug cleaning and dyeing.

Churches and similar religious and meeting facilities in existing structures.

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.

Garden centers.

Recycling collection facilities, large.

Recycling collection facilities, small.

Sheet metal shops. (Ord. 1880, 2003; Ord. 1738 § 1, 1998; Ord. 1354 § 7, 1988; Ord. 1088 § 1, 1983; prior code § 2-7.21(3))

18.48.204 Prohibited uses.

The following uses shall not be permitted in the industrial 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)

18.48.210 Underground utilities.

In the I-P, I-G and L-I districts, electric and communication service wires to a new structure shall be placed underground from the nearest utility pole. If the director of public works 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. (Prior code § 2-7.22)

18.48.220 Off-street parking.

Off-street parking facilities shall be provided for each use as prescribed in Chapter 18.88 of this title. (Prior code § 2-7.23)

18.48.230 Off-street loading.

Off-street loading facilities shall be provided for each use as prescribed in Chapter 18.92 of this title. (Prior code § 2-7.24)

18.48.240 Signs.

No sign, outdoor advertising structure, or display of any character shall be permitted except as prescribed in Chapter 18.96 of this title. (Prior code § 2-7.25)

18.48.250 Design review.

All permitted and 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 § 2-7.26)

Chapter 18.52

Q ROCK, SAND AND GRAVEL EXTRACTION DISTRICT

Sections:

18.52.010 Purpose.

In addition to the objectives prescribed in Section 18.04.010 of this title, the Q rock, sand and gravel extraction district is included in this title to achieve the following purposes:

A. To protect the natural resources in the city and assure that their utilization is not prejudiced by the intrusion of incompatible uses;

B. To indicate clearly to all interested parties the portions of the city that have been designated for rock, sand and gravel extraction and processing subject to compliance with the standards of this chapter;

C. To protect properties and uses not in the Q district from nuisances incidental to extraction, processing and hauling rock, sand and gravel;

D. To ensure that general reuse plans for sites used for rock, sand and gravel extraction and processing are maintained and effectuated. (Prior code § 2-7.30)

18.52.020 Required conditions.

All uses shall comply with the regulations prescribed in Chapter 18.84 of this title, and with the following additional regulations of the I-G district: Sections 18.48.060 through 18.48.130 of this title. (Prior code § 2-7.31)

18.52.030 Permitted uses.

The following uses shall be permitted:

Any use permitted in the A agricultural district except dwellings. (Prior code § 2-7.32)

18.52.040 Conditional uses.

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

A. Mining, quarrying, excavating, extracting, harvesting, sorting, crushing, reducing, washing, refining or other processing of rock, sand, gravel, stone, earth or other mineral, subject to the conditions prescribed in Sections 18.52.050 through 18.52.100 of this chapter.

B. Watchmen's living quarters when incidental to and on the same site as a conditional use.

C. Airports and heliports.

D. Agricultural processing plants.

E. Asphalt and asphalt products manufacture.

F. Automobile and motorcycle racing stadiums and drag strips.

G. Cement and concrete products manufacture, including concrete mixing and batching.

H. Commercial and private recreation facilities.

I. Drive-in theaters.

J. Dwellings accessory to an agricultural use.

K. Firearm sales at a rifle or pistol range.

L. Garbage and refuse incineration.

M. Gas and oil wells, exportation, production, and related facilities.

N. Golf courses and golf driving ranges.

O. 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.

P. Riding academies and stables.

Q. Rifle and pistol ranges.

R. Sanitary fill operations.

S. Accessory structures and uses located in 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; and
    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. (Ord. 1880, 2003; Ord. 1738 § 1, 1998; prior code § 2-7.32)

18.52.045 Prohibited uses.

The following uses shall not be permitted in the rock, sand and gravel extraction 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)

18.52.050 Special conditions applying to rock, sand and gravel extraction and processing.

In addition to the data required by Chapter 18.124 of this title, the applicant for a use permit for rock, sand or gravel extraction or processing shall submit the data required by Sections 18.52.060 through 18.52.130 of this chapter. Before granting a use permit, the planning commission shall make the findings required by Chapter 18.124 of this title relating to findings, and shall approve the plans required by this chapter. (Prior code § 2-7.33)

18.52.060 Plan and operating data required.

An application for a use permit shall be accompanied by a general plan including all property owned by the applicant in a contiguous Q district showing:

A. Location and extent of all extraction areas, together with typical cross sections and proposed sequence and phases of operation in each area;

B. Location of fences and buffers, grading and planting plan for all buffer strips, and proposed sequence and dates for installation of landscaping;

C. General location and configuration of storage areas for topsoil, other overburden, silt, extracted material, and waste;

D. Location and design of all processing facilities, including outline specifications for equipment to be used, sufficiently detailed to indicate compliance with the required conditions;

E. Description of all harvesting procedures including outline description of equipment to be used sufficiently detailed to indicate compliance with the required conditions;

F. Location, width and surfacing of all roads and parking and loading areas that will be maintained for three months or longer;

G. Proposed hours of operation;

H. Proposed haul routes within the city;

I. Additional data necessary to evaluate the proposal. (Prior code § 2-7.33(1))

18.52.070 General plan for reuse required.

An application for a use permit shall be accompanied by a plan including all property owned by the applicant in a contiguous Q district, showing the proposed use of each portion of the property following termination of extractive activities, together with typical cross sections and proposed sequence of development. The reuse general plan shall include at least as much detail as the general plan of the city concerning proposed land uses, circulation and public facilities, and shall indicate the method and extent of refilling any pit or quarry, and proposals for the removal of stockpiles, waste, buildings, accessory structures, and equipment, and redistribution of topsoil. (Prior code § 2-7.33(2))

18.52.080 Term of use permit—Review required.

Use permits shall be issued for a specific term and shall be subject to the requirements of Chapter 18.124 of this title relating to suspension and revocation. The permittee shall submit a written report no less than every five years from the date of the permit approval to the planning commission. Any additional report may be made by the permittee. Failure to submit such report after notification by the zoning administrator, given three months prior to expiration, shall cause automatic suspension of use permit as prescribed in Chapter 18.124 of this title. The report shall be accompanied by all of the plans and data for an initial application required at the date of the report. All information shall be up-to-date and shall describe and illustrate the permit holder's current proposals and time schedules for use and reuse of the site. (A use permit subject to written report as prescribed in this section may not be revoked except as prescribed in Chapter 18.124 of this title.) Conditions may be deleted or added by mutual agreement between city and permittee to achieve the purpose prescribed in Section 18.52.010 of this chapter. (Prior code § 2-7.33(3))

18.52.090 Preexisting uses—Terms of review.

Use permits for preexisting uses, including uses in annexed territory regulated by this chapter shall expire on the date specified by the permit. Preexisting uses shall be reviewed by the planning commission at the time of annexation or within five years of the effective date hereof, May 3, 1968. At the time of review of a permit for a preexisting use, the planning commission may modify the terms of the permit, deleting conditions or making the conditions more restrictive and increasing the burden of the permit holder to achieve the purposes of Section 18.52.010 of this chapter, in accord with the following procedure:

A. The permit holder shall be notified of the proposed restrictions.

B. A public hearing shall be held in accord with Section 18.12.040 of this title.

C. The planning commission shall find that restrictions to be imposed are necessary to protect the public health, safety and welfare.

D. A reasonable time period shall be allowed prior to the effective date of new restrictions necessitating amortization of existing investment.

E. A reasonable termination date shall be set for uses for which no expiration date was specified in the preexisting use permit. (Prior code § 2-7.33(4))

18.52.100 Minimum standards.

The following standards shall be considered minimum standards. Where appropriate, the city planning commission may prescribe higher standards and may regulate additional aspects of rock, sand or gravel extraction or processing as a condition of granting a use permit.

A. Landscaped buffers planted and maintained as prescribed in Section 18.84.260 of this title shall be provided adjoining the boundary of a Q district. Where the Q district adjoins or is across the street from an R, O, C-N, C-C, C-R or PUD district, the buffer shall have an average depth of 200 feet and a minimum depth of 150 feet. Where the Q district adjoins or is across a street from a C-S or an I district, the buffer shall have a minimum depth of 50 feet. Where the Q district adjoins an A or an S district, a strip having an average depth of 200 feet and a minimum depth of 150 feet shall be held for use as a buffer, but need not be improved until the zoning map is amended to reclassify the property adjoining or across the street, at which time the buffer shall be improved as required by this section. The depth of a buffer adjoining or across the street from a P district shall be determined by the commission. Where the Q district adjoins a freeway, railroad, arroyo or flood-control channel, the minimum depth of the buffer shall be 50 feet. Buffers shall be improved and planted sufficiently in advance of nearby extraction operations to allow the trees and other plant materials to attain sufficient height and mass to provide effective buffering.

B. Final cuts in any pit or quarry shall not exceed the normal angle of repose of the excavated materials, and shall not exceed one foot horizontal to one foot vertical.

C. Temporary cut slopes steeper than one foot horizontal to one foot vertical shall be no closer to a property line than 25 feet plus the vertical depth of the cut, shall be no closer to a public street right-of-way than 50 feet plus the vertical depth of the cut, and shall be no closer to a stream or channel than 100 feet plus the vertical depth of the cut.

D. The excavation of a pit or quarry shall be conducted in such a manner as to prevent accumulation of polluted water or natural seepage to the maximum extent possible, but not precluding the use of pits for recharge purposes.

E. Dikes and other barriers and drainage structures shall be provided where necessary to prevent silting of drainage channels or storm drains in the area surrounding the excavation.

F. Where required by the commission, final cut slopes shall be treated to prevent erosion, topsoil shall be replaced on such slopes to support vegetation and suitable groundcover shall be planted and maintained for a period sufficient to provide vegetation of a density and groundholding capacity that will prevent erosion.

G. Material used for refilling a pit or quarry, including overburden removed from elsewhere on the site, shall be of a quality determined suitable to prevent contamination of the groundwater either during operations or upon completion or termination of operations.

H. Quarry or pit excavations that penetrate near or into a water-bearing stratum shall be conducted in such a manner that such stratum will not be subject to pollution or contamination either during operations or subsequent to termination. The commission may prescribe the maximum depth of a pit or quarry in relation to the depth of any aquifer described and defined in publications of the state Department of Water Resources.

I. Fencing shall be provided and maintained surrounding all areas being excavated to prevent unauthorized access in accord with the requirements and specifications of the public works department. Such fencing shall be located no closer than 10 feet from the top edge of a proposed cut slope.

J. All reasonable control measures shall be employed to reduce dust in the processing and transportation operations. Haulage roads shall be paved, oiled or watered, and shall be maintained in a dust-free condition. Access roads shall have pavement at least 24 feet wide and shall extend from the public street to the permanent public scale but not less than 500 feet.

K. Vehicles hauling excavated material shall be loaded in such a manner as to prevent spilling the material while in transit. The commission may designate which public streets may be used in hauling excavated material, and may prohibit the use of any other street.

L. No explosives shall be used except as expressly permitted by the commission.

M. Adequate provision shall be made for protection of pits and quarries from overflow from adjacent streams by the construction of levees and other devices to prevent flooding. No obstruction shall be placed in any stream unless authorized by the Alameda County Flood Control and Water Conservation District.

N. Except during emergencies, or when equipment repairs must be made, all extractive or processing operations shall be conducted only during the hours approved by the commission. (Prior code § 2-7.33(5))

18.52.110 Off-street parking.

Off-street parking shall be provided for each use in the Q district as prescribed in Chapter 18.88 of this title. (Prior code § 2-7.34)

18.52.120 Off-street loading.

Off-street loading facilities shall be provided for each use in the Q district as prescribed in Chapter 18.92 of this title. (Prior code § 2-7.35)

18.52.130 Signs.

No sign, outdoor advertising structure or display of any character shall be permitted except as prescribed in Chapter 18.96 of this title. (Prior code § 2-7.36)

18.52.140 Design review.

All uses in the Q district 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 § 2-7.37)

Chapter 18.56

P PUBLIC AND INSTITUTIONAL DISTRICT

Sections:

18.56.010 Purpose.

In addition to the objectives prescribed in Section 18.04.010 of this title, the P public and institutional district is included in the zoning ordinance to provide a procedure for the orderly establishment of public facilities, expansion of their operations, or change in the use of lands owned by governmental agencies and for the orderly establishment of quasi-public institutional uses. (Prior code § 2-7.41)

18.56.020 Required conditions.

A. All uses shall comply with the regulations prescribed in Chapter 18.84 of this title. Each yard space shall be not less than the yard required in the district adjoining or directly across a street from each property line, but the planning commission may require larger yards and may prescribe limits to height, bulk or coverage as a condition of a use permit in order to ensure compatibility with adjoining uses.

B. No use shall be permitted, and no process, equipment or material shall be employed which is found by the commission to be objectionable to persons residing or working in the vicinity or injurious to property located in the vicinity by reason of odor, insect nuisance, fumes, dust, smoke, cinders, dirt, refuse, water carried wastes, noise, vibration, illumination, glare, unsightliness, or truck traffic, or to involve any hazard of fire or explosion. (Prior code § 2-7.42)

18.56.030 Permitted uses.

The following uses shall be permitted in the P district:

A. Each use and structure existing in the P district at the time of adoption of the ordinance codified in this chapter, May 3, 1960, is declared to be a conforming use and structure.

B. 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 “Spare The Air Days” in Alameda County.
2. Photovoltaic facilities.
3. 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; 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.

4. 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. (Ord. 1880, 2003; prior code § 2-7.43)

18.56.040 Conditional uses.

The following conditional uses shall be permitted upon the granting of a use permit, in accord 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.

B. Agricultural experiment facilities.

C. Airports.

D. Animal shelters.

E. Churches, convents, monasteries, parish houses, parsonages, and other religious institutions.

F. Fairgrounds.

G. Hospitals.

H. Parks, playgrounds, golf courses, zoos, 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 other public recreation facilities.

I. Public buildings and grounds.

J. Public schools, including nursery schools, elementary schools, junior high schools, high schools, and colleges.

K. Private schools and private 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, and tutorial schools, and colleges.

L. 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.

M. Required off-street parking facilities located on a site separated from the use which the facilities serve, as prescribed by Chapter 18.88 of this title relating to location of off-street parking facilities.

N. Any other public or quasi-public use which the planning commission determines is similar in nature to those listed above and which will not be detrimental to the proper development and maintenance of surrounding land uses.

O. Convalescent hospitals, convalescent homes, rest homes, and senior care/assisted living facilities 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. (Ord. 1880, 2003; Ord. 1743, 1998; prior code § 2-7.44)

18.56.050 Temporary conditional use.

The following conditional use shall be permitted upon the granting of a temporary conditional use permit in accord with the provisions of Section 18.116.040 of this title:

Outdoor sales in city parks to benefit only charitable or nonprofit organizations. (Prior code § 2-7.45)

18.56.060 Prohibited uses.

The following uses shall not be permitted in the public and institutional district:

A. Any use not specifically or conditionally permitted by this chapter, unless a determination is made under Chapter 18.128 of this title.

B. Firearm sales. (Ord. 1880, 2003; Ord. 1738 § 1, 1998)

18.56.070 Underground utilities.

Electric and communication service wires to a new structure shall be placed underground from the nearest utility pole. If the director of public works finds, upon application by the owner, that compliance is not feasible or economically justifiable, he or she shall permit different service arrangements. The property owner, other than the city, 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. 1738 § 1, 1998; prior code § 2-7.46)

18.56.080 Off-street parking.

Off-street parking facilities shall be provided for each use in the P district as prescribed in Chapter 18.88 of this title. (Ord. 1738 § 1, 1998; prior code § 2-7.47)

18.56.090 Off-street loading.

Off-street loading facilities shall be provided for each use in the P district as prescribed in Chapter 18.92 of this title. (Ord. 1738 § 1, 1998; prior code § 2-7.48)

18.56.100 Signs.

No sign, outdoor advertising structure, or display of any character shall be permitted in the P district except as prescribed in Chapter 18.96 of this title. (Ord. 1738 § 1, 1998; prior code § 2-7.49)

18.56.110 Design review.

All uses in the P district 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. 1738 § 1, 1998; prior code § 2-7.50)

Chapter 18.60

S STUDY DISTRICT

Sections:

18.60.010 Purpose.

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

A. To provide a district into which newly annexed territory that has not been prezoned shall be automatically classified pending study and reclassification to an A, R, O, C, I, Q, P or PUD district;

B. To permit review of each development proposal in areas where changing conditions or inadequacy of existing zoning regulations indicate the need for special study and possible amendments to the ordinance codified in this title. (Prior code § 2-8.01)

18.60.020 Annexed territory.

A. All territory which is annexed to the city and has not been prezoned shall be automatically classified in the S study district.

B. Within 60 days after territory is automatically classified in an S district, the zoning administrator shall submit to the planning commission a written report recommending in which zoning district the territory should be classified in order to carry out the objectives of this title.

C. Within 30 days after receipt of the report, the planning commission shall initiate an amendment to reclassify the territory as prescribed in Chapter 18.136 of this title. (Prior code § 2-8.02)

18.60.030 Reclassification to S district.

The city planning commission or the city council may initiate reclassification of any property from any other district to an S district, in accord with the provisions of Chapter 18.136 of this title, provided that the commission or the zoning administrator is conducting or intends to conduct studies within a reasonable time for the purpose of initiating a further amendment to the ordinance codified in this chapter that would affect the property reclassified to an S district. Prior to recommending or adopting an ordinance establishing an S district, the commission or council shall specify the length of time expected to be required for study. An ordinance reclassifying property to an S district shall cause the property to be reclassified to another specified zoning district or to revert to its former zoning classification one year after the effective date of such ordinance. (Prior code § 2-8.03)

18.60.040 Required conditions.

No use shall be permitted and no process, equipment or material shall be employed which is 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, illu-

mination, glare, unsightliness, or traffic, or to involve any hazard of fire or explosion, provided that agricultural pursuits preexisting or authorized by conditional use permit and conducted in accord with good practice shall not be deemed a nuisance. (Prior code § 2-8.04)

18.60.050 Permitted uses.

No use, structure or sign lawfully occupying a site immediately prior to its classification as an S district shall become nonconforming by reason of being classified in an S district. (Prior code § 2-8.05)

18.60.060 Conditional uses.

Any use permitted by this chapter, either as a permitted use or as a conditional use may be permitted or extended, or any structure may be altered or enlarged upon the granting of a use permit in accord with the provisions of Chapter 18.124 of this title, provided that in order to allow reasonable time for special study, no application for a use permit shall be accepted for a use other than a use permitted in an R district or an extension of an existing use until property has been reclassified to an S district for 60 days. The use permit shall require that the use comply with the provisions of Chapters 18.84 and 18.96 of this title for a district specified by the use permit, or substitute regulations shall be prescribed by the use permit. (Prior code § 2-8.06)

18.60.070 Off-street parking.

Off-street parking facilities shall be provided for each use in an S district as prescribed in Chapter 18.88 of this title. (Prior code § 2-8.07)

18.60.080 Off-street loading.

Off-street loading facilities shall be provided for each use in an S district as prescribed in Chapter 18.92 of this title. (Prior code § 2-8.08)

18.60.090 Signs.

No sign, outdoor advertising structure, or display of any character shall be permitted in an S district, except as prescribed in Chapter 18.96 of this title. (Prior code § 2-8.09)

18.60.100 Design review.

All uses in an S district 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 § 2-8.10)

Chapter 18.64

RO RESIDENTIAL OVERLAY DISTRICT

Sections:

18.64.010 Purpose.

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

A. To establish controls in addition to those established in Chapters 18.32, 18.36 and 18.84 of this title, in order to direct the development of large parcels of land in conformance with the residential development policies as set forth in the general plan adopted by the city council;

B. To ensure variety and a mixture of housing types, densities and lot sizes in large developments. (Prior code § 2-8.14)

18.64.020 Initiation.

An amendment to reclassify property to an RO district may be initiated by the owner, the planning commission, or the city council. It is the intent of this section that the commission shall initiate RO Districts in predominately undeveloped areas where the application of the requirements of this chapter would contribute toward achievement of the objectives prescribed in Section 18.04.010 of this title, and the purposes prescribed in Section 18.64.010 of this chapter. (Prior code § 2-8.15)

18.64.030 Applicability.

A. The RO district shall be established only in conjunction with other districts, but shall not be combined with a PUD district. An RO district shall overlay whatever other district designation is applicable to the area in which the RO district is established.

B. The provisions of this chapter shall apply in RO districts, which districts shall also be subject to other provisions of this title, including the provisions applicable to the particular district underlying an RO district, provided that where regulations conflict, the provisions of this chapter shall control.

C. An application to amend the ordinance codified in this chapter so as to change district boundaries underlying an RO district shall not be construed as a request to change the boundaries of the RO district unless such change is specifically requested in the application.

D. The requirements of the RO district shall not apply to developed residential lots, to property included in a recorded final subdivision map or valid approved tentative subdivision map, or to annexed territory in which the development pattern has been specifically committed by an annexation agreement. The requirements of the RO district shall apply to property included in an expired tentative subdivision map. Parcels less than five acres on the effective date of the ordinance codified in this chapter, May 3, 1968, may be exempted from the requirements of the RO district, provided that the planning commission shall find that the exemption will not be detrimental to achievement of the purpose of this chapter. (Prior code § 2-8.16)

18.64.040 Lot size regulations and average density.

Where subdivision and initial development of land after the effective date of the ordinance codified in this chapter, is proposed, the lot size yard requirements and density controls provided in Table 18.64.040 shall apply, in addition to those of the underlying district.

Table 18.64.040

LOT SIZE REGULATIONS AND AVERAGE DENSITY

Basic Zoning Requirements			RO Requirements		
Basic Zoning	Minimum Lot Size	Average Lot Size Single-Family Detached Dwelling	Average Gross Density Dwelling Units Per Gross Residential Acre (See Section 18.64.060)	Increase	Side Yard Total Both Sides
R-1-40,000	40,000 sq. ft.	40,000 sq. ft.	1.0	--	Same
R-1-20,000	20,000 sq. ft.	20,000 sq. ft.	2.0	--	Same
R-1-10,000	10,000 sq. ft.	12,000 sq. ft.	2.8	5 ft.	23 ft.
R-1-8,500	8,500 sq. ft.	10,000 sq. ft.	3.6	5 ft.	21 ft.
R-1-7,500	7,500 sq. ft.	9,000 sq. ft.	4.1	5 ft.	19 ft.
R-1-6,500	6,500 sq. ft.	8,000 sq. ft.	4.7	5 ft.	17 ft.
RM-4,000	8,000 sq. ft.	--	--	--	Same
RM-2,500	7,500 sq. ft.	--	--	--	Same
RM-2,000	10,000 sq. ft.	--	--	--	Same
RM-1,500	10,000 sq. ft.	--	--	--	Same

(Prior code § 2-8.17)

18.64.050 Limitation of RO requirements.

The increased requirements set by the RO district in Section 18.64.040 shall have no further force or effect upon an individual residential lot after construction and actual occupancy of the single-family dwelling. (Prior code § 2-8.18)

18.64.060 Permitted average density.

Within the limitations of minimum lot size of the underlying zoning and the average lot size established by Section 18.64.040, the average gross residential density established by Section 18.64.040 for the particular underlying basic zoning may be achieved by the establishment of small RM districts, unless the planning commission finds that such districts in a particular area would be detrimental to the orderly development of the area and inconsistent with the purposes in Section 18.64.010. (Prior code § 2-8.19)

18.64.070 Size and location of RM districts.

RM districts should be located throughout the residential area on thoroughfares or collector streets, and should be used as transitional development between neighborhood commercial areas and R-1 residential areas. RM districts within a tract that are not used as transitional development shall not be larger than three acres per district and separation shall be 300 feet or more. An RM district used as a transitional development shall not exceed six acres. RM districts surrounded by R-1 districts shall be RM-4,000 or RM-2,500. RM districts used as transitional developments shall be RM-4,000, RM-2,500 or RM-2,000. (Prior code § 2-8.20)

18.64.080 Area plan requirement.

In addition to the requirements established by Article III of Chapter 18.12 of this title wherever an RO district is established, any subsequent application for change of the underlying zoning shall be accompanied by an area plan submitted for planning commission approval in conjunction with the rezoning request. Such area plan shall include lot

patterns, street systems, location and size of RM districts, and density calculations to clearly demonstrate that the average gross residential densities prescribed in Section 18.64.040 have not been exceeded. (Prior code § 2-8.21)

Chapter 18.68

PUD PLANNED UNIT DEVELOPMENT DISTRICT

Sections:

18.68.010 Created.

A zoning classification distinction is created to be known as the planned unit development (PUD) district. (Prior code § 2-8.25)

18.68.020 Purpose.

The planned unit development district is intended to accomplish the following purposes:

A. To encourage imagination and housing variety in the development of property of varying sizes and topography in order to avoid the monotony and often destructive characteristics of standard residential, commercial and industrial developments;

B. To provide a development procedure which will insure that the desires of the developer and the community are understood and approved prior to commencement of construction;

C. To insure that the goals and objectives of the city's general plan are promoted without the discouragement of innovation by application of restrictive developmental standards;

D. To encourage efficient usage of small, odd-sized or topographically affected parcels difficult for development by themselves;

E. To accommodate changing market conditions and community desires;

F. To provide a mechanism whereby the city can designate parcels and areas requiring special consideration regarding the manner in which development occurs;

G. To encourage the establishment of open areas in residential, commercial and industrial developments and provide a mechanism for insuring that said areas will be beautified and/or maintained;

H. To complement the objectives of the hillside planned development district (HPD) in areas not subject to the provisions of that zoning district. (Prior code § 2-8.26)

18.68.030 Permitted uses.

The planning commission and city council may permit any use in the PUD district which is compatible with the purposes of this title, the neighborhood and general vicinity of the proposed project, and in keeping with protection of the public health, safety and general welfare. (Prior code § 2-8.27)

18.68.040 Conditional uses.

Unless specific conditional uses are specified in the PUD plan, only the expansion, enlargement or alteration by area or usage of an interim use permitted by Section 18.64.080 of this chapter shall require a conditional use permit granted pursuant to Chapter 18.124 of this title. (Prior code § 2-8.28)

18.68.050 Development.

Except as provided in Section 18.68.090, no property subject to this chapter shall be developed in any way nor shall any grading permit be issued pursuant to the provisions of this code until all provisions of this chapter have been completed. 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. (Prior code § 2-8.29)

18.68.060 Property development standard.

A. In order to allow the greatest amount of flexibility in designing a project compatible with the physical features of the property, the uses intended to be developed thereon, and the objectives of this chapter, no minimum property development standards shall apply to the PUD district. The planning commission and city council shall determine appropriate amounts of landscaping, natural open space, parking, signing, distances between buildings, front yards and other development standards as are appropriate for the specific uses requested at the time of consideration of the PUD development plan required by Section 18.68.110. Said standards shall be included as conditions to any approved PUD development plan.

B. Landscaping shall include, but not be limited to, intensely planted and maintained areas. "Natural open space" means land lacking any physical, aboveground improvements, except for utility wires and poles, agricultural type fences or similar improvements, and unenhanced by plants, trees and shrubs, except those which are naturally existing and for agricultural purposes. (Prior code § 2-8.30)

18.68.070 Maintenance.

A. No final subdivision map or parcel map shall be recorded until documents pertaining to the maintenance of common natural open space areas, common landscaped areas, and common recreational facilities located within the plan have been approved by the city attorney. For nonresidential developments, said maintenance shall pertain to all landscaped areas and recreational facilities not enclosed within a building. For residential developments, said maintenance shall apply to the privately owned natural open space, landscaped areas, and recreational facilities owned by or used in common by the residents.

B. The city shall be identified as a third party beneficiary to conditions, covenants and restrictions placed upon a development, unless otherwise directed by the city council or the city attorney. (Prior code § 2-8.31)

18.68.080 Interpretation.

A. Due to the flexibility and imagination desired in PUD developments, not every issue regarding future development and use of the property may be established as part of the initial approval of a development. Thus, the director of planning shall be charged with responsibility to determine if a change to the approved plan and/or conditions thereto is substantial. If, after review of the plan and conditions, the director determines that the request is a substantial revision or change, the request shall be presented to the planning commission and city council in accordance with the applicable provisions of Chapter 18.04 of this title. If the change is not substantial, the director, after consulting with the city attorney and director of engineering services, may approve the change, subject to reasonable conditions, and advise the planning commission and city council of said approval, in writing, within 10 days of the approval.

B. If the planning commission, city council, applicant or any interested citizen disagrees with the director of planning's determination or conditions of approval, a written appeal shall be filed with the secretary to the planning commission within 20 calendar days of said action and a public hearing shall be held. The requisite notices of the public hearing shall be given pursuant to the provisions of Chapter 18.04 of this title.

C. If the revision or change involves the construction of an improvement or betterment for which no specific development standard is established pursuant to this chapter, the director of planning, planning commission and/or city council shall apply the provisions of this code which most closely represent the type of development which has been approved. (Prior code § 2-8.32)

18.68.090 Interim uses.

Any existing use of property zoned PUD (including property with an approved development plan) shall be subject to the provisions of Chapter 18.120 of this title pertaining to nonconforming uses. No expansion of a nonconforming land use, expansion of a nonconforming building, or addition of any new structures associated in any manner with an existing land use or building, with the exception of emergency standby electricity generators, fuel cells, or battery facilities, shall be allowed until a conditional use permit has been granted in accordance with Chapter 18.124 of this title. Emergency standby electricity generators, fuel cell, or battery facilities shall comply with the regulations of the most applicable R-1 zoning district, as determined by the planning director. (Ord. 1880, 2003; prior code § 2-8.33)

18.68.100 Grading.

Any land located within a PUD district which does not have an approved development plan shall not be graded or have fill placed upon it without first obtaining a conditional use permit pursuant to Chapter 18.124 of this title. (Prior code § 2-8.34)

18.68.110 Development plan.

A. Purpose. The development plan is intended to provide to the city a comprehensive plan of the proposed development to ensure that the intent and purposes of the planned unit development district are effectuated. The development plan may proceed as a single program or in phases, but in either situation, it is part of the entire PUD zoning process.

B. Considerations. In recommending approval of, or in approving a PUD development plan, the planning commission and city council should consider the following:

1. Whether the plan is in the best interests of the public health, safety and general welfare;
2. Whether the plan is consistent with the city's general plan and any applicable specific plan;
3. Whether the plan is compatible with previously developed properties in the vicinity and the natural, topographic features of the site;
4. Whether any grading to be performed within the project boundaries takes into account the environmental characteristics of the property and is designed in keeping with the best engineering practices to avoid erosion, slides or flooding to have as minimal an effect upon the environment as possible;
5. Whether streets, buildings, and other manmade structures have been designed and located in such a manner to complement the natural terrain and landscape;
6. Whether adequate public safety measures have been incorporated into the design of the plan;
7. Whether the plan conforms to the purpose of the planned unit development district.

C. Conditions. In the recommendation of approval and in the approval of a PUD development plan, conditions may be imposed which are deemed necessary to protect the public health, safety and general welfare.

D. Required Data. Any development plan shall be accompanied by the following data prepared by a design team consisting of a registered civil engineer and either a licensed architect, professional planner, or licensed building designer:

1. A site plan showing general locations of all streets, on street and off-street parking, buildings and other manmade structures and where applicable any bicycle paths, riding trails, hiking trails; typical elevations of sufficient detail to show building heights, building materials, colors, textures, and general design; and a table listing land coverages by percentage and acreage for the following: landscaped areas and natural open

space; coverage by buildings, parking (covered, open, off-street), streets, sidewalk; and where applicable, paths and recreational facilities;

2. A topographical map showing existing contours and proposed lot lines, which may be integrated with the site plan described in subsection (D)(1) of this section; the lot lines may be omitted if building locations on the site plan make proposed lot lines obvious. The topographical map shall be at a scale no smaller than one inch equals 100 feet showing contour lines existing prior to grading at an interval of not more than 10 feet. The director of planning, or his or her designated representative, may allow a reduction in the scale of the map or allow an increase in the contour interval when in his or her opinion the size of the parcel or its terrain requires such changes to make the map more meaningful. The director may omit the requirement for a topographical map entirely for a parcel located on land having an average slope of less than 10 percent.

3. A grading plan showing increments of the depths of all cuts and fills in various colors or any similar display which shows the cuts, fills and depths thereof and readily distinguishes between differing fills and depths; and a slope classification map showing, in contrasting colors, all land which has less than 10 percent slope, that land which has a slope between 10 percent and 20 percent and all land which has a slope greater than 20 percent. The director of planning, or his or her designated representative, may waive the slope classification map for properties which do not have significant land areas in excess of 10 percent slope;

4. The director of planning, or his or her designated representative, shall require, where appropriate, development profiles which show the relationship of the proposed project to any dominant geological or topographical features which may be on or in the vicinity of the proposed project;

5. On the site plan or on a separate plat show any tree(s), including size and species as provided in Chapter 17.16 of this code and whether or not such tree(s) is to be removed or destroyed;

6. Sufficient dimensions to show right-of-way widths, pavement widths, street grades, whether streets are to be public or private, and all proposed frontage improvements on new and existing streets;

7. The director of planning, after consulting with the director of engineering services, may require a current preliminary soils and geological report prepared by a registered civil engineer and/or a registered geologist when development is proposed in areas in excess of 10 percent average slope, there is known or suspected ground instability, high water table, or significant erosion. A geologic report shall always be prepared as required by Chapter 17.12 of this code;

8. A detailed landscaping plan showing the natural open space, if any, which will remain upon completion of development, all existing trees and the precise boundaries of additional landscaping; the landscape plan shall include container size of all trees and shrubs, species of all plant material, evidence of an irrigation system (indicating whether manual or automatic), street furniture, and fencing materials, and where applicable, dimensions and locations;

9. Residential developments also shall include the following data:

   a. A calculation of the population density of the development,

   b. The location of proposed dwelling units and types,

   c. A calculation of the number of bedrooms to be constructed;

10. A specification of the permitted uses desired in the development plan. The director of planning, the planning commission, or city council may require greater identification of specific uses;

11. Notwithstanding the requirements of this subsection, an applicant for a PUD development plan for the development of two or more acres, which development will occur in stages, may submit general information relating to subsections (D)(1) through (D)(9) of this section for review for the entire project. Unless otherwise authorized by the city council, each stage or phase of the project must be adjacent to any previously approved portion of the development plan and shall be reviewed by and approved by the planning commission and city council, in accordance with the procedure set forth herein, together with the exact, complete and detailed information required by subsections (D)(1) through (D)(9) of this section. No tentative subdi-

vision map, building permit or other entitlement shall be approved or issued until such review and approval has been obtained.

E. Grading Control:

1. Size And Treatment. In order to keep all graded areas and cuts and fills to a minimum, to eliminate unsightly grading and to preserve the natural appearance and beauty of the property as far as possible as well as to serve the other specified purposes of this chapter, specific requirements may be placed on the size of areas to be graded or to be used for building, and on the size height and angles of cut slopes and fill slopes and the shape thereof. In appropriate cases, retaining walls may be required.

2. Restrictions. All areas indicated as natural open space on the approved development plan shall be undisturbed by grading, excavating, structures or otherwise except as permitted by this subsection. Where applicable, drainage improvements, utility lines, riding trails, hiking trails, picnic areas, stables and similar public improvements and amenities may be placed in natural open space areas at the time of approval of a PUD development plan. Where natural open space is disturbed for public improvements, best engineering efforts shall be undertaken to make said improvements as unobtrusive as practicable and trenched areas (and similar ground disturbances) shall be treated so as to encourage rapid regeneration of the natural coverage.

3. Landscaping. The PUD development plan shall include the planting of newly created banks or slopes for erosion control or to minimize their visual effect. (Prior code § 2-8.35)

18.68.120 HPD process.

If a development is proposed pursuant to this chapter, which also could develop under the provisions of the hillside planned development district (Chapter 18.76 of this title), the developer shall submit with his or her application for PUD zoning and PUD development plan an explanation why the project is not requested for development pursuant to the hillside planned development district. (Prior code § 2-8.36)

18.68.130 Procedure.

A. The placement of property into the PUD zoning district may be initiated by the city council, planning commission, property owner, an authorized representative or an option holder pursuant to the provisions of this chapter.

B. The city council, planning commission, applicant or general citizen may appeal any decision approving or disapproving a request for PUD zoning, development plan approval, or modification to a development plan pursuant to the provisions of this chapter.

C. A PUD district zoning request and development plan may be processed concurrently or separately. If they proceed concurrently, only a single ordinance shall be required for approval. If they proceed separately, or if the PUD development plan proceeds in phases as provided by this chapter, separate ordinances shall be required for each process and phase of the project. The ordinance(s) required by this subsection shall be processed in the same manner as any zoning ordinance.

D. No subdivision map shall be processed concurrently with a PUD zoning request or PUD development plan.

E. An applicant shall file a separate application for each noncontiguous parcel upon which consideration of PUD zoning and/or a development plan is desired. For the purposes of this subsection, parcels shall be deemed to be noncontiguous if they are separated by roads, streets, utility easements or railroad rights-of-way, which, in the opinion of the director of planning, are of such a width as to:

1. Destroy the unity of the proposed project or the ability of the parcel to be developed as a cohesive unit; or

2. Otherwise create the impression that two separate parcels or projects are being developed. (Prior code § 2-8.37)

Chapter 18.72

C-O CIVIC OVERLAY DISTRICT
(Rep. by Ord. 1718 § 1, 1997)

Chapter 18.74

DOWNTOWN REVITALIZATION DISTRICT

Sections:

18.74.010 Purpose.

The purpose of this chapter is to create a zoning overlay district and strict regulations applicable to this district which will implement the general plan by assuring appropriate development consistent with the goals and policies of the general plan; deter the inappropriate demolition, destruction, alteration, misuse and neglect of architecturally interesting and significant structures in and the built context of the district; revitalize the economic growth and health of and foster civic pride in downtown Pleasanton; stabilize and enhance the value of property; create and renew proper relationships between tax revenues of real property and the cost of municipal services; and thereby promote and protect the health, safety comfort, appearance and general welfare of the community. (Ord. 1225 § 1, 1985; prior code § 2-2.3401)

18.74.020 Creation of district.

There is hereby created a zoning overlay district known as the Downtown Pleasanton Revitalization district (hereinafter referred to as "district") the boundaries of which are as follows:

All that land bounded as follows: Bernal Avenue on the south, First Street on the east, Ray Street to a point 151 feet east of Main Street on the northeast, then following a line 151 feet east of and parallel to Main Street northeasterly to Del Valle Parkway, Del Valle Parkway on the north, Peters Avenue or a linear extension of it on the west, and an irregular line one lot deep northwesterly of Old Bernal Avenue, as more precisely shown on Exhibit A, incorporated into this chapter by reference.

The regulations applicable to the district contained in this chapter are in addition to regulations otherwise applicable to the area within the district; provided, however, that where regulations conflict the provisions of this chapter shall control. (Ord. 1225 § 1, 1985; prior code § 2-2.3402)

18.74.030 Adoption of guidelines.

The city council, following recommendations by the planning commission, shall adopt downtown Pleasanton design guidelines for the district. Such guidelines may be amended from time to time following the same procedure. The zoning administrator, planning commission and the city council shall adhere to the adopted guidelines in reviewing all applications for permits, licenses, certificates or other approval or entitlement of use relating to improvements or demolition proposed within the district, and no such applications shall be approved unless consistent with the adopted guidelines. (Ord. 1656 § 1, 1995; Ord. 1591 § 2, 1993; Ord. 1225 § 1, 1985; prior code § 2-2.3403)

18.74.040 Improvements subject to design review.

A. The zoning administrator shall review the design of each improvement for which a building permit, license, certificate or other approval is required pursuant to this code. If a proposed improvement within the district would require planning commission or city council approval, then such body shall review the design. The zoning administrator may adopt standards for determining which applications comply on their face with all applicable regulations for improvements under this chapter and which will, if approved, have an insignificant effect both on the district as a whole and on the particular built context of the proposed improvement. The zoning administrator may also determine that applications for certain improvements do not need all the information required by Section 18.74.050 of this chapter.

B. The term "improvement" as used in this chapter shall be literally interpreted and shall include the construction, alteration and repair of all signs and all property and appurtenances thereto. The term "improvement" shall not include demolition. No improvements subject to design review shall hereinafter be constructed, located, required, altered or thereafter maintained except in accordance with the architectural plan approved as provided in this chapter.

C. The zoning administrator or planning commission shall consider the architectural plan within 30 days following the applications being deemed complete, unless the applicant agrees to a later date. After consideration of the architectural plan, the zoning administrator or planning commission shall issue its determination setting forth its decision to approve, disapprove or conditionally approve the architectural plan. The applicant or any aggrieved person may appeal any decision of the zoning administrator to the planning commission and of the planning commission to the city council in the manner provided in Section 18.20.060 this code. (Ord. 1656 § 1, 1995; Ord. 1586 § 4, 1993; Ord. 1520 § 2, 1991; Ord. 1225 § 1, 1985; prior code § 2-2.3404)

18.74.050 Application for design review.

Any person proposing to construct or locate any improvement subject to design review shall file, prior to filing for the first required permit, an application for design review with the zoning administrator. Such application shall be in the form and contain the materials required by the zoning administrator under Chapter 18.20 of this title.

A. Architectural drawings, including:
    1. Plans to scale.
    2. Four elevations to include all sides of development.
    3. Elevations to scale and renderings which include adjacent structures in the existing built context.
    4. (Optional) Perspectives. Model or other suitable graphic materials.

B. Renderings and complete building elevations indicating the wording, style, location, size, shape and type of illumination of each proposed permanent sign together with a palette of proposed colors, materials and textures.

C. Design plan and guidelines comprising the conceptual scheme proposed to be adopted for all temporary signage relating to site uses.

D. Preliminary landscaping plan.

E. Site photographs.

F. Color photographs of the existing built context including the site.

G. Color, materials and texture palette.

H. Other information which the zoning administrator determines to be necessary or convenient or which the zoning administrator or planning commission may by general policy require all applicants in the district to furnish. (Ord 1656 § 1, 1995; Ord. 1225 § 1, 1985; prior code § 2-2.3405)

18.74.060 Architectural plan for sign permit only.

Where the application is solely for a sign permit, items constituting the proposed architectural plan shall be those items required by Section 18.74.050 of this chapter for all elevations from which the proposed signs are visible and such additional items as are established by the zoning administrator as necessary or convenient to the review and decision. (Ord. 1656 § 1, 1995; Ord. 1225 § 1, 1985; prior code § 2-2.3406)

18.74.070 Final architectural plan approval.

If the architectural plan is approved and the applicant agrees to the conditions of approval, the applicant shall file the following information with the planning department prior to receipt of a building permit, license certificate or other approval:

A. Final working drawings;

B. Final landscape plan;

C. Color chips.

Final architectural plan approval is deemed approval of the certificate of appropriateness required by Section 18.74.170 of this chapter. The zoning administrator or his or her designee shall certify that the final architectural plan submitted under this section accords with the architectural plan as approved by the zoning administrator or planning commission. (Ord. 1656 § 1, 1995; Ord. 1225 § 1, 1985; prior code § 2-2.3407)

18.74.080 Evaluation and criteria.

The zoning administrator shall examine the material submitted with the application by considering the following aspects for conformance with the purpose of this chapter:

A. General site utilization considerations.

B. General architectural considerations:

1. Height, bulk and area of buildings.
2. Colors and types of building and installations.
3. Physical and architectural relationship between the proposed structures and the existing built context.
4. Site layout, orientation and location of buildings and relationship with open areas and topography.
5. Height, materials, color and variations in boundary walls, fences or screen planting.
6. Location and type of landscaping including but not limited to off-street parking areas.
7. Appropriateness of sign design and exterior lighting.

C. General landscape considerations.

D. Graphics.

The zoning administrator shall be guided in his or her review of improvements within the district by the adopted downtown Pleasanton design guidelines. (Ord. 1656 § 1, 1995; Ord. 1589 § 5, 1993; Ord. 1225 § 1, 1985; prior code § 2-2.3408)

18.74.090 All signs require a permit—Exemptions.

A. No sign shall be erected, altered or moved without a sign permit.

B. The following signs shall be exempt from these regulations:

1. Any sign erected and maintained pursuant to and in discharge of any governmental function or required by any law, ordinance or government regulations.
2. Political campaign signs maintained in accordance with Chapter 18.100 of this title.
3. Signs not visible from any public place.

C. The zoning administrator or his or her designee shall approve the sign permit prior to said sign's erection if the plan conforms to the architectural plan for the sign and/or conceptual scheme for temporary signage. (Ord. 1225 § 1, 1985; prior code § 2-2.3409)

18.74.100 Prohibited signs.

All signs not specifically permitted, excepted or exempted by provision of this chapter are prohibited. Once a use ceases to exist on a site, all signs (both conforming and nonconforming) identifying said use shall be removed within 30 days, and the surface on which the sign was mounted or attached shall be patched, painted and otherwise repaired to remove all evidence of the former sign. (Ord. 1396 § 1, 1989; Ord. 1225 § 1, 1985; prior code § 2-2.3410)

18.74.110 Sign inventory.

The zoning administrator, within six months of the effective date of the ordinance codified in this chapter, shall complete a sign inventory of all signs within the district, both conforming and nonconforming. (Ord. 1225 § 1, 1985; prior code § 2-2.3411)

18.74.120 Existing nonconforming signs.

A. Every sign lawfully in existence at the time of the adoption of the ordinance codified in this chapter which is neither specifically permitted under these regulations or exempted from these regulations is an existing nonconforming sign. All existing nonconforming signs shall be permitted to remain and not subject to amortization, subject to the limitations contained in this section.

B. Except for nonconforming historic signs meeting the requirements of subsection D below, existing nonconforming signs shall not be moved, altered or modified in any way. Any such sign so removed, altered or modified shall immediately become an illegal nonconforming sign and shall be removed or abated as provided in this code. Any alteration or modification to a nonconforming historic sign shall be consistent with and shall not detract from the historic character of the sign.

C. A nonconforming sign shall become unlawful and shall be removed immediately upon any modification or alteration of the premises to which such sign relates, except that a nonconforming historic sign meeting the requirements of subsection D below shall be permitted to remain upon any modification or alteration of the premises to which the sign relates.

D. For purposes of this section, an historic sign is a sign which meets at least one of the following criteria:

1. The sign has been existing within the downtown revitalization district for at least 50 years.
2. The sign has been designed according to a distinct architectural period found in downtown architecture and is consistent with the architecture of the building.
3. The sign has attained a landmark status due to a prominent locale or association with a continuous use with the same business of 15 years or more.

E. A nonconforming sign shall become unlawful and shall be removed immediately upon any change in use or business to which the sign relates. (Ord. 1562 § 1, 1992; Ord. 1225 § 1, 1985; prior code § 2-2.3412)

18.74.130 Permitted signs.

A. Signs on lots having frontage on Main Street in the district shall be permitted in accordance with the provisions of Table 1 herein. The total area of all signs facing any street shall not exceed one square foot for each linear front foot of business establishment on such a street; provided, that a business having less than 20 feet of frontage

on a street shall be permitted up to 20 square feet of sign area. All sign areas shall be measured in accordance with the provisions of this code.

B. All first-floor retail and office uses shall include pedestrian-oriented signage in the signs identifying their businesses. A maximum of 75 percent of the total permitted sign area for a site may be utilized as vehicular-oriented signs (e.g., signs which are primarily visible from a public street). The remaining allowable area may be used for pedestrian-oriented signs (e.g., projecting signs, window signs, overhang signs under building projections or street-oriented directory signs) as determined by the zoning administrator.

C. Sign content shall be limited to the identification of the site or use (e.g., business name). In addition, references to generic product-types or services offered may be incorporated into window signs, awnings, freestanding sidewalk signs, or flags. Such signs shall be subject to design review approval.

Table 1
MAIN STREET SIGNS

A. Definitions:

1. "Wall sign" means a sign which is mounted flush and affixed securely to a building wall, projected no more than 12 inches from the face of a building wall, and not extending sideways beyond the building face or above the highest line of the building wall to which it is attached and shall not include internally illuminated metal framed box signs.
2. "Projecting sign" means a sign which projects more than 12 inches and which is supported by a wall of a building with the display surface of the sign possessing a plane not parallel to the plane of the supporting wall and shall not include internally illuminated metal framed box signs. Projecting signs may be directly or indirectly illuminated.
3. "Window sign" means a sign which is painted, posted upon or displayed within three feet of an interior translucent or transparent surface, including windows and doors, or any interior sign which is clearly visible from a public street or sidewalk.
4. "Awning or canopy sign" means a sign which is painted, sewn, stained, etc., onto the exterior surface of an awning or canopy and which does not extend beyond the edge(s) of the awning or canopy.
5. "Temporary sign" means any window sign maintained for a continuous period of less than 30 days.
6. "Overhang sign" means a small pedestrian-oriented sign suspended from, or mounted to, a permanent building projection.
7. "Freestanding sign" means a sign which is not attached to any building surface and which is supported in the ground by a pole, post, pedestal or similar structural base.
8. "Directory sign" means a sign which displays the multiple names and locations (e.g., suite numbers) of second-story tenants or businesses in buildings without direct frontage on a public street.
9. "Special event flyers" means temporary signs promoting events sponsored by civic, charitable, educational or other nonprofit organizations.
10. "Freestanding sidewalk sign" means a detached sign placed in the sidewalk area in front of a business establishment identifying the business name or generic product-types or services offered.
11. "Menu display" means either a freestanding or building-mounted display for advertising the menu of a restaurant or bar.
12. "Flag" means a decorative fabric or cloth sign which contains wording and is attached to a pole or post on the building and is not stretched crosswise on the building.
13. "Temporary banner" means a banner sign used to advertise a grand opening of a new business for a continuous period of less than 30 days.
14. "Decoration" means an attractive display comprised of fabric or cloth flags, pennants, streamers, and similar colorful attention-getting devices, including small balloons, on or in front of a business establishment.

B. Wall Signs. Maximum of one square foot per linear foot of business establishment to be located not higher than the lowest of the following:

1. Twenty-five feet above grade;
2. Bottom of the sill line of the second floor windows; or
3. Cornice line of the building.

Note: For any business occupying a corner location, the allowable square footage for a wall sign on one street frontage cannot be transferred to increase the allowable size for a wall sign on the other street frontage. Businesses which are located on lots having frontage on Main Street may have signs on the rear or side building elevations subject to design review approval. The area of such signs shall not be counted as part of the maximum allowable sign area for the site; provided, that the signs are not directly visible from Main Street.

C. Projecting Signs. Maximum of 40 square feet, 20 square feet per side per business establishment, to be located no less than eight feet above grade and to project no more than five feet from the building wall and to be situated not higher than the lowest of the following:

1. Twenty-five feet above grade; or
2. Cornice line of the building. No projecting sign shall be located less than five feet from any common wall or other point common to two separate business establishments on the same property. No projecting sign shall be located less than 15 feet from any other projecting sign whether located on the same property or not. No projecting sign shall be located directly above a wall sign or above a building projection such as an awning or similar shading device.

D. Window Signs. Coverage shall not exceed 25 percent for any individual window or door area visible from the exterior of the building. Window signs are prohibited above the second level.

E. Awning or Canopy Signs. On ground floor level, 30 percent maximum coverage allowed of the total exterior surface area of each awning or canopy, not to exceed a total of one square foot per linear front foot of business establishment. On the second floor level and above, 20 percent maximum coverage allowed of the total exterior surface area of each awning or canopy, not to exceed a total of one square foot per linear front foot of business establishment.

F. Temporary Signs. Temporary signs for all business may be displayed and maintained for not more than 30 days at a time, and may not occupy more than 25 percent of the total window area of a business. Special event flyers may be erected on private property up to two weeks in advance of the event being promoted and must be removed within 48 hours following the conclusion of the event.

G. Overhang Signs. The following types of overhang signs may be mounted to or suspended from fixed, permanent building projections (but not on top of sloping surfaces or roofs):

1. Signs mounted to the vertical face of the building projection and therefor parallel to the storefront. Such sign shall not exceed an overall average height of two feet;
2. Signs suspended from a building projection and therefor perpendicular to the storefront. Such signs shall not exceed an overall average height of nine inches;
3. All signs for businesses not having any frontage on Main Street shall conform to the requirements set forth in the downtown Pleasanton design guidelines and this subsection. The total area of all signs facing any street shall not exceed one square foot for each linear front foot of business establishment on such a street; provided, that a business having less than 20 feet of frontage on a street shall be permitted up to 20 square feet of sign area.
    a. Any sign permitted under Table 1 Main Street Signs shall be allowed for businesses not having frontage on Main Street except as superseded by subsection (3)(b) or (3)(c) below.
    b. Residential properties lawfully converted to nonresidential uses shall be allowed one sign only and it shall be either a wall sign or a freestanding sign.
    c. Freestanding signs as allowed under this section shall conform to the following:

(1) Twelve square feet maximum size;

(2) Four feet maximum height;

(3) Sign must be placed parallel to the principal street frontage and set back from the street at least one-third the distance between the edge of the sidewalk nearest the existing structure and the place of the front façade of that structure;

(4) The base of the sign must be incorporated in a landscaped solution;

(5) The materials and colors used in the sign should be compatible with the materials and colors of the existing structure; and

(6) Illumination of the sign is prohibited.

H. Freestanding Signs. Freestanding signs shall be permitted at residential structures which have been converted to commercial use and at service stations and public buildings with frontage on Main Street.

I. Directory Signs. directory signs shall be permitted for multi-tenant buildings and for businesses in buildings without direct frontage on a public street as follows:

1. Directory signs may be building-mounted and placed near a common building entry or stairway; additional directory signs may be allowed at other building locations subject to design review approval. directory signs shall be placed only on the building occupied by the tenants whose names appear on the sign.

2. Directory signs may be freestanding signs which are incorporated into a landscape area. Freestanding directory signs may be pole or post signs but may not be monument signs. These signs shall be limited to five feet in height and 12 square feet in area and may be nonilluminated or indirectly illuminated (such as spot lit).

3. Directory signs may include a floor plan or similar graphic diagram for the building or site. directory signs which are not visible from a public street shall not count toward the allowable sign area for a site.

J. Second-Story Signs. Second-story signs shall be permitted for second-story businesses in accordance with the following restrictions:

1. Window signs may be allowed; provided, that the coverage shall not exceed 25 percent for any individual window or door area visible from the exterior of the building;

2. Awning or canopy signs may be allowed; provided, that the total sign message does not exceed 20 percent of the total exterior surface area of each awning or canopy, not to exceed a total of one square foot per linear front foot of business establishment;

3. Overhang signs identifying second-story businesses may be allowed at the ground level subject to the same restrictions as noted in subsection G of this section;

4. Signs that are mounted or affixed parallel to the building façade may be allowed above the second-story sill line where it is determined that the building architecture can effectively accommodate such signs (e.g., buildings with street-oriented second floor entrances or large, “arcade-type” overhangs), and where such signage could be aesthetically integrated with the building architecture.

K. Temporary “For Sale/Lease” Signs. Signs pertaining to the sale, lease, rental or display of a structure or land. Said signs are subject to the sign standards for location and placement as prescribed in this chapter and subject to the standards of subsection G of this section.

L. Freestanding Sidewalk Signs: Freestanding sidewalk signs shall be permitted if determined to be unique, creative and attractive or which artistically reflect the unique type of business they are identifying. Traditional A-frame signs are not permitted. Signs shall be limited to a vertical dimension of 36 inches, a horizontal dimension of 24 inches, and a total height not exceeding 48 inches above the ground; exceptions may be permitted subject to a determination by the zoning administrator that the unique design warrants a larger sign. These signs shall be set back at least three feet from the street curb and 10 feet from the side street curb on a corner site, and shall be positioned to maintain an unobstructed area on the sidewalk of at least four feet for pedestrian access. Sidewalk signs shall be removed from the sidewalk by the close of business each day and shall not be attached in any way to the sidewalk.

M. Menu Displays. Menu displays, either freestanding or building-mounted, shall be permitted. Freestanding menu displays shall be unique, creative designs which may include a wipe-off board or other area for menu copy which shall be limited to a size of 36 inches by 18 inches in area. The total size of the freestanding menu display shall be the same as for freestanding sidewalk signs. Building-mounted menu displays shall consist of either changeable lettering or a copy of the menu itself enclosed in a transparent case (plastic or glass). Freestanding menu displays shall be removed from the sidewalk by the close of business each day and shall not be attached in any way to the sidewalk.

N. Flags. High-quality designed cloth or fabric flags with wording, symbols, or logos shall be permitted to be mounted on a pole on a building wall or a post. Flags shall be complementary to the building design and individual flags shall not exceed two feet by six feet in area. Wording shall be limited to business name, generic product-types or services offered. No flag may be stretched crosswise on a building.

O. Decorations. Decorations, except for lights, shall be permitted to be attached to a building or its supports, may be part of a freestanding sidewalk display, and may overhang the public sidewalk as long as the vertical clearance is not less than eight feet; the clearance requirement may be waived where the decoration would not create an obstruction or hazard to vehicles or pedestrians. Decorative lights which are an integral part of a window display are permitted.

P. Temporary Banners. Temporary banners on the outside of buildings advertising the grand opening of a new business shall be permitted for a maximum period of 30 days after initial occupancy by the business. Banners shall not exceed two feet by 10 feet in size. (Ord. 1652 §§ 1, 2, 1995; Ord. 1562 § 2, 1992; Ord. 1492 § 4, 1990; Ord. 1396 § 2, 1989; Ord. 1225 § 1, 1985; prior code § 2-2.3413)

18.74.140 Limitations on sign types.

No building façade shall have more than two different types of signs, menu boards excepted, otherwise allowed by this chapter. No building or business may have more than one removable freestanding sign (e.g., menu display, freestanding sidewalk sign) on display at any time. (Ord. 1652 § 3, 1995; Ord. 1225 § 1, 1985; prior code § 2-2.3414)

18.74.150 Removal of temporary signs—Presumption.

The following signs shall be removed by the person in possession or control of the premises within 30 days of the effective date of the ordinance codified in this chapter:

A. Any sign which has been maintained continuously for 60 or fewer days prior to the date of introduction of the ordinance codified in this chapter, except signs erected pursuant to a valid city approval.

B. Any sign constructed on or of paper or similar material, or by chalk, felt pen, tempera, grease pencil or similar medium.

C. Any sign relating to an event which has been completed or which will be completed or commenced within 30 days.

D. All signs relating to sales except signs relating to registered going-out-of-business sales are deemed to relate to events which have been or will be commenced or completed within 30 days and are temporary signs. (Ord. 1225 § 1, 1985; prior code § 2-2.3415)

18.74.160 Alteration or change prohibited without certificate of appropriateness.

A. No person shall alter or materially change the appearance of any structure, portion of a structure, or sign, visible from a public street or way, nor shall any permit of such actions be issued without such person first having applied for and been issued a certificate of appropriateness by the zoning administrator. The zoning administrator may refer an application for a certificate of appropriateness to the planning commission for review and action if deemed necessary.

B. Certificates shall be issued for all such proposed actions determined by the zoning administrator or planning commission to be consistent with the purpose of the district. The zoning administrator or planning commission shall be guided in their determination by the provisions of this chapter and the adopted downtown Pleasanton de-

sign guidelines. Certificates of appropriateness shall be in addition to and not in lieu of any other required permit. (Ord. 1656 § 1, 1995; Ord. 1586 § 6, 1993; Ord. 1225 § 1, 1985; prior code § 2-2.3416)

18.74.170 Certificate of appropriateness required for demolition or removal.

No person shall demolish or remove an existing structure, including a structure of primary or secondary significance, without first obtaining a certificate of appropriateness from the planning commission. Structures of primary or secondary significance are those determined to be so by the city council, from time to time, and adopted pursuant to the regulations governing adoption and changes in the downtown Pleasanton design guidelines. all applications for demolition permits shall be forwarded upon receipt by the chief building official to the planning commission. If the application for demolition is clear the property of a structure, which in the opinion of the chief building official could be subject to proceedings for the abatement of hazardous buildings under this code, then the applicant shall not be required to submit, with this application, materials sufficient to enable the planning commission to determine that the proposed future use including the design is consistent with the adopted guidelines. In all other cases the applicant shall submit material sufficient for such review. The commission has the authority to deny a certificate of appropriateness or to delay the issuance of the certificate in accordance with the standards set forth under Section 18.74.190 of this chapter. The commission may delay issuance for 90 days for a structure of secondary significance and 180 days for a structure of primary significance. (Ord. 1586 § 7, 1993; Ord. 1225 § 1, 1985; prior code § 2-2.3417)

18.74.180 Procedure.

Upon receipt of an application for a permit to demolish, the commission shall set a time and place for review and public hearing on the application and shall give the owner or applicant and all other persons who have indicated their interest in the application written notice. Such hearing shall be held not later than 30 days after receipt of the application by the commission. The commission shall issue a final decision not later than 15 days after closure of the public hearing. If the commission fails to hold the hearing or take final action within the time period specified or as extended by mutual agreement, the application shall be deemed to be approved. Whenever an application is so deemed approved it shall automatically be deemed appealed to the city council. The city council shall hear the appeal in accordance with the procedures set forth in this code for appeals. In case of a denial or delay, the commission shall state its reasons therefor in writing. In case of approval of the application, the commission shall issue a certificate of appropriateness. (Ord. 1586 § 8, 1993; Ord. 1225 § 1, 1985; prior code § 2-2.3418)

18.74.190 Standards for review for demolition.

If the commission finds that: (1) the proposed demolition of a structure would be inappropriate or inconsistent with the purposes of this chapter, or that (2) the proposed demolition would have an adverse effect on adjoining property, or on the built context, or that (3) the proposed future use and design of the property would be inconsistent with this chapter or the adopted guidelines, then the commission shall deny the certificate of appropriateness, unless the applicant establishes to the satisfaction of the commission that there is unnecessary hardship in the strict application of this chapter. To establish hardship, the applicant must show that no reasonable use of the property can be made unless the structure is demolished. The applicant must also show that the hardship is the result of the application of the chapter and is not the result of any act or omission by the applicant or the applicant's predecessor in interest. If the commission finds that such unnecessary hardship exists, it shall approve the certificate of appropriateness unless the proposed demolition would alter the essential character of the built context. In such case, the commission shall delay issuance of the certificate for 180 days for structures of primary significance and 90 days for structures of secondary significance. During the delay period, the commission shall take such action as it deems necessary to preserve the structure. Such action may include negotiations with civic groups, public or private agencies or individuals for the purchase, lease or relocation of the structure. The Commission may also suggest eminent domain proceedings be initiated by the city council. (Ord. 1586 § 9, 1993; Ord. 1225 § 1, 1985; prior code § 2-2.3419)

18.74.200 Duty to maintain structures and premises—Demolition by neglect prohibited.

Every person in possession or control of a nonsingle-family residence structure and appurtenant premises in the district shall maintain and keep in good repair such structure and premises. Structures and appurtenant premises in good

repair present no material variance in apparent condition from surrounding structures in compliance with these requirements. "Good repair" means and includes that level of maintenance and repair which: (1) clearly ensured the continued availability of such structure and premises for lawful reasonable uses; (2) prevents deterioration, dilapidation and decay of any exterior portion of such structure and premises; and (3) avoids impairment to surrounding structures of the benefits of the district. (Ord. 1225 § 1, 1985; prior code § 2-2.3420)

18.74.210 Certain vehicular use along main street prohibited.

The following vehicle related uses of property and structures along Main Street within the district are not required to make reasonable use of such property or structures, are inconsistent with the architectural character and purpose of the district, and are prohibited:

A. Vehicle ingress onto and egress from property and structures;

B. Parking lots or structures;

C. On-site parking of vehicles closer than 50 feet to the Main Street property line. (Ord. 1225 § 1, 1985; prior code § 2-2.3421)

18.74.220 Setbacks prohibited on Main Street—Required elsewhere.

Setback of structures from property lines along Main Street is prohibited. Setback of structures located elsewhere within the district is permitted and may be required in those cases where the zoning administrator finds that the architectural character of the district and the built context of the improvement will be enhanced while not depriving the owner of substantially all reasonable use of his or her property. (Ord. 1656 § 1, 1995; Ord. 1225 § 1, 1985; prior code § 2-2.3422)

18.74.230 Projections prohibited—Exceptions.

Along façades on Main Street only, the zoning administrator may allow projections consistent with the adopted guidelines and may, where necessary to the design solution, allow such projections to turn the corner onto another façade. The zoning administrator may allow awnings anywhere in the district. With the exception of sign and building ornamentation as otherwise allowed under this chapter and of projections permitted by the zoning administrator under this section, no part of any structure may project onto or overhang the public right-of-way. (Ord. 1656 § 1, 1995; Ord. 1225 § 1, 1985; prior code § 2-2.3423)

18.74.240 Prohibitions—Void permits.

No building permit, license, certificate or other approval or entitlement shall be issued or given by the city or any department or employee thereof with respect to any matter subject to the provisions of this chapter except in strict conformity with the requirements of this chapter and none shall be issued or given until the time to appeal has run without appeal. No certificate of use and occupancy or similar approval shall be issued or given for any improvement subject to design review until the zoning administrator has certified that the improvement has been completed in accordance with the final architectural plan approved pursuant to this chapter. Any permit, license, certificate or other approval or entitlement given in violation of this chapter is void. (Ord. 1225 § 1, 1985; prior code § 2-2.3424)

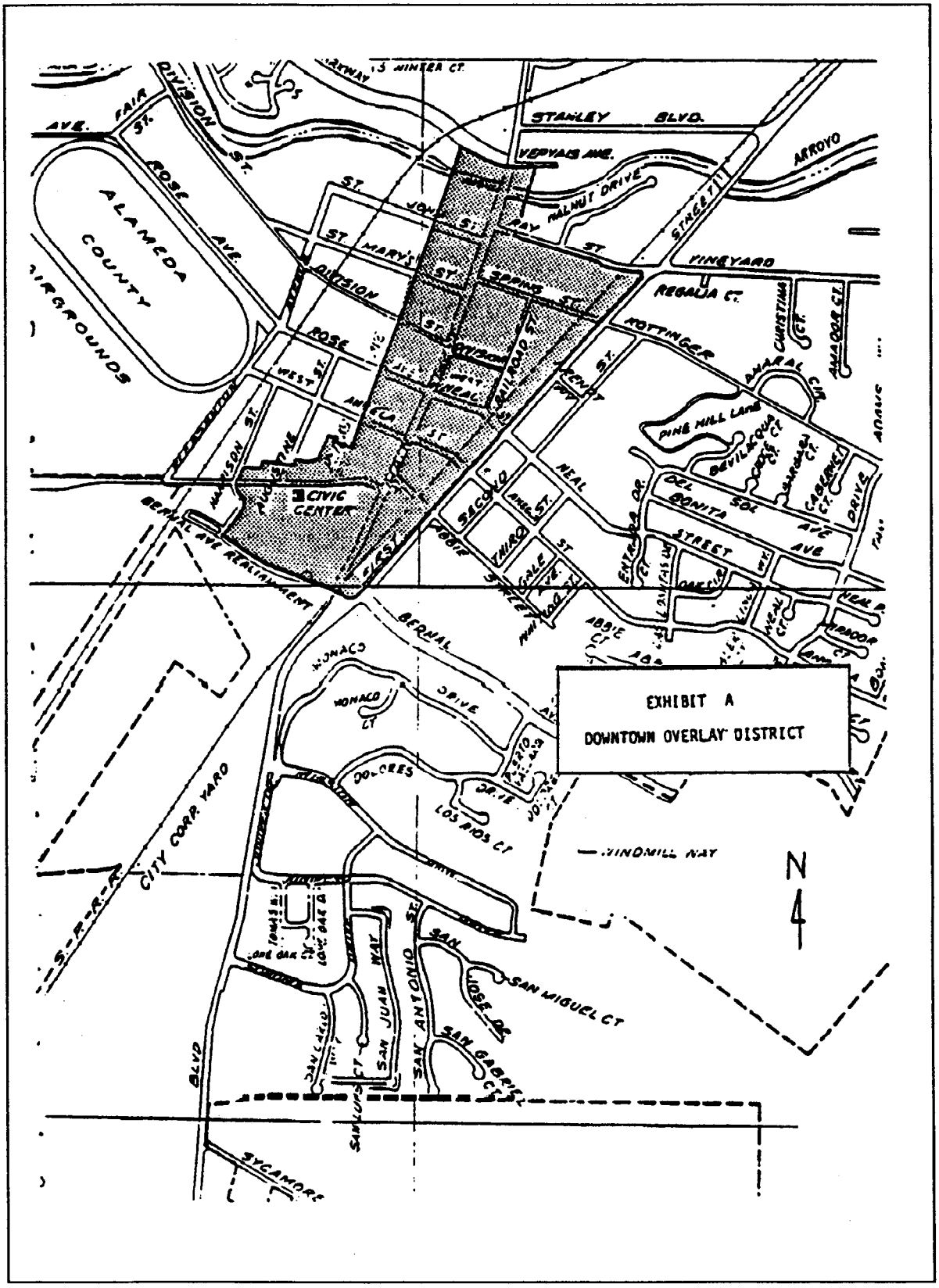


EXHIBIT A
DOWNTOWN OVERLAY DISTRICT
ALAMEDA COUNTY FAIRGROUNDS
CIVIC CENTER
STANLEY BLVD.
ARROYO
PINEYARD
ROTTINGER
BERNAL AVE
BERNAL
MONACO DRIVE
DOLORES DR.
LOS RIOS CT
SAN MIGUEL CT
SAN GABRIEL CT
SAN JUAN WAY
SAN ANTONIO
SYCAMORE
CITY CORP YARD
WINDMILL WAY
N

Chapter 18.76

H-P-D HILLSIDE PLANNED DEVELOPMENT DISTRICT

Sections:

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;

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; and

F. Public facilities, such as administrative offices and similar uses, but not including storage yards, corporation yards, or similar uses;

G. Other uses accessory to any permitted use. (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.

3. Nonresidential Use. Parking for nonresidential uses shall also be required in a quantity commensurate with the specific use.

4. Covered Parking. No covered parking shall exceed one story in height.

D. Landscaping. All development in H-P-D districts shall include a combination of landscaping consisting of intensely planted and maintained areas and open space preserved in its natural condition. Unless otherwise stated in the approval of an H-P-D permit, natural open space may be used for livestock grazing.

E. Subdivisions. The final subdivision, land division or parcel map shall show not more than one dwelling unit on any one lot and commonly owned land and facilities on one or more additional lots.

F. Common Area. No final subdivision map or parcel map shall be recorded until documents pertaining to the maintenance of the privately owned open space and other facilities owned by or used in common by the subsequent owners of the various real properties within the subject development shall have been approved by the city attorney. (Prior code § 2-2.3205)

18.76.060 Signs.

Where applicable, the sign regulations for the R districts as set forth in this chapter shall apply to the H-P-D districts. (Prior code § 2-2.3206)

18.76.070 Interim uses.

A. If any land has been zoned H-P-D but no H-P-D permit has been approved thereon, no new use shall be established on such land. Any single-family residential or agricultural buildings lawfully existing at the time of the establishment of H-P-D zoning on that property may be enlarged, structurally altered, or accessory buildings may be constructed. Any remodeling or construction allowed by this section shall conform to the conditions to use applicable to the R-40 district.

B. "Agricultural building," as used in this chapter, shall mean any structure, except fences, for the purposes of housing farm animals or farm equipment and shall specifically exclude any building used for processing farm products on a commercial basis. The remodeling or construction of any building as permitted by this chapter shall conform to the various conditions to uses required in the R-40 district. (Prior code § 2-2.3207)

18.76.080 Grading.

The grading of land and maximum height of graded slopes shall be governed by provisions of the Uniform Building Code, the provisions of Title 19 of this code relating to subdivisions, and/or the provision of a comprehensive grading ordinance adopted by the city council. (Prior code § 2-2.3208)

Article II. Hillside Planned Development Permit

18.76.090 Purpose.

The purpose of the H-P-D permit is to assure that the intent and purpose of the hillside planned development district are effectuated. (Prior code § 2-2.3209(a))

18.76.100 Definitions.

The terms and symbols used in this section shall have the following meanings:

A. "Base density" means the number of dwelling units per gross acre as determined by Section 18.76.150(A).

B. "Contour interval" means the difference in elevation between adjacent contour lines on a topographical or planimetric map.

C. "I" means the contour interval measured in feet.

D. "L" means the summation of the length of all contour lines measured in feet.

E. "Open space" means landscaped areas together with areas retained in their original state without enhancement by landscaping, both of which are owned in common by the owners of the residential lots within a development.

F. "Ridge" means a connected series of major and minor hills.

G. "Ridgeline" means a ground line located at the highest elevation of the ridge running parallel to the long axis of the ridge.

H. "Weighted incremental slope (WIS)" means a number assigned to a specific parcel of land for the purpose of determining its relative slope conditions and is determined according to the following formula:

$$\text{WIS} = \frac{0.0023\text{IL}}{\text{Area in Acres}}$$

The calculation of the WIS shall be performed pursuant to the criteria and procedure set forth in Section 18.76.140(E). (Prior code § 2-2.3209(b))

18.76.110 Procedures.

Following are the procedures for processing an application for an H-P-D permit:

A. Review by Planning Commission. Upon receipt of the data required by Section 18.76.140, the planning commission shall hold a public hearing to consider the request for an H-P-D permit. The public hearing required by this section shall be given pursuant to the provisions of Government Code Section 65854. Following the public hearing, the planning commission may approve, conditionally approve, or disapprove the requested H-P-D permit. The decision of the planning commission shall be placed in resolution form and the reasons for the decision shall be specified therein. A copy of the resolution shall be transmitted to the city council and to the applicant as soon as possible after review by the planning commission. A synopsis of the planning commission's action and rationale shall be transmitted to the city council and the applicant where the planning commission's review will not occur until after the expiration of the appeal period specified in subsection E of this section; said synopsis shall be the unofficial report of the planning commissions pending receipt of the required resolution.

B. Review by City Council. Upon receipt of a resolution from the planning commission recommending approval of an H-P-D permit, the city clerk shall schedule a public hearing before the council with notice of the time, date and place of public hearing being given, pursuant to Government Code Section 65854. Following the public hearing the council may approve, conditionally approve, or disapprove the H-P-D permit. In approving a permit, the council may modify the recommendations of the planning commission. In making its decision, the council shall be subject to the same requirements as are placed on the commission by this section.

C. Referral. Council may also refer the matter back to the planning commission for further report and recommendation. The planning commission shall not be required to hold a public hearing on a matter referred back to it, but shall submit its report and recommendation within 40 days after the reference; otherwise the proposed modifications shall be deemed approved.

D. Denial by Planning Commission. If the planning commission recommends denial of an H-P-D permit application, no further action by the city council is necessary, unless the planning commission's decision is appealed to the city council by the applicant pursuant to the provisions of Section 18.144.020 of this title. (Prior code § 2-2.3209(c))

18.76.120 Findings.

In recommending approval of, or in approving an H-P-D permit, the following findings must be made:

A. The approval of the plan is in the best interests of the public health, safety and general welfare;

B. Off-site and on-site views of the ridges will not be substantially impaired. In determining which ridges are subject to this finding, the following criteria shall be used: the intents and purposes set forth in Section 18.76.010 of this chapter shall be followed;

C. Any grading to be performed within the project boundaries takes into account the environmental characteristics of that property, including, but not limited to, prominent geological features, existing streambeds and significant tree cover, and is designed in keeping with the best engineering practices to avoid erosion, slides or flooding, to have as minimal an effect on said environment as possible;

D. Streets, buildings and other manmade structures have been designed and located in such a manner as to complement the natural terrain and natural landscape;

E. Adequate fire safety measures have been incorporated into the design of the plan;

F. The plan conforms to the purpose and intent of the hillside planned development district; and

G. The plan is consistent with the city's general plan. (Prior code § 2-2.3209(d))

18.76.130 Conditions.

In the recommendation of approval and in the approval of an H-P-D permit, conditions may be imposed which are deemed necessary to protect the public health, safety and general welfare in line with the standards set forth in this article. (Prior code § 2-2.3209(e))

18.76.140 Required data.

Any application for an H-P-D permit shall be accompanied by the following data prepared by a design team consisting of an architect, landscape architect and registered civil engineer:

A. A site plan showing general locations of all streets, on-street and off-street parking, bicycle paths, riding trails, hiking trails, buildings and other manmade structures; typical elevations or perspective drawings sufficient to show building height, building materials, colors, and general design; perspective drawings showing the relationship after development of the proposed buildings and the topographic features of the site; and a table listing land coverages by percentage and acreage for the following: open space (intensely landscaped and natural) coverage by housing unit roof, parking (covered, open, off-street), streets, sidewalks, paths, recreational facilities;

B. A topographical map showing existing contours and proposed lot lines, which may be integrated with the site plan described in subsection A of this section; the lot lines may be omitted if building locations on the site plan make proposed lot lines obvious;

C. A topographical map at a scale not smaller than one inch equals 100 feet showing contour lines existing prior to grading at an interval of not more than 10 feet; a grading plan showing increments of the depths of all cuts and fills in various colors or any similar display which shows the cuts, fills, depths thereof in colors; and a slope classification map showing, in contrasting colors, all land which has less than a 10 percent slope, that land which has a slope between 10 percent and twenty percent, that land which has a slope between twenty percent and 25 percent, and all land which has a slope greater than 25 percent. The director of housing and community development, or his or her designated representative, may allow a reduction in the scale of the map or an increase in the contour interval when the size of a parcel or its terrain require such changes to make the map more meaningful;

D. Profiles showing the relationship of the proposed project to any dominant geological or topographical features which may be on or in the vicinity of the proposed project;

E. The calculation of the WIS factor shall be prepared by a registered civil engineer or a licensed land surveyor, and the following criteria and procedure shall be used:

   1. The contour map shall have 10-foot contour intervals;

   2. The interval used in WIS calculation shall be two feet and interpolation of the contour intervals shall be made if required;

   3. Topographic map scale:

Parcel Size	Scale
Less than 2.0 acres	1″—20′
2.0 acres to 20 acres	1″—50′
Over 20 acres	1″—100′

F. Any tree(s) including size and species as defined in Chapter 17.16 of this code, whether or not such tree(s) is to be removed, or destroyed, on the site plan or on a separate plat;

G. Sufficient dimensions to show right-of-way widths, pavement widths, radii of curvature of center lines, street grades, whether streets are to be public or private, and all proposed frontage improvements on new and existing streets;

H. A current preliminary soils and geological report prepared by a registered civil engineer and a registered geologist;

I. A detailed landscaping plan showing the natural open space which will remain upon completion of development, all existing trees (and indicating which trees are scheduled for removal), and the precise boundaries of additional landscaping; the landscape plan shall include container size of all trees and shrubs, species of all plant material, irrigation system plan, street lighting, low level path lighting, street furniture and fencing materials, dimensions and locations;

J. A statement in writing stipulating to the total number of bedrooms to be constructed; and

K. The initial plan shall indicate the density allowed by subsection A of Section 18.76.150 and the location of the proposed units. Any request for density adjustments allowed by subsection B of Section 18.76.150 shall be shown on an alternate plan detailing the location of the additional units and amenities.

Notwithstanding the requirements of this subsection, an applicant for an H-P-D permit for the development of five or more acres, which development will occur in stages, may submit general information relating to subsections A and I of this section for review by the planning commission. Precise and detailed plans setting forth the information required by these items shall be submitted to the planning commission for its review and approval prior to the approval of a tentative subdivision map, building permit or other construction authorized by the H-P-D permit. (Prior code § 2-2.3209(f)

18.76.150 Density.

A. Base Density. A base density for a piece of property shall be determined by the following:

Percent slope	10%	15%	20%	25%	Greater than 25%
*WIS	9.9	14.9	19.6	24.2	Greater than 24.2
Base Density	3.5	2.8	1.8	1	0.2

*Corrected number values.

Any WIS not shown in the table shall be determined by interpolation, using the graph set forth in Exhibit A of the ordinance codified in this chapter, and incorporated in this chapter by reference.

B. Density Adjustments. The effectiveness of hillside development can be affected by a number of factors such as the physical characteristics of a specific parcel, the amount of landscaped and natural open space existing within a development, the existence of amenities within a development and the number of people who will reside in the hill area. Therefore, in order to encourage hillside developments which take into consideration the factors provided in this subsection, adjustments may be made in the base density in the recommendation for approval and approval of an H-P-D permit, pursuant to any of the following:

1. The existence of open space beyond that required by Section 18.76.160;

2. The existence of amenities or on-site or off-site improvements which are not normally found or required in residential developments;

3. The existence of a mixture of housing types which provides a variation in the appearance of the development and allows a range of housing prices;
4. The existence of landscaping of a type, size and quantity which exceeds that of a standard residential development;
5. The existence of a topographical feature, including, but not limited to, a cliff or deep ravine, or extensive land area over 25 percent slope, of a magnitude which causes the WIS to be significantly greater than would be the case if the topographic feature was not considered; and
6. The offer to and acceptance by the city of land in excess of the parkland dedication requirements of Chapter 19.44 of this code. (Prior code § 2-2.3209(g))

18.76.160 Percentage open.

The percentage of the parcel to be developed which must remain in open space and/or public parkland shall be a minimum of 25 percent plus one and one-half times the WIS factor. Public parkland shall include only those areas which are offered for dedication as public parks and which are accepted by the city. (Prior code § 2-2.3209(h))

18.76.170 Grading control.

A. Size and Treatment. In order to keep all graded areas and cuts and fills to a minimum, to eliminate unsightly grading and to preserve the natural appearance and beauty of the property as far as possible as well as to serve the other specified purposes of this chapter, specific requirements may be placed on the size of areas to be graded or to be used for building, and on the size, height and angles of cut slopes and fill slopes and the shape thereof. In appropriate cases retaining walls may be required.

B. Restrictions. All areas indicated as natural open space on the approved development plan shall be undisturbed by grading, excavating, structures or otherwise except that riding trails, hiking trails, picnic areas, stables and similar amenities may be placed in natural open space pursuant to the approval of an H-P-D permit.

C. Landscaping. The H-P-D permit shall include the planting of newly created banks or slopes for erosion control or to minimize their visual effect. (Prior code § 2-2.3209(i))

Chapter 18.78

WEST FOOTHILL ROAD CORRIDOR OVERLAY DISTRICT

Sections:

18.78.010 Purpose.

The purpose of this chapter is to create a zoning overlay district with regulations which will implement the goals and policies of the general plan as they relate to maintaining the highly aesthetic, rural character of the Foothill Road corridor. This corridor is designated an "area of special concern" in the land use element, and the combination of residential densities allowed in the general plan is designed to form a complementary pattern of development and conservation which will provide Pleasanton with opportunities for custom homes, recreation, open space and preservation of the city's most visible resource. This zoning overlay district will assure that development along this corridor is consistent with the goals and policies of the general plan and thereby promotes and protects the health, safety, comfort, appearance and general welfare of the community. (Ord. 1468 § 1 (part), 1990)

18.78.020 Creation of district.

There is created a zoning overlay district known as the West Foothill Road corridor overlay district (hereinafter referred to as "district"), the boundaries of which are as follows:

All that land bounded as follows: Foothill Road on the east, the northern boundary of lands of East Bay Regional Park district approximately 1,500 feet south of Verona Road on the south, the 670-foot elevation contour line on the west except in the northwest corner where it shall be the property line betweens lands of Presley Homes and lands of Panganiban, and Dublin Canyon Road on the north excluding lands planned for commercial uses; all as more precisely shown on Exhibit A, attached to the ordinance codified in this chapter, and incorporated herein by reference, appearing on the maps following this chapter. (Ord. 1468 § 1 (part), 1990)

18.78.030 Regulations applicable.

A. The regulations applicable to the district contained in this chapter are in addition to the regulations otherwise applicable to the area within the district; provided, however, that where regulations conflict, the provisions of this chapter shall control.

B. In the event the underlying zoning of properties within the district is changed, this district shall remain in effect unless the rezoning action specifically removes the properties from this district. (Ord. 1468 § 1 (part), 1990)

18.78.040 Properties not subject to the district's regulations.

A. All properties within the district which have approved PUD development plans, prior to the adoption of this district, shall be allowed to develop in accordance with the provisions of their development plans. To the extent those development plans require subsequent discretionary city approval, the city reviewing boards and commissions shall attempt to meet the spirit of this district's regulations in the context of allowing development in accordance with the approved PUD development plans.

B. Existing lots of record as of the date of adoption of the ordinance codified in this chapter may be developed with structures in accordance with the regulations of the underlying zoning rather than within the regulations included in this district; however, the city reviewing boards and commissions shall attempt to meet the spirit of this district's regulations in the context of allowing structures to be built in accordance with the existing underlying zoning regulations. (Ord. 1468 § 1 (part), 1990)

18.78.050 Procedure.

The requirements of this district shall be implemented by city reviewing boards, commissions and officials, in conjunction with their review of projects otherwise required by this code. Review of projects shall include, but not be limited by, PUD development plans, design review, tentative subdivisions and building permits. The reviewing boards, commissions and officials may approve projects which do not comply with strict technical standards of this chapter upon making a finding that the design of the project as a whole is consistent with the highly aesthetic, rural character of the Foothill Road corridor. (Ord. 1468 § 1 (part), 1990)

18.78.060 Adoption of guidelines.

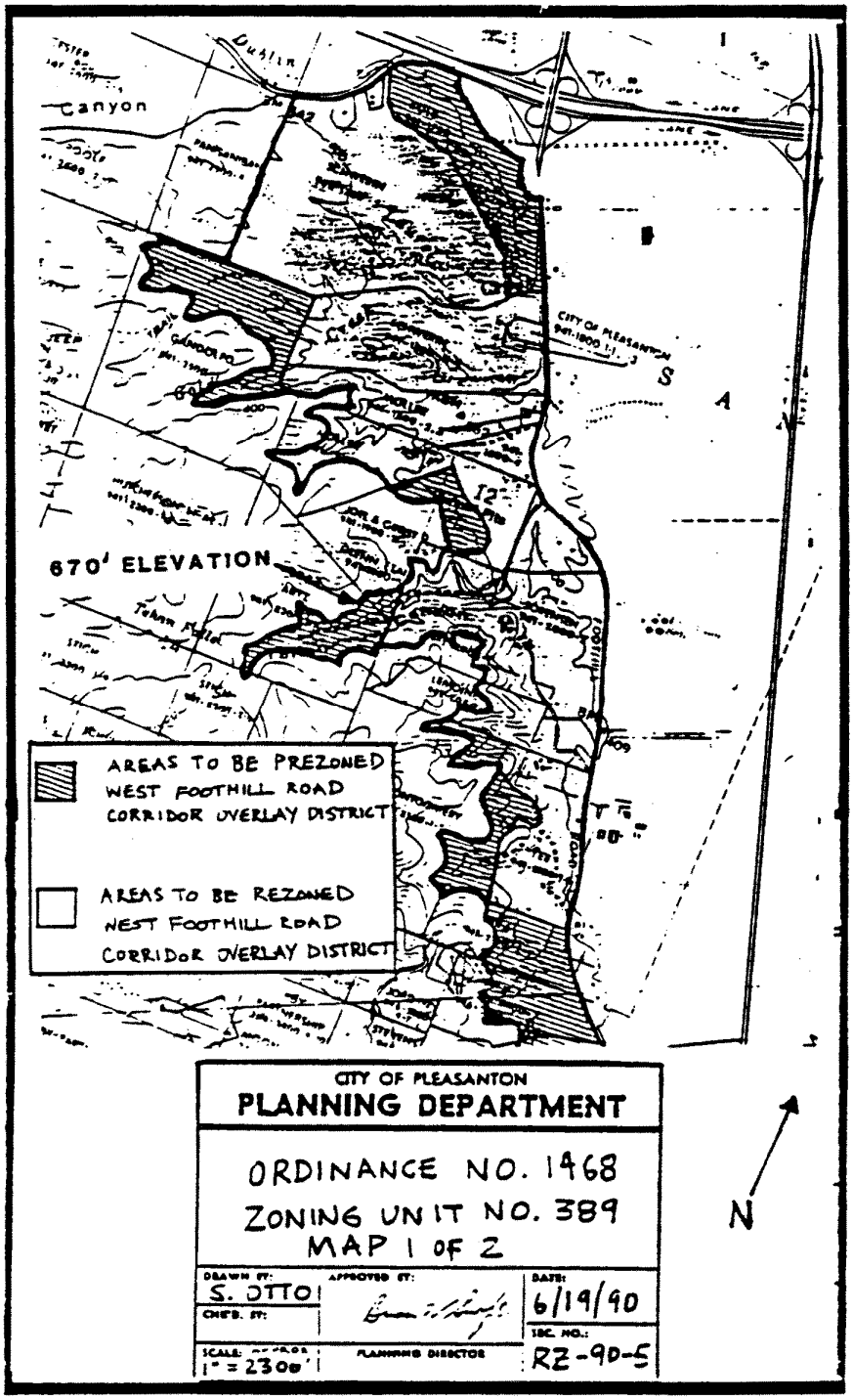
The city council, following recommendations by the planning commission, may adopt by resolution design guidelines for the district. Such guidelines may be amended from time to time following the same procedure. city staff, boards and commissions shall adhere to the adopted guidelines in reviewing all applications for permits. (Ord. 1468 § 1 (part), 1990)

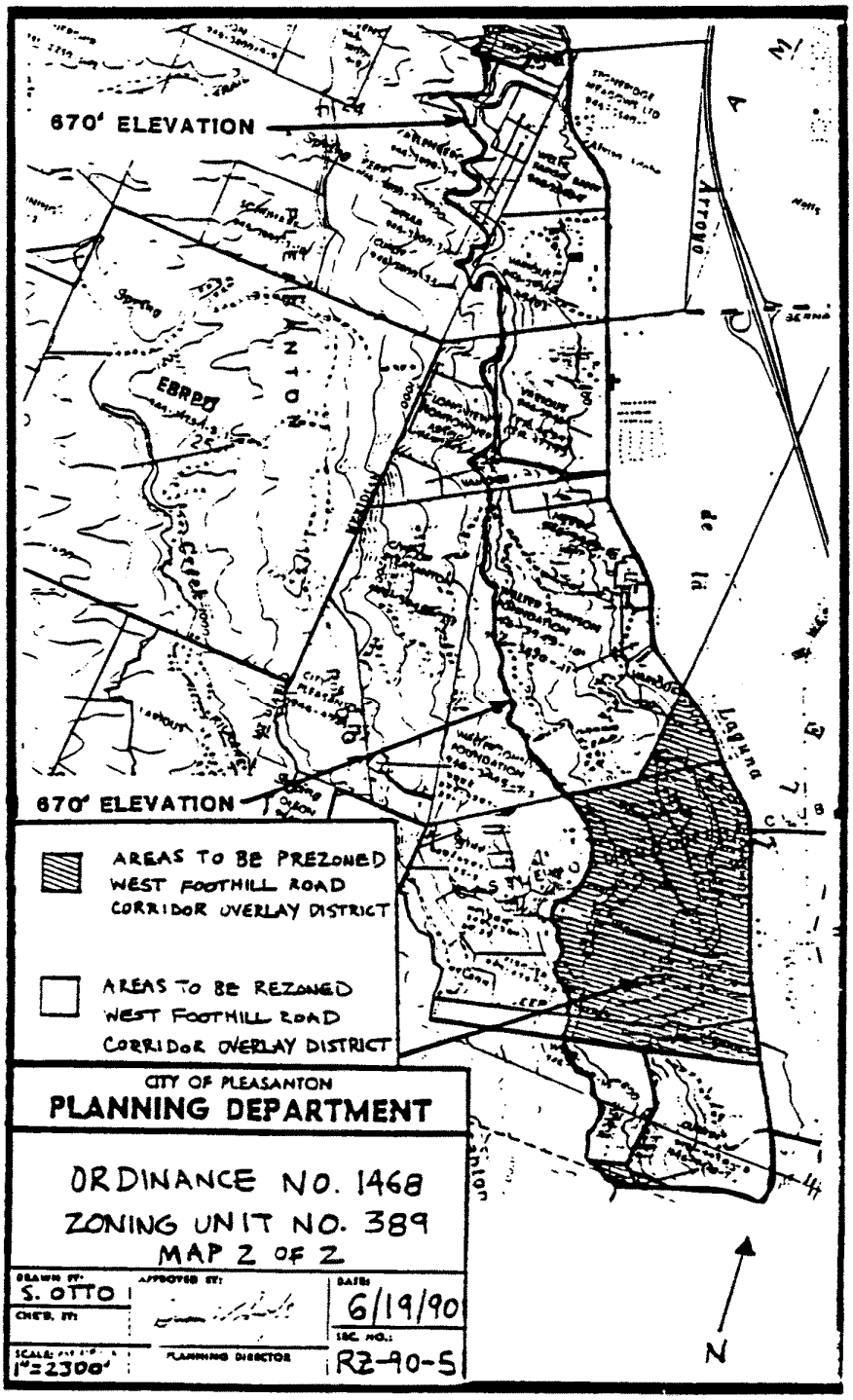
18.78.070 Regulations for lots adjoining Foothill Road.

The following regulations shall apply to lots adjoining Foothill Road or any frontage road adjacent to Foothill Road, when feasible, in order to achieve the purposes of the district. These requirements shall apply to the first tier of lots along Foothill Road and shall not apply to lots located westerly of the first tier of lots:

A. Lot Size Regulations. The minimum lot size shall be 30,000 square feet in area. Variation in lot sizes shall be encouraged. Lot width and depth shall be sufficient to allow the main building to be sited in a manner consistent with front and side yard setback and main structure separation requirements.

B. Setback From Foothill Road. No structure shall be located closer than 150 feet to the westerly edge of the Foothill Road edge of pavement, back of curb, or back of curb as established by an approved alignment plan.


Canyon
670' ELEVATION
AREAS TO BE PREZONED
WEST FOOTHILL ROAD
CORRIDOR OVERLAY DISTRICT
AREAS TO BE REZONED
WEST FOOTHILL ROAD
CORRIDOR OVERLAY DISTRICT
CITY OF PLEASANTON
PLANNING DEPARTMENT
ORDINANCE NO. 1468
ZONING UNIT NO. 389
MAP 1 OF 2
DRAWN BY: S. OTTO
APPROVED BY:
PLANNING DIRECTOR
DATE: 6/19/90
SCALE: 1" = 2300'
RZ-90-5
N


670' ELEVATION
670' ELEVATION
AREAS TO BE PREZONED
WEST FOOTHILL ROAD
CORRIDOR OVERLAY DISTRICT
AREAS TO BE REZONED
WEST FOOTHILL ROAD
CORRIDOR OVERLAY DISTRICT
CITY OF PLEASANTON
PLANNING DEPARTMENT
ORDINANCE NO. 1468
ZONING UNIT NO. 389
MAP 2 OF 2
DRAWN BY: S. OTTO
CHK'D. BY:
APPROVED BY:
PLANNING DIRECTOR
DATE: 6/19/90
SCALE: 1"=2300'
REZ-90-5
N

C. Side Yard Setbacks. Side yard setbacks shall be a minimum of 25 feet. Main structures with a building elevation facing Foothill Road of between 80 to 100 feet in width shall have side yard setbacks of a minimum 45 feet. Main structures wider than one hundred feet shall have minimum side yard setbacks of 75 feet.

D. Main Structure Height. The maximum height for any structure shall be 30 feet, measured vertically from the lowest point of the structure to the highest point of the structure, excluding towers, spires, cupolas, chimneys and other such uninhabitable projections. (Ord. 1468 § 1 (part), 1990)

18.78.080 Subdivision design.

The following standards should be followed, when feasible, in any development within the district in order to achieve the purposes of this district:

A. Open Space Between Lot Clusters. Lots created along Foothill Road, or any frontage road parallel to Foothill Road, shall be clustered such that natural open space a minimum of 200 feet in width shall separate clusters of lots. No more than three lots may exist in a cluster of lots.

B. Prohibition on Foreridge Development. Building sites within lots shall not be allowed if they are located on or near ridges which do not have a background of Pleasanton or Main Ridges when viewed from Foothill Road. Landscaping in the form of mature trees may be an allowable background for such ridgeline sites if the decision-making body finds that the landscaping will preclude the structure from dominating the skyline as viewed from Foothill Road.

C. Access/Frontage Improvements. Use of individual driveways intersecting directly onto Foothill Road should be prohibited; combined, common-access driveways serving more than one lot shall be encouraged. Use of frontage roads should be encouraged where topography, grading and similar considerations make such roadways feasible.

D. Landscaping. Mature, native trees within the district shall be retained to the maximum extent feasible. Where feasible, mature oak and other native species should be relocated to grassland areas planned for development in order to soften the effect of new development with the corridor. New development landscaping shall be predominantly native plant species in areas visible from Foothill Road, with lawn or turf areas in landscape schemes adjacent to Foothill Road either eliminated or hidden by native landscaping.

E. Retaining Walls. Retaining walls visible from Foothill Road should be faced with materials compatible with the natural setting, such as natural stone or wood. Where feasible, retaining walls should be stepped. Landscaping shall be incorporated to minimize adverse visual impacts, with planting in front of walls, within stepped recesses and/or overhanging the wall.

F. Fencing. Open fencing shall be required, except that solid, privacy fencing may be allowed in areas of a lot not within required yard areas if it is screened with landscaping. (Ord. 1468 § 1 (part), 1990)

Chapter 18.80

CORE AREA OVERLAY DISTRICT

Sections:

18.80.010 Purpose.

In order to encourage the efficient use of land consisting of parcels of unusual size and shape located in the core area of Pleasanton and to facilitate the development of smaller multi-family rental housing projects, this chapter provides modified development standards applicable to an identified area of the community designated the core area overlay district. (Prior code § 2-2.3301)

18.80.020 Area designation.

The core area overlay district shall include the area designated "Area for Modified Housing Development Standards" on the map following this chapter and incorporated herein by reference. (Prior code § 2-2.3302)

18.80.030 Applicability.

The modified standards contained in this chapter shall apply only to multi-family or mixed multi-family/commercial and office projects containing 10 or less multi-family rental dwelling units. (Prior code § 2-2.3303)

18.80.040 Underlying zoning.

The modified standards in this chapter shall apply to property zoned RM (multi-family residential) and C-C (central commercial) overlain by the core area overlay district. Except as modified in this chapter, all other regulations embodied in the underlying zoning of a subject property shall apply to its development. (Prior code § 2-2.3304)

18.80.050 Modified development standards—Yard requirements.

A. Yard requirements for property in an underlying RM district are as follows:

1. Front, 15 feet minimum
2. Side, five feet minimum one side, 10 feet minimum both sides, 10 feet minimum for street side of corner lot;
3. Rear, 10 feet minimum.

No structure shall exceed the height of a sloping plane 15 feet in height at the interior of the minimum required side or rear yard and sloping away from the side or rear property line five feet for each additional 15 feet in height.

B. No yard requirements shall apply to property in the underlying C-C district. (Prior code § 2-2.3305(a))

18.80.060 Modified development standards—Open space requirements.

Open space requirements for property in underlying RM and C-C Districts are as follows:

A. Private Open Space.

1. For dwellings with one bedroom or less than 75 square feet of private open space per dwelling unit with a minimum dimension of five feet for aboveground decks of an upstairs unit and eight feet for ground-level areas;
2. For dwellings with two or more bedrooms, 50 square feet per bedroom of private open space per dwelling unit with minimum dimensions as described in subsection(A)(1) of this section.
3. All dimensions for private open space shall be subject to the provision of adequate light and air to adjacent properties.

B. Group Space. There shall be no requirement for group open space in the core area overlay district for qualifying projects. (Prior code § 2-2.3305(b))

18.80.070 Modified development standards—Off-street parking requirements.

Off-street parking requirements for property in the underlying RM and C-C districts are as follows:

A. Studio apartments, one space per dwelling unit;

B. One and two bedroom apartments, one and one-half spaces per dwelling unit;

C. Three or more bedroom apartments, two spaces per dwelling unit;

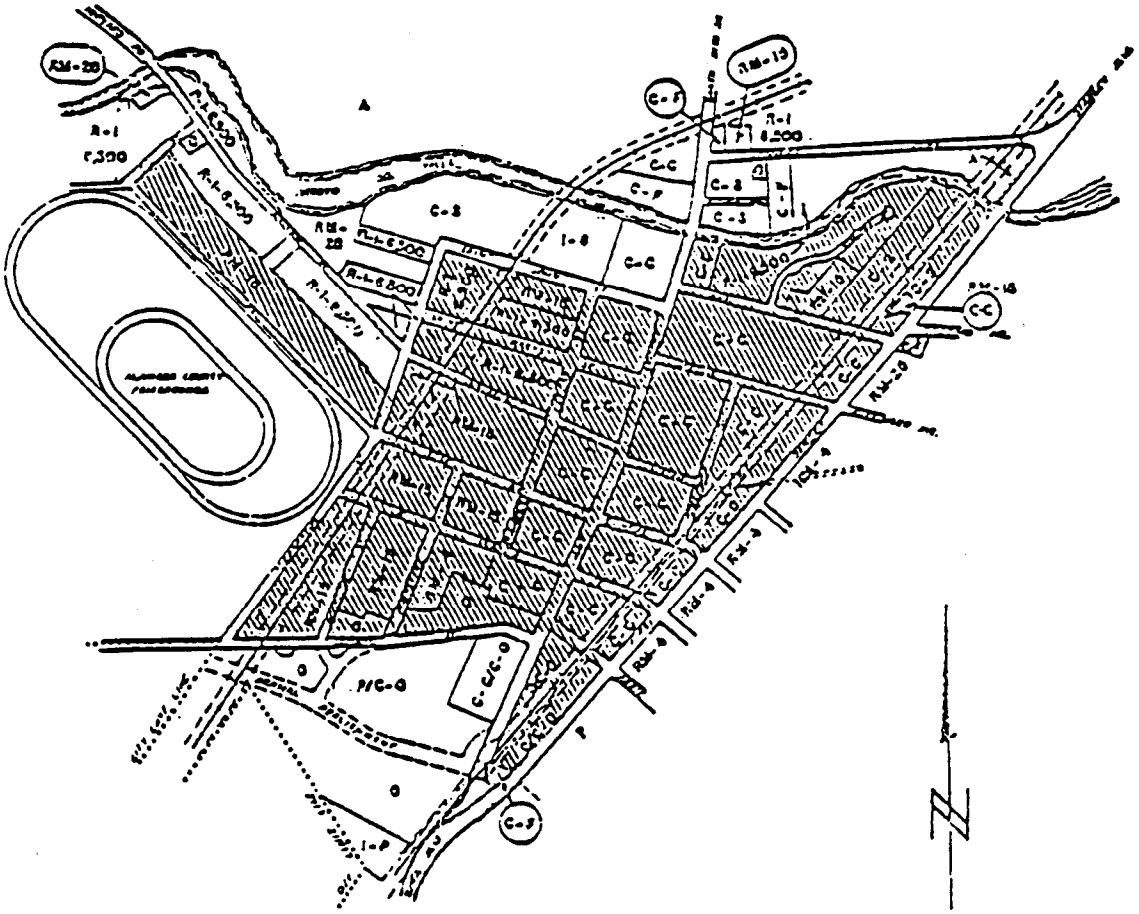
D. No visitor parking in addition to the required number of spaces need be provided;

E. In the underlying C-C district where residential and commercial or office uses are mixed, one bedroom and smaller dwelling units may provide one parking space per dwelling unit;

F. All parking may be uncovered;

G. All other relevant provisions of Section 18.88.080 shall apply to parking facilities provided in the Core Area Overlay district provided that in appropriate instances the zoning administrator may authorize minor reductions in dimension requirements. (Prior code § 2-2.44-5(c))

EXHIBIT A
AREA FOR MODIFIED HOUSING DEVELOPMENT STANDARDS



Chapter 18.84

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

Sections:

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;

3. Appropriate access, off-street parking, and loading berths are provided to each lot in the subdivision through easements or other devices, said appropriateness to be determined by the city;

4. Provision has been made to ensure maintenance of the access ways and other "public" areas in a manner acceptable to the city; and

5. All buildings either proposed to be built or existing, shall meet the applicable provisions of the building and fire codes as determined by the city.

Any other conditions may be placed on such commercial or industrial subdivisions as may be necessary to protect the public health, safety and welfare. (Prior code § 2-5.35(b))

18.84.030 Site area and dimensions—Measurement.

A. Required front, side and rear yards shall be measured as the minimum horizontal distance from the property line of the site or street right-of-way line to a line parallel thereto on the site; provided that where a specific street plan has been adopted by the city council, site area and required yards shall be measured from the plan line, and no provision of this chapter shall be construed to permit a structure or use to extend beyond such line; and provided further, that where a site abuts on a street having only a portion of its required width dedicated or reserved for street purposes, site area and required yards shall be measured from a line drawn on the boundary of the additional width required for street purposes abutting the site.

B. No site shall have less than 35 feet of frontage.

C. On an irregular site, required yards shall be measured in the manner prescribed by the zoning administrator.

D. On a lot having a width that exceeds its depth and which is served by an access corridor, the longer dimension may be considered the depth for purposes of measuring front, side and rear yards.

E. If, after dividing the area of a site in an RM or C-C district by the site area required per dwelling unit, a remainder equal to or greater than 90 percent of the area required for an additional dwelling unit is obtained, one additional dwelling unit may be located on the site, provided that all other applicable yard, open space, bulk, and parking regulations are met. (Prior code § 2-5.36(1))

18.84.040 Hillside sites in R-1 districts.

A. In the R-1-6,500, R-1-7,500, R-1-8,500 and R-1-10,000 districts, for each one-foot difference in elevation greater than 10 feet between points A and B as described in this chapter, the minimum required site area shall be increased by 10 percent except that a site in excess of 13,000 square feet shall not be required in the R-1-6,500 district, a site in excess of 15,000 square feet shall not be required in the R-1-7,500 district, a site in excess of seventeen thousand square feet shall not be required in the R-1-8,500 district, and a site in excess of 20,000 square feet shall not be required in the R-1-10,000 district.

B. In the R-1-20,000 and R-1-40,000 districts, for each one-foot difference in elevation greater than 20 feet between points A and B, as described in this chapter, the minimum required site area shall be increased by 10 percent.

C. On any lot point A is a point at which either projected side lot line intersects the edge of the street pavement as shown on a preliminary or tentative subdivision map or on plans approved by the director of public works or the existing pavement or traveled way. Point B is a point on the lot on an arc 100 feet distant from point A with the greatest difference in natural grade.

D. On a site having a difference in elevation of more than 10 feet between points A and B as described in this chapter, the natural grade shall not be disturbed or natural vegetation removed on more than 5,000 square feet if the site is in the R-1-10,000 district or more than 7,000 square feet if the site is in the R-1-20,000 or R-1-40,000 districts, provided that vegetation other than trees more than six inches in diameter may be removed from additional area if replaced by planning of equal coverage and ground-holding ability, and provided that vegetation may be removed from additional area in accord with a plan approved by the board of design review to thin out excessively heavy growth in order to foster improved growth conditions, to remove diseased plant material, or to eliminate a hazardous condition.

E. All properties placed in a hillside planned development (H-P-D) district shall be developed pursuant to the provisions of Chapter 18.76 of this title. (Prior code § 2-5.36(2))

18.84.050 Width of corner lots.

Corner lots shall have extra width in addition to the width prescribed in the zoning schedule at least equal to the width of the minimum interior side yard prescribed for a main structure in the district and in no case shall the lot be less than 80 feet. (Prior code § 2-5.36(3))

18.84.060 Depth adjoining freeway or railroad in R districts.

In an R district, no site rearing on a freeway or railroad right-of-way shall have a depth of less than 130 feet. (Prior code § 2-5.36(4))

18.84.070 Nonconforming sites.

A site having an area, frontage, width or depth less than the minimum prescribed for the district in which the site is located, which is shown on a duly approved and valid tentative subdivision map or a recorded subdivision map, or for which a deed or valid contract of sale was of record prior to the effective date of the ordinance codified in this chapter, and which had a legal area, frontage, width and depth at the time that the subdivision map, deed or contract of sale was recorded, may be used for a permitted use or a conditional use in the district in which it is located but shall be subject to all other regulations for the district. (Prior code § 2-5.36(5))

18.84.080 Front yards—Requirements and exceptions.

In addition to the regulations prescribed in the zoning schedule of Section 18.84.010 of this chapter, the following regulations shall apply:

A. The minimum front yard for a garage, carport or off-street parking space required to serve a dwelling in the R-1-6,500, R-1-7,500, R-1-8,500, R-1-10,000, and RM districts shall be 23 feet in order to accommodate a car outside the garage, carport or parking space without encroaching upon the sidewalk, provided that where a garage or carport entered parallel to the street from which it has access, the front yard for the garage or carport may be 15 feet.

   In the R-1-6,500, R-1-7,500, R-1-8,500 and R-1-10,000 zoning districts, the front yard setback shall be a minimum of 20 feet for those properties where it can be shown through city records to the satisfaction of the planning director that the home was initially constructed with a minimum of 20-foot front yard setback.

B. Where sites comprising 40 percent of the frontage in an R district on a block are improved with buildings, the minimum front yard shall be the average of the minimum front yard depths for structures other than garages or carports on each developed site in the district on the block. In computing the average, a depth 10 feet greater than the minimum required front yard shall be used for any site having a greater yard depth.

C. No solid fence, brick and screen block walls, chainlink fence, hedge, or other screen planting in a required front yard in all zoning districts other than the R-1-20,000, R-1-40,000, and A districts shall exceed a height of 30 inches. Open fencing such as wrought iron, split rail, picket style, or other similar types of open fencing may be located in a required front yard, provided that the open fence maintains a maximum height of 42 inches. In conjunction with the open fence, a solid base of brick or split face block up to a height of 18 inches may be constructed so long as the total fence height does not exceed 42 inches, and decorative columns, caps, or pilasters up to a height of 48 inches, generally separated by a distance of six feet may be constructed. “Open picket style fencing” is defined as fencing which consists of narrow vertical boards, generally three inches to four inches in width, and with a minimum of 33 percent of the fence area being open.

   Higher decorative structures or planting screens incorporated into an identifiable landscaping scheme may be located in a required front yard, provided that:

   1. No such structure or screen shall exceed six feet in height except decorative arched gateways, which may be a maximum of eight feet in height;

2. The total linear dimensions of such structures and/or screens shall not exceed 20 percent of the lot frontage; and

3. No structure on the property provided for herein shall occupy any easement for public utility purposes.

In addition, no structure or planting of any type shall pose a traffic sight obstruction as regulated in Section 18.84.110 of this chapter.

D. No solid fence, chainlink fence, hedge, or other screen planting in a required front yard in the R-1-20,000, R-1-40,000, or A district shall exceed a height of 30 inches, except that wrought iron, split rail, or other similar types of open fencing may be permitted by the zoning administrator. Such fencing shall be permitted if it meets the following criteria:

1. The fence shall not exceed a height of six feet.

2. Where such fencing crosses a driveway, it shall be set back a minimum of 20 feet from the face of curb.

3. The fence shall be attractive and properly relate to the architecture of the residence and to its surrounding setting, as determined by the zoning administrator.

4. In conjunction with the open fence, a solid base of brick or split face block up to a height of 24 inches may be constructed, and decorative columns, caps, or pilasters up to a height of 84 inches, generally separated by eight feet, may be constructed.

Higher decorative structures or planting screens incorporated into an identifiable landscaping scheme may be located in a required front yard, provided that:

1. No such structure or screen shall exceed six feet in height except decorative arched gateways, which may be a maximum of eight feet in height;

2. No structure on the property provided for herein shall occupy any easement for public utility purposes.

E. Where the main structure on a site encroaches into the required front yard, a fence in conformance with Section 18.84.090(G) of this chapter may occupy the required front yard, provided that the fence does not encroach any further into the required front yard than the main structure. (Ord. 1884, 2003; Ord. 1862 § 1, 2002; Ord. 1322 § 1, 1987; Ord. 1296 § 1, 1987; prior code § 2-5.37)

18.84.090 Side and rear yards—Requirements and exceptions.

In addition to the regulations prescribed in the zoning schedule of this chapter, the following regulations shall apply:

A. On the street side of a corner lot the side yard shall not be less than twice the depth of the minimum side yard prescribed for the district, except that a side yard in excess of the required front yard depth shall not be required, and a side yard less than 10 feet shall not be permitted.

B. On a reversed corner lot the minimum rear yard may be not less than the minimum side yard prescribed for the district if the side yard adjoining the street is not less than the required front yard on the adjoining key lot, or 15 feet, whichever is greater.

C. Where the side or rear lot line of the site of a use other than a residential use in a district other than an R district adjoins an R district, the minimum side or rear yard shall be 10 feet greater than the minimum yard prescribed in the zoning schedule of this chapter; provided, that where the side or rear lot lines of a site in an I-G district adjoins an R district, the minimum side or rear yard shall be 50 feet.

D. On the side street of a corner lot, the minimum side yard for a garage, carport, or off-street parking space required to serve a dwelling in an R district shall be 20 feet; provided, that if the garage, carport or off-street parking space is entered parallel to the street, the minimum side yard shall be the same as the side yard otherwise required on the site.

E. At the time of the initial construction, principal structures in the R-1-8,500, R-1-7,500, R-1-6,500 and RM-4,000 districts may encroach into otherwise required rear yards to within 15 feet of the rear lot line; provided, that there remains a single unobstructed open space with an area equal to 120 percent of the area obtained by multiplying

the required rear yard dimension by the minimum lot width prescribed for these zoning districts. This unobstructed open area may be located in a side yard and/or in the area between the principal structure and the rear lot line and shall have a minimum dimension of not less than 15 feet.

Additions to principal structures in the R-1-8,500, R-1-7,500, R-1-6,500 and RM-4,000 districts may encroach into otherwise required rear yards to within 15 feet of the rear lot line, provided that there remains a single unobstructed open space with an area equal to 80 percent of the area obtained by multiplying the required rear yard dimension by the minimum lot width prescribed for these zoning districts. This unobstructed area may be located in a side yard and/or in the area between the principal structure and the rear lot line and shall have a minimum dimension of not less than 15 feet.

No structure referred to in this section projecting into the required rear yard shall exceed one story in height.

F. Fences, walls, and hedges not over six feet in height, walks, driveways and retaining walls may occupy a required side or rear yard, except that solid fences, walls, and hedges in the side yard on the street corner of a corner lot may not exceed a height of 30 inches, and open fencing, such as wrought iron, split rail, picket style, or other similar types of open fencing, may not exceed a maximum height of 42 inches. In conjunction with the open fence, a solid base of brick or split face block up to a height of 18 inches may be constructed so long as the total fence height does not exceed 42 inches, and decorative columns, caps, or pilasters up to a height of 48 inches, generally separated by a distance of six feet may be constructed. “Open picket style fencing” is defined as fencing which consists of narrow vertical boards, generally three inches to four inches in width, with at least 33 percent of the fence area being open to view. No such structure or hedge shall pose a traffic sight obstruction. In the C-S, C-A, I-P and I-G districts, fences as high as eight feet may be allowed in conjunction with outdoor storage areas. The upper two feet of such fences may contain barbed wire. Permission of the zoning administrator shall be required for such over height fences and may be denied if the zoning administrator determines the appearance of such fencing would conflict with the purposes of this title or if such fencing would be detrimental to the public health or general welfare.

In the R-1-6,500 and R-1-7,500 districts, fences, walls and hedges not over six feet in height may be located to within five feet of the side property line on the street side of a corner lot between the rear property line and a point set back 15 feet from the front corner of the residence closest to the side street.

G. Fences, walls and hedges greater than six feet but not over eight feet in height may occupy a required side or rear yard upon approval by the zoning administrator.

1. Application for an over height fence, wall or hedge pursuant to this subsection shall be made with the zoning administrator and shall be subject to design review pursuant to Section 18.20.010 of this title.

2. The zoning administrator, or his or her designee, shall schedule a public hearing, within 40 days of submission of the application before the zoning administrator and give notice thereof by mail no less than 10 days prior to the date of the public hearing to all owners of property contiguous to the site of the proposal as shown on the last equalized assessment roll.

3. Upon conclusion of the public hearing, the zoning administrator may approve, conditionally approve, or deny the application. No application shall be approved, as applied for or as conditioned, unless the zoning administrator finds that the application:

   a. Conforms to the objectives of this title;

   b. Assists in providing privacy, in attenuating sound transmission, and/or in reducing other annoyance from neighboring properties; and

   c. Does not significantly impact upon the aesthetics and safety of the neighborhood nor the light and air to all affected properties.

4. Any action of the zoning administrator may be appealed to the planning commission by any affected party. (Ord. 1862 § 1, 2002; Ord. 1656 § 1, 1995; Ord. 1266 § 1, 1986; Ord. 1194 § 1, 1985; Ord. 1182 § 1, 1985; Ord. 1124 § 1, 1984; prior code § 2-5.38)

18.84.100 Yards and courts related to height of a structure.

In addition to the yards prescribed in Section 18.84.010 of this chapter, the following regulations shall apply:

A. In an R-1 district, at the time of initial construction, main structures exceeding 15 feet in height shall be separated by a distance of at least 20 feet; provided, however, portions of two structures, only one of which is in excess of 15 feet in height, shall be separated by at least 17 feet. Additions to the main structure may be constructed with the same setback as the existing first floor setback, provided that the addition does not encroach any farther into the setback than does the existing main structure. All additions to the main structure which exceed 10 feet in height shall be subject to design review pursuant to Section 18.20.010 of this title. Accessory structures exceeding 15 feet in height shall be separated by a distance of at least 20 feet from any structure greater than 15 feet in height; accessory structures exceeding 15 feet in height shall be separated by a distance of at least 17 feet from any structure less than 15 feet in height.

B. In an RM district, no structure shall exceed the height of a sloping plane 15 feet in height at the interior of the minimum required side yard prescribed in Table 18.84.010 of this chapter, and sloping away from the side property line five feet for each additional 15 feet in height.

C. In an R district, the distance between a main structure and an accessory structure on the same site shall not be less than six feet, except that accessory structures in the rear yards or in one side yard may be closer than six feet if all the requirements of the building and fire code are met and if such structures are not closer than three feet to any side or rear property line.

D. For structures of variable height (e.g., split level houses) height shall mean, for the purpose of this section, the height of that portion of the structure nearest to the second structure. (Ord. 1249 § 1, 1986; Ord. 1240 § 1, 1986; prior code § 2-5.39)

18.84.110 Traffic sight obstructions.

Except in a C-C district, on a corner lot, no solid fence, wall, hedge, or other obstruction, except the natural grade of a site, within a triangular area formed by the street property lines and a line connecting points on the property lines 25 feet from the street intersection shall exceed a height of 30 inches above established grade or an open fence up to a height of 42 inches above established grade at the edge of the street pavement or traveled way if plans have not been approved, provided that trees pruned up to eight feet above the street grade shall be permitted. (Ord. 1862 § 1, 2002; prior code § 2-5.40)

18.84.120 Projections into yards.

A. Architectural Projections. Architectural projections, including eaves, awnings, louvers, and similar shading devices; sills, belt courses, cornices, and similar features; and flues and chimneys may project not more than four feet into a required front yard, rear yard, or side yard on the street side of a corner lot, and not more than two feet into any other required yard, provided that the distance between an architectural projection and side or rear property line shall not be less than three feet.

B. Oriel or Bay Windows. Oriel or bay windows may project not more than three feet into a required front yard, rear yard, or side yard on the street side of a corner lot, provided that the aggregate width of oriel or bay windows shall not exceed 50 percent of the length of the wall in which they are located, and the width of any individual oriel or bay window shall not exceed 10 feet.

C. Porches and Steps. Unroofed porches, steps, decks, and terraces may come to a point not closer than 12 feet to a front property line, or may project not more than eight feet into a required front yard or side yard on the street side of a corner lot, or to a point not closer than three feet to an interior side or rear property line, provided that the height, including railings, shall not exceed six feet above the grade of the ground at the property line.

D. Balconies over Six Feet Aboveground. Balconies, decks, terraces, and other similar unroofed structures at a height, including railing, more than six feet above the level at which a yard must be provided, may project not more than eight feet into a required front yard or rear yard and five feet into any other required yard, provided that they shall not reduce any yard to less than five feet except on the street side of a corner lot. Such structures

shall be cantilevered or supported only by necessary columns. A balcony or deck projecting from a higher story may extend over a lower balcony or deck.

E. Open Stairways. Open, unenclosed fire escapes and fireproof outside stairways may project into any required yard not more than four feet, provided that no yard shall be reduced to less than three feet.

F. Covered Front Porches And Covered Patios. Covered front porches attached to a main structure may come to a point not closer than 12 feet from the front property line, provided that the covered front porch is designed to be an integral part of the home, is open on three sides, has a minimum depth of eight feet, and has a minimum width of 10 feet. Porch eaves shall project no more than an additional 24 inches into the required front and/or side yard setback areas.

Covered patios attached to a main structure and enclosed on more than one side may project not more than eight feet into a required rear yard and five feet into a required side yard within 35 feet of the rear lot line, provided that the required side yard shall not be reduced to less than five feet. Covered patios attached to a main structure and open on three sides may come to within five feet of the rear property line and three feet from the side property lines of the property within any residential zone.

G. Underground Structures. Covered underground structures may project without limit into any required yard, provided that they shall not have a height of more than two and one-half feet and provided that their surfaces are landscaped. (Ord. 1876 § 1, 2003; Ord. 1244 § 1, 1986; prior code § 2-5.41)

18.84.130 Projections over public property.

Projections into public rights-of-way shall be regulated by the building code and by Chapter 18.96 of this title, except that in a C-C district a balcony, oriel window, arcade, or other projection may extend over a sidewalk, provided that the horizontal distance between the curb and the nearest face of the structure shall be at least two feet, the clear 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.

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 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. (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. (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 garages 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. (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 land-

scaped 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 comer 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)

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 *18.84.170`*	BASIC FLOOR AREA LIMIT (% OF SITE AREA)	MAXIMUM HEIGHT OF MAIN STRUCTURE *18.84.140*	CLASS 1 ACCESSORY STRUCTURES *18.84.160*		
	Area	Width *18.84.050*	Depth	Front *18.84.080*	One Side/ Both Sides *18.84.090*	Rear *18.84.090*					Maximum Height *18.84.140*	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 *18.84.040*	150 ft	150 ft *18.84.060*	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 *18.84.040*	100 ft	125 ft *18.84.060*	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 *18.84.040*	80 ft	100 ft *18.84.060*	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 *18.84.040*	75 ft	100 ft *18.84.060*	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 *18.84.040*	70 ft	100 ft *18.84.060*	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 *18.84.040*	65 ft	100 ft *18.84.060*	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 *18.84.060*	20 ft	7 ft; 16 ft	30 ft	4, 000 sq ft *18.84.030(E)*	---	40%	30 ft	15 ft	3 ft	3 ft
RM-2,500	7,500 sq ft	70 ft	100 ft *18.84.060*	20 ft	8 ft; 20 ft	30 ft	2,500 sq ft *18.84.030(E)*	400 sq ft	50%	30 ft	15 ft	3 ft	3 ft
RM-2,000	10,000 sq ft	80 ft	100 ft *18.84.060*	20 ft	8 ft; 20 ft	30 ft	2,000 sq ft *18.84.030(E)*	350 sq ft	50%	40 ft	15 ft	3 ft	3 ft
RM-1,500	10,500 sq ft	80 ft	100 ft *18.84.060*	20 ft	8 ft; 20 ft	30 ft	1,500 sq ft *18.36.060 18.84.030(E)*	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		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	30 %	30 ft	15 ft	20 ft	10 ft	C-N

ZONING DISTRICT	MINIMUM LOT SIZE			MINIMUM YARDS			SITE AREA PER DWELLING UNIT	GROUP USABLE OPEN SPACE PER DWELLING UNIT *18.84.170*`	BASIC FLOOR AREA LIMIT (% OF SITE AREA)	MAXIMUM HEIGHT OF MAIN STRUCTURE *18.84.140*	CLASS 1 ACCESSORY STRUCTURES *18.84.160*		
	Area	**Width** *18.84.050*	**Depth**	**Front** *18.84.080*	**One Side/ Both Sides** *18.84.090*	**Rear** *18.84.090*					**Maximum Height** *18.84.140*	**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
1-G 20,000	20,000 sq ft	100 ft	150 ft	25 ft	10 ft; 20 ft	15 ft	Dwellings not permitted		100%	40 ft *18.84.150*	40 ft *18.84.150*	10 ft	25 ft
I-G 40,000	40,000 sq ft	150 ft	300 ft	25 ft	10 ft; 20 ft	15 ft						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 *18.52.060—18.52.100*	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.

Chapter 18.88

OFF STREET PARKING FACILITIES

Sections:

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, cafes 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.

   Self-service stations—one parking space and an additional parking space for each employee on the maximum shift.

   Quick service stations—one parking space for each 500 square feet of gross floor area.

10. 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.

11. 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.

12. 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.

13. 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.

14. Veterinarians' offices and small animal hospitals—one space for each 250 square feet of gross floor area.

15. 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.

16. 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.

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. 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.

5. Libraries, museums, art galleries and similar uses—one space for each 600 square feet of gross floor area and one space for each employee.
6. Post offices—one space for each 600 square feet of gross floor area and one space for each employee.
7. Cemeteries, columbariums and crematories—one space for each employee, plus the number of additional spaces prescribed by the zoning administrator.
8. 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.
9. 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.
10. 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. 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 director of public works.

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′

(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))

18.88.080 Reduction of off-street parking.

No off-street parking facility shall be reduced in capacity or in area without sufficient additional capacity or additional area being provided to comply with the regulations of this chapter. (Prior code § 2-9.19(3))

18.88.090 Joint use in C-C and C-S districts.

Adjoining off-street parking facilities serving uses on two or more sites in separate ownership that provide shared parking through reciprocal parking easements may provide parking at the rate of one space for each 400 square feet of gross floor area where the zoning administrator determines that provision has been made for the joint development to function as a single parking facility, all parts of which are accessible to each use served. Parking spaces in such parking lots shall not be reserved or designated for the use of any one business. Off-street parking facilities provided in accord with this section shall be designated as prescribed in Section 18.88.130 of this chapter. (Ord. 1898 § 1, 2003; prior code § 2-9.19(4))

18.88.100 Parking assessment district.

The following parking requirements listed in subsections A through C of this section shall apply to properties located within the parking assessment district located within the block bounded by Peters Avenue, St. Mary Street, Division Street, and Main Street:

A. Except for the uses listed in Section 18.88.030(A) of this chapter and restaurants, any parcel of real property which is located wholly or partially within the boundaries of a parking assessment district which provides public off-street parking facilities shall be permitted to construct a building the total square footage of which shall not exceed 80 percent of the buildable area of the lot not included within the public parking facility, without the need to provide additional parking. Any building erected or subsequent addition which exceeds 80 percent of the buildable area of the lot shall provide additional parking or pay a sum established pursuant to Section 18.88.120 of this chapter; additional parking shall be computed in accordance with Section 18.88.030 of this chapter, but shall not include that portion of the building which is exempt from parking requirements as indicated in this section and shall not include building additions which increase the number of required parking spaces by less than 10 percent.

B. Any parcel of real property located wholly or partially within the boundaries of a parking assessment district referred to in subsection A of this section which is used for restaurant purposes shall be permitted to construct a building, the total square footage of which will not exceed 56 percent of the buildable area of the lot without the need to provide additional parking. Any building in excess of the limitation imposed in this section shall be subject to the same requirements for additional parking as set forth in subsection A of this section.

C. Any building in existence at the time of the establishment of the parking assessment district within which it is located, which exceeds the buildable area provisions set forth in subsection A of this section shall be deemed nonconforming and shall not be subject to additional parking requirements in the following cases:

    1. The building is altered, modified, or enlarged such that the number of required spaces increases by less than 10 percent.

    2. Less than 50 percent of the building is destroyed by fire, earthquake, or other calamity, act of God, or by the public enemy, or, in cases where greater than 50 percent is destroyed, design review approval is given to a new commercial structure replacing the one which was destroyed, pursuant to the criteria stated in Section 18.88.020(D)(2) of this chapter.

D. For parking assessment districts other than those referred to in subsections A through C of this section, the building floor area credits for properties contributing to the district with either land, improved parking spaces, or cash shall be determined on a case by case basis depending on the circumstances for the particular parking assessment district. Such circumstances shall include, but shall not be limited to, the amount of parking spaces, land, or cash contributed; the total number of parking spaces created; the assessment formula for the district agreed to by the property owners within the district; and the location of the contributing property. The standard parking ratio for each parking lot at build out shall be one space for each 500 square feet of gross building area. Property owners contributing more parking or land than needed for their building may receive cash reimbursements or parking

spaces credits which may be recognized and transferred as in lieu parking spaces if so approved at the time the parking assessment district is formed. (Ord. 1898 § 1, 2003; prior code § 2-9.20)

18.88.110 Existing uses.

No existing use of land or structure, except one located within a parking assessment district, shall be deemed to be nonconforming solely because of the lack of off-street parking facilities prescribed in this chapter, provided that facilities used for off-street parking on the effective date hereof, shall not be reduced in capacity to less than the number of spaces prescribed in this chapter or reduced in area to less than the minimum standards prescribed in this chapter. (Prior code § 2-9.21)

18.88.120 In lieu parking agreement for the downtown revitalization district.

A. The owner of a parcel or parcels within the downtown revitalization district who is unable to provide all of the off-street parking required by this code may apply to the city for an in lieu parking agreement. The procedures to be followed for such in lieu parking agreements shall be as follows:

   1. New construction which provides at least 85 percent of its required parking on site and expansions to existing buildings which are less than or equal to 25 percent of the building's existing floor area may satisfy their parking deficits through in lieu parking agreements. Such agreements shall be approved ministerially by the planning director upon finding that the criteria of this section are met.

   2. New construction which provides less than 85 percent of its required parking on site and expansions to existing buildings which exceed 25 percent of the building's existing floor area may satisfy their deficit parking through in lieu parking agreements. Such agreements shall be subject to the approval of the city council. The request for such an agreement shall be in writing and shall be filed with the planning department. Subsequent to receipt of such a request, a hearing shall be scheduled for consideration of the matter by the city council. A public hearing shall be held on any such request with notice provided pursuant to Section 18.12.040 of this title. The in lieu parking agreement shall address the amount per deficient parking space to be paid by the owner, the duration of payment, and such other terms and conditions which are deemed appropriate. The city council may grant or deny the request.

B. Any sums received by the city pursuant to such a contract shall be deposited in a special fund and shall be used exclusively for acquiring, developing, and maintaining off-street parking facilities and located anywhere within the downtown revitalization district. The agreement shall be executed by the owner and the city manager, and all in lieu fees shall be paid prior to the issuance of a building permit.

C. The city shall determine a standard surface parking lot in lieu parking fee and a parking structure in lieu parking fee based on land and construction costs in the downtown revitalization district. Such fees shall be updated on a regular basis by the city and shall be made available to the public. On April 1st of any year in which the fees have not been recalculated, the fees shall be adjusted by the rate of increase in the ENR construction cost index for the prior year.

D. Any development for which an in lieu parking agreement is approved where the number of in lieu spaces is less than or equal to 30 percent of its parking requirement shall pay the standard surface parking lot in lieu fee for each deficient parking space.

E. Any development for which an in lieu parking agreement is approved where the number of in lieu parking spaces exceeds 30 percent of its parking requirement shall pay the parking structure in lieu parking fee for each deficient parking space.

F. In lieu parking agreements for which the requested number of in lieu parking spaces exceeds 50 percent of the required parking shall not be approved unless the city council finds that there are special circumstances related to: (1) constraints due to the size, configuration, or features of the site; or (2) constraints related to building placement or design; and (3) the availability of off-street parking.

G. In the event that a use for which an in lieu parking agreement has been executed is changed or facilities are altered to meet the parking standards prescribed in this chapter before the city has committed or expended any of

the money received pursuant to said agreement in the area benefited, the amount received shall be refunded to the owner. Otherwise, there shall be no refunds of in lieu fees. (Ord. 1898 § 1, 2003; prior code § 2-9.22)

18.88.130 Designation of facilities.

A restrictive covenant, easement, or other document acceptable to the city attorney shall be recorded with the Alameda County recorder's office for any off-street parking facility which is: (a) held open to the public, (b) a joint use parking lot, or (c) located on a site other than the site it is intended to serve. The restrictive covenant or other document shall designate the off-street parking facilities and the properties being served by such parking facilities, shall stipulate that the parking facility will be used for the intended purpose, and shall contain legal descriptions of all sites involved. The restrictive covenant or other document shall be approved by the city attorney. The zoning administrator shall remove the restriction upon finding that the required number of off-street parking spaces or in lieu parking fees have been provided in compliance with the requirements of this chapter. (Ord. 1898 § 1, 2003; prior code § 2-9.23)

Chapter 18.92

OFF-STREET LOADING FACILITIES

Sections:

18.92.010 Purpose.

In order to alleviate progressively or to prevent traffic congestion and shortage of curb spaces, off-street loading facilities shall be provided incidental to new uses and major alterations and enlargements of existing uses. The number of loading berths 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 use. Off-street loading areas are to be laid out in a manner that will ensure their usefulness, protect the public safety, and where appropriate, insulate surrounding use from their impact. (Prior code § 2-9.27)

18.92.020 Basic requirements.

A. At the time of initial occupancy, major alteration or enlargement of a site, or of completion of construction of a structure or of a major alteration or enlargement of a structure, there shall be provided off-street loading facilities for trucks in accord with the schedule of off-street loading berth requirements in Section 18.92.030 of this chapter. For the purposes of this section, the terms “major alteration” or “enlargement” shall mean a change of use or an addition which would increase the number of loading berths required by not less than 10 percent of the total number required. The number of loading berths 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 18.92.030 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. Off-street loading berths in addition to those prescribed in the schedule of off-street loading berth requirements shall be provided if the zoning administrator finds that such additional berths are necessary to ensure that trucks will not be loaded, unloaded or stored on public streets. A finding shall be based on an investigation of the anticipated frequency of truck pick ups and deliveries and of the truck storage requirements of the use for which the off-street loading berths are required.

C. If, in the application of the requirements of this section, a fractional number is obtained, one loading berth shall be provided for a fraction of one-half or more, and no loading berth shall be required for a fraction of less than one-half. (Prior code § 2-9.28)

18.92.030 Schedule of off-street loading berth requirements.

A. Exemptions from loading berth requirements: banks, service stations, public and private offices, car washes, hotels and motels.

B. Food stores:

Gross Floor Area	Number of Berths	Dimension of Berth
0-3,999 sq. ft.	0	—
4,000—9,999 sq. ft.	1	10 x 30 or 12 x 45 as determined by zoning administrator.
10,000—69,999 sq. ft.	2	12 x 45
70,000—120,000 sq. ft.	3	12 x 45
One berth for each additional 100,000 sq. ft.		12 x 45

C. Retail stores, excluding food stores, but including restaurants, bars and soda fountains:

Gross Floor Area	Number of Berths	Dimension of Berth
0—3,999 sq. ft.	0	—
4,000—29,999 sq. ft.	1	10 x 30
30,000—69,999 sq. ft.	2	12 x 45
70,000—120,000 sq. ft.	3	12 x 45
One berth for each additional 100,000 sq. ft.		12 x 45

D. Commercial service enterprises (and wholesale uses):

Gross Floor Area	Number of Berths	Dimension of Berth
0—9,999 sq. ft.	0	—
10,000—29,999 sq. ft.	1	12 x 45
30,000—69,999 sq. ft.	2	12 x 45
70,000—120,000 sq. ft.	3	12 x 45
One berth for each additional 100,000 sq. ft.		12 x 45

E. Manufacturing plants, other industrial uses:

Gross Floor Area	Number of Berths	Dimension of Berth
0—3,999 sq. ft.	0	—
4,000—29,999 sq. ft.	1	12 x 45
30,000—69,999 sq. ft.	2	12 x 45
70,000—120,000 sq. ft.	3	12 x 45
One berth for each additional 100,000 sq. ft.		12 x 45

F. Institutional uses:

Gross Floor Area	Number of Berths	Dimension of Berth
0—9,999 sq. ft.	0	—
10,000—99,999 sq. ft.	1	12 x 45
100,000—200,000 sq. ft.	2	12 x 45
200,000 +	3	12 x 45

G. Mortuaries:

Gross Floor Area	Number of Berths	Dimension of Berth
0—500 sq. ft.	1	10 x 30
One berth for each additional 10,000 sq. ft.		10 x 30

H. Open uses: designated loading berths required as determined by the zoning administrator.

Other uses: designated loading berths required as determined by the zoning administrator. (Prior code § 2-9.29)

18.92.040 Standards.

All off-street loading facilities, whether provided in compliance with Section 18.92.030 or not, shall conform with the regulations prescribed in Sections 18.84.180 through 18.84.260 of this code and with the following standards:

A. Each loading berth shall be not less than 45 feet in length and twelve feet in width and shall have an overhead clearance of not less than 14 feet, except that for mortuaries, cemeteries, columbariums and crematories, a loading berth used exclusively for hearses shall be not less than 24 feet in length and 10 feet in width and shall have an overhead clearance of not less than eight feet.

B. Sufficient room for turning and maneuvering vehicles shall be provided on the site, except that not more than one loading space per site 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 loading berth 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 director of public works.

E. The loading area, 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.

F. Bumper rails shall be provided at locations prescribed by the zoning administrator where needed for safety or to protect property.

G. If the loading area is illuminated, lighting shall be deflected away from abutting residential sites so as to cause no annoying glare.

H. Loading areas shall be appropriately screened, as determined by the zoning administrator, from adjacent properties and from the street. No loading berth shall be allowed in a required front yard or a required side yard or the street side of a corner lot, or in a required rear or side yard adjacent to or across a street or alley from an R district.

I. No repair work or servicing of vehicles shall be conducted in a loading area. (Prior code § 2-9.30)

18.92.050 Location.

Off-street loading facilities prescribed in Section 18.92.030 of this chapter shall be located on the same site with the use for which the berths are required or on an adjoining site in a district in which the use served by the off-street loading facilities is a permitted use. (Prior code § 2-9.31)

18.92.060 More than one use on site.

If more than one use is located on a site, the number of loading berths provided shall be equal to the sum of the requirements prescribed in this chapter for each use. If more than one use is located on a site and the gross floor area of each use is less than the minimum for which loading berths are required but the aggregate gross floor area is greater than the minimum for which loading berths are required, off-street loading berths shall be provided as if the aggregate gross floor area were used for the use requiring the greatest number of loading berths. (Prior code § 2-9.32(1))

18.92.070 Facilities to serve one use.

Off-street loading facilities for one use shall not be considered as providing required off-street loading facilities for any other use. (Prior code § 2-9.32(2))

18.92.080 Reduction of facilities.

No off-street loading facility shall be reduced in capacity or in area without sufficient additional capacity or additional area being provided to comply with the regulations of this chapter. (Prior code § 2-9.32(3))

18.92.090 Existing uses.

No existing use of land or structure shall be deemed to be nonconforming solely because of the lack of off-street loading facilities prescribed in this chapter, provided that facilities being used for off-street loading on the effective date of the ordinance codified in this chapter, shall not be reduced in a capacity to less than the number of berths prescribed in this chapter or reduced in area to less than the minimum standards prescribed in this chapter. (Prior code § 2-9.33)

18.92.100 Designation of facilities.

When off-street loading facilities are provided in compliance with the requirements of this chapter, on a site other than the site on which the use to be served by the loading facilities is located, an indenture shall be recorded in the office of the county recorder designating the off-street loading facility and the use to be served, with legal descriptions of all sites involved, and certifying that the off-street loading facility shall not be used for any other purpose unless the restriction is removed by resolution of the city planning commission. An attested copy of the recorded indenture shall be filed with the zoning administrator. Upon submission of satisfactory evidence that other off-street loading facilities have been provided in compliance with the requirements of this chapter or that the use has ceased or has been altered so as no longer to require the off-street loading facility, the commission shall by resolution remove the restriction. (Prior code § 2-9.34)

Chapter 18.96

SIGNS

Sections:

18.96.010 Purpose.

The location, height, size, and illumination of signs are regulated in order to maintain the attractiveness and orderliness of the city's appearance, to protect business sites from loss of prominence resulting from excessive signs on surrounding sites, and to protect the public safety and welfare. (Prior code § 2-9.38)

18.96.020 General provisions and requirements.

No sign or display of any character shall be permitted except in conformity with the following regulations:

A. Location, Height, and Size.

1. Except as permitted by Section 18.96.060(J) and (K) and Section 18.96.090 of this chapter, all signs shall be located on the same site as the use they identify, provide information about, or direct attention to.
2. Except in a C-C district, no sign shall project beyond a property line. A sign projecting beyond the property line in a C-C district shall be attached to a building and shall not project more than four feet from the building or closer than two feet to the curb line, and shall not exceed nine square feet in area. Projecting signs shall be limited to one for each ground floor establishment.
3. A projecting sign shall have a minimum clearance of eight feet above an area used by pedestrians, and a minimum clearance of 15 feet above an area used for vehicular movement.
4. No sign attached to a building shall project above the eaves or parapet line.
5. No sign other than a directional sign shall project more than 12 inches into a required interior side yard or a required rear yard or shall be closer to an interior side lot than the minimum width of a required side yard on the site minus 12 inches. Signs may be located in a required front yard.
6. No sign exceeding 24 square feet shall be visible from an R district unless it shall be more than 100 feet from the R district.
7. No sign shall be located so as to create a safety hazard by obstructing vision, or shall interfere with or resemble any authorized warning or traffic sign or signal.
8. No sign shall exceed 250 square feet in area.

B. Illumination.

1. In an A, R, P or S district, illumination, where permitted, shall be indirect. In an O District, illumination, where permitted, shall be indirect or diffused, provided that it shall be white and that the surface brightness of a sign shall not be greater than 100 foot-lamberts. In a C or I district direct illumination shall be permitted, provided that if exterior illumination is closer than 200 feet to the boundary of a site or interior illumination is closer than 10 feet to a window within 200 feet of the boundary of a site, no fluorescent or mercury vapor tube, or incandescent illumination exceeding 120 milliamps shall be visible beyond the boundary of the site. In a C or I district diffused illumination closer than 200 feet to the boundary of a site and visible beyond the boundary of the site shall not have a surface brightness greater than 200 foot-lamberts.

2. A sign within 100 feet of an R district from which the sign is visible shall have illumination, if any, that is white and is indirect or diffused and shall not have a surface brightness greater than 100 foot-lamberts.

3. No sign shall have blinking, flashing or fluttering lights or any other illuminating device which has a changing light intensity, brightness or color.

4. No illuminated sign shall be located so as to be confused with or to resemble any warning traffic-control device.

5. Neither the direct nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles.

C. Movement. No sign that moves, has visible moving parts, or that simulates movement by means of fluttering, spinning, or reflecting devices shall be permitted. (Prior code § 2-9.39)

18.96.030 Exempt signs.

The following signs are not subject to the regulations of this chapter:

A. Signs used exclusively for the posting or display of official notices by a public agency or official, or by a person giving legal notice;

B. Signs erected or maintained by a public agency or official or required by law to be displayed by a public utility for directional, warning or informational purposes;

C. Traffic-control signs and devices including street name signs;

D. The flag, pennant, or insignia of any nation or association of nations, or of any state, city, or other political unit or of any charitable, educational, philanthropic, civic, professional or religious organization;

E. Nonilluminated, nonverbal religious symbols on the site of a religious institution;

F. Signs not visible beyond the boundary of a site;

G. Directional signs necessary to control and direct pedestrian traffic on a site;

H. Emblems of civic or service clubs and area identification signs of sizes and at locations approved by the planning commission;

I. A real estate sign designating an open house for an individual home for sale or lease, other than first-time sales of homes within new subdivisions; provided, however, that the signs:

1. Shall be freestanding A-frame or sandwich board type,

2. Shall not exceed an overall height of 36 inches from the ground and the face of the sign shall not exceed a horizontal dimension of 24 inches and a vertical dimension of 18 inches,

3. Shall have no riders. There shall be no additions, tags, signs, streamers, balloons or other appurtenances added to the standard real estate open house sign, provided, however, that arrows may be incorporated into the design of the face of the sign but may not be added appurtenant to the sign,

4. May be displayed Monday through Sunday, 10:00 a.m. through 6:00 p.m. during Pacific Standard Time, and may be displayed Monday through Sunday, 10:00 a.m. to 8:00 p.m. during Pacific Daylight Savings Time,

5. Shall not exceed one on-site open house sign and three off-site open house signs with an aggregate total of four signs per open house, provided, however, that the standard real estate for sale sign posted at the site shall not be included as part of the aggregate total of signs allowable per open house,
6. Shall not be placed, used or maintained in any location upon public property, within rights-of-way or within public easements adjacent to streets, where such placement use or maintenance endangers the safety of persons or property, or unreasonably interferes with or impedes the flow of pedestrian or bicycle traffic, or the ingress into or egress from any residence or place of business,
7. Shall not be placed within a five foot radius of a hydrant, fire call box or mail box,
8. Shall not be placed on or within the median strip or center divider of a roadway or on or within any other roadway island or safety zone area,
9. Shall not be chained, bolted or otherwise attached to any property not owned by the owner of the sign, nor shall they be chained, bolted or otherwise attached to any tree, shrub or other plant. (Ord. 1656 § 1, 1995; Ord. 1492 § 1, 1990; Ord. 1362 § 2, 1988; prior code § 2-9.40)

18.96.040 Signs in A or R districts.

No sign or outdoor advertising structure shall be permitted in an A or R district except the following:

A. One nameplate, which may give notice of the name, address and occupation of the resident not directly lighted, not exceeding one square foot or eight feet in height, on the site of a one-family dwelling;

B. One identification sign, not directly lighted, not exceeding six square feet or eight feet in height, on the site of a multi-family dwelling or a lodginghouse;

C. One identification sign, not directly lighted, not exceeding 12 square feet or 12 feet in height, for each main building on the site of a public building, a private institution, a church, a club or lodge, a unifier park, or a nursing home, provided that a general hospital may have an identification sign not exceeding 24 square feet;

D. In addition to an identification sign, one bulletin board, not directly lighted, not exceeding 20 square feet or eight feet in height, on the site of a church;

E. One directional sign, not directly lighted, not exceeding four square feet, at each entrance or exit to a parking lot;

F. Signs pertaining to the sale, lease, rental or display of a structure or land:
   1. For properties located in the A district, one nonilluminated sign not exceeding 12 square feet,
   2. For properties located in the R districts one nonilluminated sign not exceeding six square feet,
   3. Shall be removed 30 days after the sale, lease, rental or display of the structure or land;

G. One nonilluminated, temporary construction sign, not exceeding 12 square feet, on the site of a structure or group of structures, while under construction, except that one additional square foot shall be permitted for each dwelling unit under construction, provided that the sign shall not exceed 24 square feet;

H. One business sign, not directly lighted, not exceeding 12 square feet or 12 feet in height, on the site of a permitted or conditional use other than a dwelling in an A district, provided that additional sign area may be specified in a use permit and shall be based on the identification needs of the use and the character of surrounding uses.

I. Any sign proposed to be located in an R-1 district, or in any PUD district developed under R-1 standards, whether illuminated or nonilluminated, shall be subject to review by the planning commission, as provided in Chapter 18.20.

J. One identification sign, not directly lighted, not exceeding six square feet or six feet in height, on the site of a small bed and breakfast or bed and breakfast inn. (Ord. 1656 § 1, 1995; Ord. 1636 § 8, 1994; Ord. 1520 § 3, 1991; Ord. 1492 § 1, 1990; prior code § 2-9.41)

18.96.050 Signs in O districts.

No sign or outdoor advertising structure shall be permitted in an O district except the following:

A. Business signs not exceeding one-half square foot for each foot of street property line adjoining a portion of the site occupied by the uses to which the signs direct attention, provided that signs not exceeding 40 square feet shall be permitted on a site having less than 80 feet of street property line. Signs not located flat against the wall of a building shall not exceed 12 feet in height, and no sign in a required front yard shall exceed six feet in height;

B. One directional sign, not directly lighted, not exceeding four square feet, at each entrance or exit to a parking lot;

C. Signs pertaining to the sale, lease rental or display of a structure or land, diffused or indirectly illuminated, as provided below:

1. For sites less than two acres in size, one sign not to exceed 12 square feet and a height of six feet. Said sign may be freestanding or mounted on the building. Freestanding signs must be located not less than 10 feet from the street property line or back of sidewalk, whichever distance is greater,

2. For sites of two or more acres in size, one freestanding sign per street frontage, each sign not to exceed 32 square feet and a height of eight feet. Said sign shall be placed parallel to the street and shall be located not less than 10 feet from the street property line or back of sidewalk, whichever distance is greater. For corner lots, signs shall not be located within 50 feet of the intersection of the street property lines,

3. Shall be removed 30 days after the sale, lease, rental or display of the structure or land;

D. One temporary construction sign not exceeding 12 square feet or one-fourth of the maximum permitted area for permanent signs, whichever is greater, not directly lighted, on the site of a structure while under construction. (Ord. 1492 § 1, 1990; prior code § 2-9.42)

18.96.060 Signs in C and I districts.

No sign or outdoor advertising structure shall be permitted in a C or I district except the following:

A. C-N District. In a C-N District, business signs not exceeding one-half square foot for each foot of property line adjoining a portion of the site occupied by uses to which the signs direct attention, provided that signs not exceeding 40 square feet shall be permitted on a site having less than 80 feet of street property line, and provided that signs on the site of a service station shall not exceed a total of 80 square feet. Business signs shall be attached to a building except that one freestanding sign not exceeding 50 square feet or 12 feet in height shall be permitted on a site having at least three acres occupied by uses to which the signs direct attention. On the site of a service station, all signs shall be attached to a building, except that one freestanding sign, not exceeding 36 square feet, which is included in the total sign area allowable for a service station, shall have direct or diffused illumination, and shall not exceed 12 feet in height;

B. C-C District. In a C-C district, business signs not exceeding two square feet for each foot of street property line, provided that signs not exceeding 40 square feet shall be permitted on a site having less than 20 feet of street property line, and provided that signs on the site of a service station shall not exceed a total of 80 square feet. No site shall have business signs totaling more than 400 square feet for each acre in use. Except on the site of a service station, the total area of projecting and freestanding signs shall not exceed one-fourth of the sign area permitted on the site. Freestanding business signs shall not exceed 12 feet in height, provided that a service station may have one freestanding business sign not exceeding 36 square feet or 24 feet in height, and a site of at least one acre occupied by uses other than a service station may have one freestanding business sign not exceeding 50 square feet or 24 feet in height. On the site of a service station, not more than one sign, not exceeding 36 square feet, shall have direct or diffused illumination, and no sign shall project beyond the property line;

C. C-R District. In a C-R district, business signs shall be regulated by the zoning administrator on a case-by-case basis in accordance with the purposes of Chapter 18.20 of this title;

D. C-S or C-A District. In a C-S or C-A district, business signs not exceeding two square feet for each foot of street property line, provided that signs not exceeding 40 square feet shall be permitted on a site having less than 20 feet of street property line. Business signs may be freestanding, but shall not exceed 24 feet in height. The total area of business signs shall not exceed 300 square feet on a site having less than one acre in the use to which the signs direct attention, and shall not exceed 500 square feet on any site;

E. C-F District. In a C-F district, business signs not exceeding 80 square feet for each 20,000 square feet of site area in use, provided that signs on the site of a service station shall not exceed a total of 160 square feet. The total area of business signs shall not exceed 500 square feet on any site. Business signs may be freestanding, but freestanding or projecting signs shall not exceed 20 feet in height except on the site of a service station. On the site of a service station, not more than one sign, not exceeding 80 square feet, shall have direct or diffused illumination, or shall exceed 12 feet in height if freestanding, and no sign shall exceed 30 feet in height;

F. I Districts. In an I district, business signs not exceeding 80 square feet for each 20,000 square feet of site area in use, provided that signs on the site of a service station shall not exceed a total of 80 square feet. The total area of business signs shall not exceed 600 square feet on a site in an I-P district or 1,000 square feet in an I-G district. Except on the site of a service station, the total area of projecting and freestanding signs shall not exceed one quarter of the sign area permitted on the site. Business signs may be freestanding, but freestanding or projecting signs shall not exceed 20 feet in height except on the site of a service station. On the site of a service station, not more than one sign, not exceeding 36 square feet, shall have direct or diffused illumination, or shall exceed 12 feet in height if freestanding, and no signs shall exceed 24 feet in height;

G. Directional Signs Generally. Directional signs, diffused or indirectly lighted, not exceeding four square feet each, pertaining to off-street parking and loading facilities;

H. Sale, Lease, Rental Signs. Signs pertaining to the sale, lease, rental or display of a structure or land, diffused or indirectly illuminated, as provided below:

1. For sites less than two acres in size, one sign not to exceed 12 square feet and a height of six feet. Said sign may be freestanding or mounted on the building. Freestanding signs must be located not less than 10 feet from the street property line or back of sidewalk, whichever distance is greater,

2. For sites of two or more acres in size, one freestanding sign per street frontage, not to exceed 32 square feet and a height of eight feet. Said sign shall be placed parallel to the street and shall be located not less than 10 feet from the street property line or back of sidewalk, whichever distance is greater. For corner lots, signs shall not be located within 50 feet of the intersection of the street property lines,

3. Shall be removed 30 days after the sale, lease, rental or display of the structure or land;

I. Temporary Construction Signs. One temporary construction sign not exceeding one-fourth of the maximum permitted area for permanent business signs, not directly lighted, on the site of a structure while under construction;

J. Directional Signs in Specific Districts. In a C-C, C-S, C-F, or I district, directional signs not exceeding six square feet each, attached or freestanding, indicating the location of a use in a C or I district within 1,000 feet by the shortest vehicle route from the signs. Not more than two off-site directional signs shall indicate each use, and the area of the directional signs shall be subtracted from the total business sign area permitted on the site on which they are located;

K. Grand Openings. Temporary signs, banners, pennants, and decorations not including reflective devices for a period not to exceed 30 days after initial occupancy by an establishment. Large hot/cold air balloons are allowed for a community wide event and a "grand opening" of a shopping center only, restricted to a one-day, one-time only use subject to the granting of a temporary conditional use permit in accordance with the provisions of Section 18.124.170 of this title. The balloon may be installed after 5:00 p.m. the day preceding the event, and must be removed prior to 10:00 a.m. the day after the event. One sign only, to identify the shopping center or event, may be attached to the balloon. No trailing pennants or other balloons shall be attached. Under no circumstances shall a large hot/cold air balloon be displayed by an individual business.

For the purposes of this subsection, a community wide event is an event that either promotes and/or benefits the entire city and has been endorsed by the city council; endorsement may also be established by council action authorizing public street closures. Shopping center events are not community wide events.

L. Service Clubs. Signs of service clubs or similar civic organizations not exceeding two square feet for each organization on the site of a meeting place.

M. Bed and Breakfasts. One identification sign, not directly lighted, not exceeding six square feet or six feet in height, on the site of a bed and breakfast inn. (Ord. 1656 § 1, 1995; Ord. 1636 § 9, 1994; Ord. 1511 § 1, 1991; Ord. 1492 § 1, 1990; prior code § 2-9.43)

18.96.070 Signs in Q districts.

No sign or outdoor advertising structure shall be permitted in a Q district except the following:

A. One business sign, diffused or indirectly lighted, not exceeding 12 square feet or 12 feet in height, on the site of a permitted or conditional use, provided that additional sign area and illumination may be specified in a use permit and shall be based on the identification needs of the use and the character of surrounding uses. Signs exceeding 12 square feet on the site of a preexisting rock, sand or gravel extraction or processing enterprise shall not require a use permit, but shall be subject to design review as prescribed by Chapter 18.20 of this title;

B. Directional signs, diffused or indirectly lighted, not exceeding four square feet each, pertaining to off-street parking and loading facilities;

C. One sign, diffused or indirectly lighted, not exceeding 12 square feet pertaining to the sale, lease, rental or display of a structure or land;

D. One temporary construction sign not exceeding one-fourth of the maximum permitted area for permanent business signs, not directly lighted, on the site of a structure while under construction. (Prior code § 2-9.44)

18.96.080 Signs in P and S districts.

No sign or outdoor advertising structure shall be permitted in a P or S district except the following:

A. Sign regulations for each use in a P or an S district shall be specified in the use permit and shall be based on the identification needs of the use and the character of surrounding uses. Signs on the site of a preexisting conditional use, other than directional signs or signs permitted in an A or R district, shall not require a use permit, but shall be subject to design review as prescribed in Chapter 18.20 of this title;

B. One directional sign, diffused or indirectly lighted, not exceeding four square feet, at each entrance or exit to a parking lot;

C. One nonilluminated sign, not exceeding six square feet, pertaining to the sale, lease, rental or display of a structure or land;

D. One temporary construction sign not exceeding 12 square feet or one-fourth of the maximum permitted area for permanent signs, whichever is greater, diffused or indirectly lighted, on the site of a structure while under construction. (Prior code § 2-9.45)

18.96.090 Temporary subdivision signs.

A. No directional or advertising signs for a subdivision shall be erected or maintained, except as provided for in this section.

B. For the purposes of this section, an on-site advertising sign is one located within the subdivision. An off-site directional sign is one displaying the necessary travel directions to the subdivision, the name of the project and any characteristic trademark or similar device of the developer and nothing else. For the purposes of this section a subdivision is any land development project, residential or nonresidential, which involves the creation and marketing of five or more lots (or condominium units) under the same ownership prior to sale.

C. The zoning administrator may authorize one on-site advertising sign and two off-site directional signs, where warranted, after a final subdivision map has been recorded for the project. In cases where a residential subdivision is under the same ownership but consists of different housing product types, the zoning administrator may authorize one on-site advertising sign and two off-site directional signs, where warranted, per product type, after a final subdivision map has been recorded for the housing product type for which said signs are desired. For the purposes of this section, a product type shall mean housing units which are clearly distinguishable in terms of one or more of the following characteristics: lot size; attached versus detached units; single-family versus multi-

family units; production homes versus custom homes; or as otherwise determined by the zoning administrator. All signs shall be subject to all of the following conditions:

1. Single-Faced, Double-Faced or V-Shaped. The signs may be either single-faced, double-faced, or V-shaped, providing the angle between the two faces shall not exceed 60 degrees;
2. On-Site Advertising Sign. The horizontal dimension of an on-site advertising sign face shall not exceed 12 feet and the total sign area shall not exceed 100 square feet with a total height of not more than 14 feet from ground level.
3. Individual Off-Site Directional Signs. An individual off-site directional sign shall provide direction to only one subdivision or one product type within a subdivision. The horizontal dimension of an individual off-site directional sign shall not exceed eight feet and the total sign area of a single sign face shall not exceed 40 square feet with a total height of not more than 10 feet from ground level, except as required in subsection (C)(5) below.
4. Off-Site Reader Board Directional Sign. An off-site reader board sign advertising no more than four subdivisions, or four product types within one or different subdivisions, or combinations thereof, may be erected subject to the following criteria:
    a. Design Standards.
        (1) The sign structure shall be constructed to the standard frame design and materials indicated in this subsection;
        (2) The sign structure shall not exceed 10 feet in height and shall be single-faced;
        (3) The ground within a three foot radius of the sign structure shall be maintained in a manner to prevent weed growth under the structure;
        (4) The horizontal dimension of the sign shall not exceed four feet with a total sign area not to exceed 40 square feet;
        (5) No more than four individual keyboard signs shall be installed on one sign;
        (6) Individual keyboard signs shall be 18 inches high by 48 inches long and shall be consistent with the marketing colors used to advertise or identify each subdivision or product type;
        (7) Individual keyboard lettering shall not exceed 10 inches and directional arrows shall be no larger than eight inches high and 18 inches long and shall be located closest to the street right-of-way;
        (8) The lowest keyboard sign shall be two feet from grade.
    b. Location. No more than one reader board sign shall be installed on any one parcel or property, and such signs shall be located no closer than 1,500 feet apart. The locations of these signs typically shall be limited to the major arterial streets within the city (as defined by the general plan), unless otherwise approved by the zoning administrator. The sign may not be installed within the public right-of-way, and must be situated not less than 10 feet from the street property line or back of sidewalk, whichever distance is greater. For corner lots, signs shall not be located within 50 feet of the intersection of street property lines.
    c. Implementation.
        (1) A reader board sign shall be located on private property, with the applicant providing the written consent of the property-owner(s) at the time of application;
        (2) Prior to zoning administrator approval, the applicant shall demonstrate to the satisfaction of the city that lease arrangements have been secured with developer representatives to utilize at least three of the keyboards for each reader board sign for which an approval is sought. The zoning administrator may delay the installation of any sign if sufficient interest or lease has not been secured by the applicant;

(3) Individual keyboard signs shall be subject to administrative review and approval by the zoning administrator prior to installation on any reader board sign. Individual keyboard signs shall not be modified to identify different subdivisions or product types without first obtaining review and approval from the zoning administrator;

(4) The applicant shall be responsible for the maintenance and removal of the sign, and for leasing keyboard space;

(5) If two or more keyboard sign spaces cannot be leased within a six month period, then the reader board sign shall be removed, notwithstanding the five year permit period indicated below;

(6) Unleased keyboard sign spaces shall be backed entirely with a wood panel 18 inches by 48 inches stained to match the sign frame;

(7) Individual keyboard signs shall be removed from the reader board sign within 30 days of the date of the sale of the last unit in the subdivision advertised;

(8) The sign may be maintained for a period of one year, after which time an extension may be granted by the zoning administrator, up to a maximum of five years in one location; and

(9) A building permit shall be required prior to installation.

5. Use of Individual and Reader Board Sign. An applicant may utilize one or more of the above types of off-site directional signs as long as no more than two signs or keyboard signs are used to advertise a subdivision or residential product type within a subdivision in the following combinations:

   a. Two individual off-site subdivision directional signs for each subdivision or product type; or

   b. One individual off-site subdivision directional sign for each product type or subdivision and one reader board keyboard sign for each subdivision or product type; or

   c. Two reader board keyboard signs for each subdivision or product type.

6. Off-Site Signs on Developed Residential Property. Off-site directional signs proposed to be erected on a developed, residentially-zoned property, shall be subject to the following conditions:

   a. The zoning administrator shall make a finding that due to the location of the new subdivision, locating a sign on a developed residential lot is necessary to direct the public to the development;

   b. The sign shall be limited to a total height of four feet measured from ground level;

   c. No dimension of the sign shall exceed two feet and the total sign area shall not exceed four square feet;

   d. The sign shall be located only in a front or side yard, or as approved by the zoning administrator;

   e. Any off-site sign erected on a developed residential property shall be considered as one of the allowable off-site directional signs.

7. No more than one off-site directional sign of any type shall be installed on any one parcel or property;

8. No "Riders" Are Permitted. There shall be no additions, tags, signs, streamers, or other appurtenances added to the sign as originally approved;

9. Any such sign approved for a particular subdivision shall not be changed to advertise another subdivision without separate approval by the zoning administrator;

10. Such signs may be established along, but not within, the right-of-way of any highway, street or thoroughfare. Where such signs are within 1,000 feet of the right-of-way of any freeway, they shall be subject to review and approval by the zoning administrator. In conjunction with the approval of such signs, the zoning administrator may require the applicant to enter into an agreement with the city to maintain the sign in an attractive manner throughout the duration of its existence;

11. Such signs may be maintained for a period of one year, after which time an extension may be approved by the zoning administrator upon reapplication. All signs shall be removed within 30 days after the sale of the last unit in the subdivision.

12. Prior to erecting any subdivision sign approved by the zoning administrator, a cash bond or letter of credit for surety in the amount of $250.00 for each sign shall be posted by the applicant. The applicant shall file, as well, a written statement by the property owner authorizing construction of an off-site subdivision sign on the property and authorizing both the applicant and the city to go onto the property at any time to remove the sign. In case of failure to perform or comply with any term or provision pertaining to such sign, the zoning administrator may declare the bond or letter of credit forfeited and order the sign removed. Upon expiration of the sign approval and satisfactory removal of the sign by the applicant, the bond shall be released by the zoning administrator upon the applicant's request.

D. One nonilluminated sign pertaining to a proposed use such as a church, school, park, apartment complex, shopping center, or any other proposed land use may be erected at the site of each such proposed use within the subdivision. Such signs shall display no greater than 12 square feet of sign area and shall be approved as to design and copy by the zoning administrator. (Ord. 1657 § 1, 1995; Ord. 1656 § 1, 1995; Ord. 1162 §§ 1, 2, 1984; prior code § 2-9.46)

18.96.100 Temporary signs adjacent to freeways.

All temporary signs, except for temporary subdivision signs as defined in Section 18.96.090 of this chapter and except for all signs pertaining to the sale, lease, rental or display of a structure or land, shall be subject to the review and approval of the zoning administrator. Such sign shall not exceed 100 square feet in size or 14 feet in height. These height and size restrictions need not apply to properties over 100 acres in size. In conjunction with the approval of such signs, the zoning administrator may require the applicant to enter into an agreement with the city to maintain the sign in an attractive manner throughout the duration of its existence. Such signs shall be maintained for a maximum period of one year after which time an extension may be approved by the zoning administrator upon reapplication or the signs shall be completely removed. (Ord. 1520 § 3, 1991; Ord.1492 § 2, 1990; Ord. 1162 § 3, 1984; prior code § 2-9.47)

18.96.110 Signs adjoining state highways and freeways.

In addition to the regulations contained in this chapter, all signs visible from a State highway or freeway shall be subject to the regulations contained in the California Outdoor Advertising Act, Chapter 2, Division 3, of the Business and Professions Code. (Ord. 1162 § 4, 1984; prior code § 2-9.48)

18.96.120 Signs in railroad rights-of-way.

No sign or outdoor advertising structure shall be permitted in a railroad right-of-way except as permitted in Section 18.96.030 of this chapter; provided, that business signs may be authorized by use permit. (Ord. 1162 § 4, 1984; prior code § 2-9.49)

18.96.130 Zoning certificate required.

No sign exceeding six square feet shall be erected or displayed unless a zoning certificate has been issued by the zoning administrator; provided, that a zoning certificate shall be required for any sign projecting over public property or off-site sign, and shall not be required for temporary construction signs or for signs other than subdivision signs pertaining to the sale, lease, rental or display of a structure or land. (Ord. 1162 § 4, 1984; prior code § 2-9.50)

18.96.140 Elimination of nonconforming signs.

Nonconforming signs shall be subject to the provisions of Chapter 18.120 of this title, provided that no zoning certificate for a sign shall be issued until all nonconforming signs on a site have been removed or altered to conform. (Ord. 1162 § 4, 1984; prior code § 2-9.51)

18.96.150 Design review.

All signs shall be subject to design review by the zoning administrator as prescribed in Chapter 18.20 of this title. Any other sign determined by the zoning administrator to be inconsistent with Sections 18.04.010 and 18.96.010 of this

title shall be subject to design review by the planning commission. Applicants are advised to confer with the zoning administrator before preparing detailed plans. (Ord. 1656 § 1, 1995; Ord. 1520 § 3, 1991; Ord. 1492 § 3, 1990; Ord. 1162 § 4, 1984; prior code § 2-9.52)

18.96.160 Temporary relaxation of sign regulations.

A. The Planning director is empowered to grant temporary exceptions to the Sign Ordinance regulations to allow businesses to install temporary signs, banners, and/or decorations during public construction projects if the director finds that one or more of the following criteria is met:

   1. A perceptible reduction in pedestrian or vehicular traffic due to construction activity near a business.

   2. Reduced pedestrian or vehicular access to a business due to construction activity.

   3. Reduced visibility of a business due to construction activity.

   4. Any other perceptible hardship that a business and/or property owner can demonstrate as a direct result of construction activity.

B. Upon finding that one or more of the above criteria has been met, the planning director shall: (1) establish standards for the number, types, and sizes of signs and decorations, (2) determine the applicable businesses/properties that may utilize the temporary signs and decorations, and (3) determine the duration that the temporary signs and decorations may be displayed (the time period shall generally end at the completion of work and/or reopening of road(s) to traffic).

C. The planning director shall ensure that no sign is erected which is detrimental to the public health, safety, or welfare and shall cause a sign to be removed if it is found to be such a detriment.

D. Any action of the planning director may be appealed to the planning commission or city council by any affected party pursuant to requirements of Chapter 18.144 (Appeals) of this title. (Ord. 1628 § 1, 1994)

Chapter 18.100

POLITICAL SIGNS, SIGNS ANNOUNCING COMMUNITY EVENTS AND RELIGIOUS HOLIDAY BANNERS

Sections:

18.100.010 Purpose.

In order to protect the rights of political candidates and those wishing to support or oppose candidates or ballot measures (and those wishing to announce community events), while protecting the public from traffic safety hazards, structural sign hazards, aesthetic blight, litter and loss of meaning of the message of such signs, the regulations provided in this chapter are adopted. (Prior code § 2-9.60)

18.100.020 Exemption.

No permit shall be required of any political campaign sign or community event sign which does not exceed the size limitations provided in this chapter so long as such signs are placed on private property. Political campaign signs and community event signs which are within the size and placement requirements of this chapter shall be exempt from the requirements of Chapter 18.96 of this title. (Prior code § 2-9.61)

18.100.030 Definitions.

Unless it appears from the context that a different meaning is intended, the following words shall have the meanings given them in this chapter:

A. "City" means the city of Pleasanton, a municipal corporation in the state of California.

B. "Community event sign" means any signs, banners or displays of a patriotic, civic or community nature.

C. "Person" means any person, firm, partnership, association, corporation, company, committee for support or opposition of candidates or ballot measures or organizations of any kind.

D. "Political campaign sign" means any sign urging the election or defeat of any candidate seeking any political office, or urging the passage or defeat of any ballot measure but does not mean or include any billboard owned or maintained by a commercial firm or advertising company.

E. "Public property" means all property owned by the city or other public agency within city boundaries, including but not limited to any building owned, operated or leased by a public agency; any street, bicycle or pedestrian right-of-way owned or controlled by the city; and public park recreation area, parkway, planter strip or other pub-

lic grounds owned or operated by the city or other public agency; any traffic-control device or sign or the support pole of the device or sign; or any street tree or flagpole.

F. "Sign" means and includes any bill, poster, placard, handbill, flyer, painting, sign or other similar object in any form whatsoever which contains printed or written matter in words, symbols or pictures, or in any combination thereof.

G. "Utility structure" means any utility pole, supporting structure or guy wire owned by a public or private utility company.

H. "Religious holiday banner" means any banner announcing a special religious holiday service for a religious group belonging to any religious institution. (Ord. 1574 § 1, 1992; prior code § 2-9.62)

18.100.040 Posting of political campaign signs, community event signs and religious holiday banners—Private property.

A. Maximum Size of Signs. No person shall post or cause to be posted on private property political campaign signs in an R district in excess of six square feet. No person shall post or cause to be posted on private property campaign signs in any other zoning district in excess of 16 square feet.

B. Maximum Area per Site. No person shall post or cause to be posted political campaign signs on an individual parcel of private property in an R district which in the aggregate exceeds 24 square feet. No person shall post or cause to be posted political campaign signs on an individual parcel of private property in any other zoning district which in the aggregate exceeds 64 square feet.

C. Maximum Size, Number and Duration of Religious Holiday Banners. No person shall post or cause to be posted on private property on sites exceeding 10,000 square feet in any zoning district, religious holiday banners in excess of 36 square feet. No person shall post or cause to be posted on private property, on sites 10,000 square feet or less in any zoning district, religious holiday banners in excess of six square feet. There shall be no more than one banner posted on the site of any religious institution during a special religious holiday. Religious holiday banners may be posted for a maximum of eight days during any special religious occasion not exceeding four such religious holidays each year.

D. Permission to Post. No person shall post or cause to be posted on private property political campaign signs, community event signs or religious holiday banners without first receiving permission from the property owner or any other person authorized by property owner to give permission to post such signs. (Ord. 1574 § 2, 1992; prior code § 2-9.63)

18.100.050 Posting of political campaign signs—Certain public property prohibited.

It is unlawful for any person to post, place or affix a political campaign sign or cause to do the same, on or to any public property or utility structure. It is also unlawful for any person to post, place or affix a political campaign sign or cause to do the same, on private property in a manner which poses a hazard to motorists, pedestrians or cyclists using the public rights-of-way, by blocking the view of traffic-control signs, devices or cross traffic or by protruding into the public right-of-way. (Prior code § 2-9.64)

18.100.060 Removal of political campaign signs—Time limits.

It is unlawful for any person to fail to remove a political campaign sign within five days after the election for which the sign was posted. (Ord. 1496 § 1, 1991; prior code § 2-9.65)

18.100.070 Community event signs—Time and size limits.

No person shall post or cause to be posted community event signs on private property, other than the property on which the event is to take place, more than 30 days prior to the event or fail to remove such sign within five days after the event. Size limits for community event signs shall be the same as those set forth in subsections A and B of Section 18.100.040 of this chapter for political campaign signs. Public agencies when posting community event signs on property owned by that agency are exempt from the limitation of this section. (Prior code § 2-9.66)

18.100.080 Removal of illegal signs.

The city manager or his or her authorized agents shall remove any sign found posted within the corporate limits of the city which is in violation of Sections 18.100.040, 18.100.050, 18.100.060 and 18.100.070 of this chapter. (Prior code § 2-9.67)

18.100.090 Authority of city manager.

For the purposes of removing illegal signs, the city manager or his or her authorized agents are empowered to enter upon the property where the signs are posted, and the city manager is further authorized to enlist the aid or assistance of any other department of the city and to secure legal process to the end that all such signs shall be expeditiously removed from any property where posted. (Prior code § 2-9.68)

18.100.100 Removal procedure.

When the city manager or his or her agent finds that a sign has been posted in violation of Sections 18.100.040, 18.100.050, 18.100.060 and 18.100.070 of this chapter, he or she shall attempt to contact the candidate, committee or person responsible for the posting of such sign. If successful, he or she shall indicate the nature of the violation and the location of the sign. If, after such notification, the illegal sign remains in violation, the city manager or his or her agents shall remove said sign and store it in a safe location. If, after reasonable diligence, the city manager is unable to contact the candidate, committee or person responsible for the sign, he or she may dispense with the notice requirement and remove the sign, storing it in a safe location. Any sign posted six days after the election or event shall be deemed abandoned and the city manager may dispense with notice requirements. (Prior code § 2-9.69)

18.100.110 Storage—Notice—Return.

If the city manager or his or her agents removes any sign, he or she shall keep a record of the location from which the sign was removed. He or she shall store the sign in a safe location for at least 20 days and shall notify the candidate, committee or person responsible for the posting of the sign, indicating the fact of removal and the location where it may be retrieved. If the city manager is unable to make telephone contact, he or she shall provide written notice, if the address of the candidate, committee or person is known or can reasonably be ascertained. The city manager shall return any political campaign sign upon the payment of a fee to cover the costs of removal, notice and storage. (Prior code § 2-9.70)

18.100.120 Sign removal charge.

The city shall be entitled to receive a fee for every sign removed by the city manager, to cover the expense of removal, notice and storage not to exceed $5.00 per sign. Where unusual effort is needed to remove a sign, such as the cutting or removal of supporting structures, use of aerial devices, towing of "trailer signs", or other unusual situations, the city shall collect from the person responsible a sum sufficient to cover the costs of equipment and hourly wages of employees so utilized. Where no return of the stored sign is requested, the city manager shall bill the person responsible for the sign. (Prior code § 2-9.71)

18.100.130 Persons responsible.

In a campaign for political office, the candidate for such office shall be deemed the person responsible for the posting of political campaign signs, unless he or she first notifies the city clerk and the city manager of another person who is responsible. In such case, the candidate shall provide the name, address, telephone number and signed consents of such other responsible person. In a campaign regarding a ballot measure, the president or chief officer of the committee supporting or opposing such ballot measure shall be deemed responsible, unless he or she first notifies the city clerk and the city manager of some other person responsible, in the manner described in this section. The candidate, or in the case of a ballot measure, the committee president or chief officer or other responsible person, if so designated, shall be liable to pay any fees or costs for the removal and storage of illegal signs, as set out in this chapter. Where a community event sign has been posted illegally, the president or chief officer of the group sponsoring the event shall be deemed the responsible person. (Prior code § 2-9.72)

18.100.140 Exception.

Billboards and other permanent signs used for advertising messages which are otherwise permitted by this code or exist as legal nonconforming uses are exempt from the regulations of this chapter. (Prior code § 2-9.73)

Chapter 18.104

HOME OCCUPATIONS

Sections:

18.104.010 Purpose.

In order to allow the conduct of those types of occupations which traditionally take place in residences and which do not create the potential for changing the residential character of the neighborhood, the zoning administrator is empowered to grant home occupation permits. Home occupation permits can be granted by the zoning administrator only where all conditions listed in Section 18.104.030 of this chapter can be met. However, the planning commission, on appeal, can modify the conditions if it finds that such modifications will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity. (Prior code § 2-10.15)

18.104.020 Exempt occupations.

Where the following regulations are met, no permit shall be required for the conduct of an occupation in the home:

A. No one other than one resident of the dwelling shall be employed in the conduct of the home occupation.

B. The home occupation shall consist of office-type activities only (phone use, bookkeeping, drafting, etc.) and the production of minor arts and crafts items such as macramé, painting, tole painting, etc., if the proper safety equipment is provided.

C. No clients or customers shall come to the premises in connection with the home occupation.

D. The home occupation shall be conducted only in the dwelling and shall be clearly incidental and subordinate to the use of the structure as a dwelling.

E. There shall be no signing employed on the premises in conjunction with the home occupation.

F. The existence of the home occupation shall not be apparent beyond the boundaries of the site.

G. The residence address shall not be used in any advertising done in conjunction with the home occupation.

H. Materials, stock, supplies or equipment shall not be delivered to or picked up from the residence in connection with a home occupation except by the permittee.

I. Equipment, materials and supplies used for the home occupation shall consist of office-type items (typewriter, desk, files, etc.) and those used in the production of minor arts and crafts items (yarn, hemp, watercolors, oil paints, etc.) and shall not occupy more than one room of the dwelling.

J. The home occupation shall not create pedestrian or vehicular traffic in excess of the amount normally generated by residential uses allowed in the district. (Prior code § 2-10.16)

18.104.030 Required conditions.

Except as stipulated in Section 18.104.070 of this chapter, home occupations in A and R districts shall comply with the following regulations:

A. No one other than residents of the dwelling shall be employed in the conduct of a home occupation.

B. Materials, equipment, stock or supplies used for a home occupation shall not occupy more than one room of a dwelling or more than 50 square feet of an accessory building or garage.

C. Nothing in connection with a home occupation shall inhibit the use of a garage for the storage of motor vehicles.

D. No manufacturing shall take place in conjunction with a home occupation except for the production of handmade objects otherwise consistent with the conditions of this chapter.

E. The home occupation shall be clearly incidental and subordinate to the use of the structure as a dwelling.

F. A home occupation shall not create any radio or television interference, or create noise in excess of that normally created by residential uses allowed in the district.

G. A home occupation shall not emit smoke, odor or liquid or solid waste in excess of the amount normally created by residential uses allowed in the district.

H. A home occupation shall not create pedestrian or vehicular traffic in excess of the amount normally generated by residential uses allowed in the district.

I. Materials, stock, supplies or equipment shall not be delivered to or picked up from the residence in connection with a home occupation except by the permittee.

J. No vehicle exceeding one ton in size shall be used in conjunction with a home occupation.

K. Except as stipulated in Section 18.96.040 of this title, no signing shall be employed on the site in conjunction with a home occupation.

L. The existence of a home occupation shall not be visually apparent beyond the boundaries of the site. (Ord. 1738 § 1, 1998; prior code § 2-10.17)

18.104.040 Prohibited home occupations.

A. Gunsmiths.

B. Firearm sales, provided, however, that federally licensed firearm dealers with home occupation permits approved prior to the effective date hereof shall be given one year from the effective date hereof to comply with the ordinance codified in this chapter. (Ord. 1738 § 1, 1998)

18.104.050 Zoning certificate required.

Application for a zoning certificate for a home occupation shall be made to the zoning administrator on a form supplied by the city. The zoning administrator shall issue a certificate upon determining that the proposed home occupation meets all of the requirements of this chapter. (Ord. 1738 § 1, 1998; prior code § 2-10.18)

18.104.060 Planning commission review.

The planning commission may review any decision made by the zoning administrator in conjunction with a home occupation. Such review may be either at the request of the planning commission, the zoning administrator, the applicant, or other aggrieved party in the form of an appeal. An appeal to the planning commission shall be as prescribed in Sections 18.144.020 and 18.144.030 of this title. (Ord. 1738 § 1, 1998; prior code § 2-10.19)

18.104.070 Modification of required conditions.

The planning commission may approve or deny an appeal and in approving an application, may impose additional conditions or may modify any of the conditions required in Section 18.104.030 of this chapter if it determines that such additional conditions or modifications will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity. (Ord. 1738 § 1, 1998; prior code § 2-10.20)

18.104.080 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 home occupation permit shall be suspended automatically. The planning commission shall hold a public hearing within 40 days, and if not satisfied that the regulation, general provision, or condition is being complied with, may revoke the home occupation 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 revoking a home occupation 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 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. (Ord. 1738 § 1, 1998; prior code § 2-10.21)

Chapter 18.106

SECOND UNITS*

Sections:

* **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 and community development department prior to the application for a building permit to the building department 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. 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 department.

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 department 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 Department. These restrictions and regulations shall be binding upon any successor in ownership of the property.

(Ord. 1885 § 2, 2003)

Chapter 18.108

TRAILERS AND TRAILER PARKS

Sections:

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)

Chapter 18.110

PERSONAL WIRELESS SERVICE FACILITIES

Sections:

18.110.005 Purpose.

The purpose and intent of this chapter is to provide a comprehensive set of standards for the development and installation of personal wireless service facilities. The regulations contained herein are designed to protect and promote public safety and community welfare, property values, and the character and aesthetic quality of Pleasanton, while at the same time not unduly restricting the development of personal wireless service facilities, and not unreasonably discriminating among personal wireless service providers of functionally equivalent services. (Ord. 1743 § 1, 1998)

18.110.010 Applicability.

A. This chapter shall apply to all property owned by private persons, firms, corporations or organizations, and property owned by the city, including public streets and alleys, and property owned by any agencies of the city, or by any local, state, or federal government, agency, or political subdivision thereof required to comply with local government regulations as required by law or by written agreement, with the exception of the following facilities:

1. Amateur (including ham and shortwave) radio facilities on private property provided that the antenna does not exceed 65 feet in height or is not more than 25 feet above the height limit prescribed by the regulations for the district in which the facility is located, whichever is less. Amateur radio facilities on private property are subject to design review as provided in subsection 18.20.040(B)(2) of this title.
2. Amateur (including ham and shortwave) radio facilities on public property provided:
    a. The facilities do not exceed 65 feet in height or are not more than 25 feet above the height limit prescribed by the regulations for the district in which the facilities are located, whichever is less;
    b. The facilities provide emergency communication backup services for the city;
    c. The facilities are officially recognized and approved by the city's emergency preparedness officer, fire chief, or director of public works and utilities.
3. Personal wireless service facilities which are not licensed by the Federal Communications Commission and are determined by the zoning administrator to have little or no adverse visual impact.
4. Direct-to-home satellite services.
5. Personal wireless service facilities used only by the city, hospitals, and ambulance services in emergencies or for the protection and promotion of the public health, safety, and general welfare.
6. Any personal wireless service facility located on land owned by one of the public entities listed below and operated for the public entity's public purpose only and not for commercial reasons:
    a. The United States of America or any of its agencies;
    b. The State or any of its agencies or political subdivisions not required by state law to comply with local zoning ordinances;
    c. Any other city (other than the city of Pleasanton), county, or special district;
    d. The Pleasanton unified school district. (Ord. 1743 § 1, 1998)

18.110.020 Notice and approval process.

A. All personal wireless service facilities shall be subject to design review approval by the zoning administrator as provided in Chapter 18.20 of this title. The zoning administrator, upon making a finding that the proposed personal wireless service facility meets all applicable provisions of this chapter, shall approve or conditionally approve the design review application for the personal wireless service facility. The zoning administrator may refer any personal wireless service application to the planning commission for review and action.

B. All property owners within 600 feet of a property on which a personal wireless service facility is proposed shall be notified of the personal wireless service facility application as provided in subsection 18.20.040(B)(2) of this title. Public hearings can be requested as provided in subsection 18.20.040(B)(2) of this title. (Ord. 1743 § 1, 1998)

18.110.030 Revocation of approval.

A. If the zoning administrator finds that a use is not in compliance with this chapter, that conditions of approval have not been fulfilled, or that there is a compelling public necessity, the zoning administrator shall notify the personal wireless service facility provider of the same, in writing, and state the actions necessary to cure. After 30 days from the date of notification, if the said use is not brought into compliance with this chapter, the conditions of approval have not been fulfilled, or there is still a compelling public necessity, the zoning administrator shall refer the use to the planning commission for review. Such reviews shall occur at a noticed public hearing where the personal wireless service provider may present relevant evidence. If, upon such review, the commission finds that any of the above has occurred, the commission may modify or revoke all approvals and/or permits.

B. The terms of this section shall not apply to preexisting legal nonconforming personal wireless service facilities which are subject to Section 18.110.260 of this chapter. (Ord. 1743 § 1, 1998)

18.110.040 Submittals.

A. For all proposed personal wireless service facilities, the personal wireless service provider shall provide the following to the zoning administrator:

1. A completed city design review application which includes the signature of the personal wireless service provider and the property owner.
2. All applicable fees including deposit fees for peer review.
3. Title reports.
4. Site plan, landscape plan, and elevations drawn to scale. The elevation drawings shall include all buildings on which the personal wireless service facilities are proposed to be located.
5. Cross sections and floor plans, drawn to scale, if an antenna is proposed to be façade- or roof-mounted.
6. Visual impact demonstrations including before and after photo-simulations and elevation drawings showing the height, design, color, and location of the proposed facility as viewed from public places.
7. Proposed means of establishing and maintaining maximum visual screening of unsightly public views of facilities, as needed, which includes submitting sample exterior materials and colors of towers, antennas, accessory structures (such as equipment cabinets and structures), and security fences.
8. The number, type. and dimensions of antennas, equipment cabinets, and related facilities proposed for use by the personal wireless service provider. The size of equipment cabinets and related facilities are not required if the cabinets and related facilities are located completely underground or entirely within a building, not including an equipment cabinet.
9. A report from a structural engineer, licensed by the state, regarding the number and type of antennas that a proposed or existing structure is designed to support.
10. Justification of why the proposed height and visual impact of the personal wireless service facility cannot be reduced on the proposed site.
11. A letter indicating whether, and why, each site identified is essential for completion of the personal wireless service provider's coverage objective.
12. A letter explaining the site selection process including information about three other sites which could service the same or similar coverage area and the reasons for their rejection, provided that three such alternatives exist and are reasonably available for the personal wireless services provider's use in the coverage area.
13. A map, to scale, showing the coverage area of the personal wireless service provider's existing, proposed, and future personal wireless service facilities within the city limits and within one-half mile therefrom.
14. A map, to scale, and a master plan of the personal wireless service provider's facilities in the city and those planned in the future, including information about the location, height, and design of each existing and planned personal wireless service facility within the city limits and within one-half mile therefrom.
15. A statement of intent whether the facility would be collocated.
16. A letter which states the personal wireless service provider's commitment to allow other personal wireless service providers to collocate antennas on their proposed facilities wherever structurally and technically feasible, and to provide at any time additional information, as requested by the zoning administrator, to aid in determining whether or not another personal wireless service provider could collocate on/near their facilities if approved.
17. A letter stating: (a) the power rating for all antennas and backup equipment proposed, (b) that the system, including the antennas, and associated equipment cabinets/structures, conforms to the radio frequency radiation emission standards adopted by the Federal Communications Commission, including operating within its frequency assigned by the Federal Communications Commission, and (c) that operation of the facilities in addition to ambient radio frequency emission levels will not exceed adopted Federal Communications Commission standards.

18. A letter stating that the proposed personal wireless service facility shall be operated in a manner which complies with the Federal Communications Commission's regulations regarding signal interference.
19. Reference to any easements necessary.
20. All proposed signage, including emergency signage as required by Section 18.110.160(B) of this chapter.

B. Additional information as deemed necessary by the zoning administrator which may include, but is not limited to, the following:

1. Information sufficient to determine that the personal wireless service provider has applied for and received all applicable operating licenses or other approvals required by the Federal Communications Commission and California Public Utilities Commission to provide personal wireless services within the city.
2. The types and range of sizes of antennas and equipment cabinets which could serve as alternatives for use by the personal wireless service provider.
3. A USGS topographic map or survey, to scale, with existing topographic contours showing the proposed antennas, accessory structures, and new roads in an area.
4. Technical data related to the site selection process.
5. A map based on drive tests (or similar engineering data) at the proposed site and its vicinity showing the estimated coverage area for the proposed personal wireless service facility. As used herein, drive tests are field tests to demonstrate the coverage of a proposed antenna in which one person holds a transmitter at the proposed site and another drives away from the site with a receiver to determine the outer perimeter of the radio signals that can be transmitted from the site.
6. A "mock-up" of the proposed personal wireless service facility at the proposed facility location using materials and colors that resemble the proposed facility.
7. A letter stating, wherever technically feasible, how the facilities have been designed to allow collocation of other carriers.
8. A letter stating specifically the reasons for not collocating on any existing personal wireless service facility tower or at any site with existing antennas within the city. The reasons for not collocating may include letters from personal wireless service providers with existing facilities stating reasons for not permitting collocation, or evidence that personal wireless service providers have not responded, or, if the reasons for refusal to collocate are structural, the structural calculations for review by the planning department.
9. Noise impact analysis.
10. A letter to the zoning administrator which describes in detail the maintenance program for the facilities.
11. Written proof of the availability of any required irrigation facilities on-site prior to permit issuance. This may be in the form of a letter from the owner of the land allowing the personal wireless service provider the use of required water facilities for landscaping. (Ord. 1743 § 1, 1998)

18.110.050 Locational standards.

A. A personal wireless service facility shall be a permitted use in any zoning district only if it complies with the locational standards stated in this section and with all regulations provided in this chapter.

B. A personal wireless service facility shall not be located in any residential or agricultural zoning district or in a planned unit development with a residential or agricultural zoning designation unless all of the following criteria are met:

1. The residential zoning district, agricultural zoning district, or planned unit development is developed, has an approved development plan, or is designated as a public and institutional land use in the general plan.
2. The area where the personal wireless service facility is proposed is designated as permanent open space or is designated as a public and institutional land use in the general plan.
3. The personal wireless service facility is located a minimum of 300 feet away from the property lines of all of the following:

a. Existing or approved residences in residential or agricultural zoning districts or in planned unit developments with a residential or agricultural zoning designation;

b. Undeveloped residential or agricultural zoning districts or undeveloped planned unit developments with a residential or agricultural zoning designation and without an approved development plan, unless designated as a public and institutional land use in the general plan;

c. Existing or approved public schools, private schools, and childcare centers, not including schools which only provide tutorial services;

d. Neighborhood parks, community parks, or regional parks, as designated in the general plan;

e. Existing or approved senior care/assisted living facilities, including nursing homes.

C. A personal wireless service facility shall not be located within 300 feet from the property lines of the uses listed in subsections (B)(3)(a) through (B)(3)(e) of this section.

D. A personal wireless service facility shall not be located within the property lines of the uses listed in subsections (B)(3)(a) through (B)(3)(e) of this section.

E. A personal wireless service facility shall not be located in any district unless the proposed facility is located as far away as is feasible from the property lines of the uses listed above, in subsections (B)(3)(a) through (B)(3)(e) of this section as determined by the zoning administrator, or the facility meets the criteria provided in Section 18.110.060 of this chapter. An alternate site or location shall be considered feasible if it is located further away from the property lines listed in subsections (B)(3)(a) through (B)(3)(e) of this section than the proposed location, the same or a similar lease or purchase agreement is available at this location as is available at the proposed location, and it is structurally and technically feasible that this location can service the same or a similar coverage area as proposed, while remaining in compliance with this chapter.

1. Whether or not a personal wireless service facility can service the same or a similar coverage area at an alternate location than proposed shall be determined by an electrical engineer hired by the personal wireless service provider and licensed by the state.

2. The personal wireless service provider is responsible for proving that the same or a similar lease or purchase agreement is not available at an alternative location than that proposed.

3. This subsection E only applies to the initial placement of personal wireless service facilities. This subsection E does not apply to facilities existing or approved prior to the adoption of the ordinance codified in this chapter.

F. Personal wireless service facilities shall not be permitted on any site in which the zoning of the site is not consistent with the land use designation of the site, as designated in the general plan.

G. Personal wireless service facilities on or above a ridgeline or at a location readily visible from the I-580 and I-680 shall be prohibited unless accompanied by a rigorous demonstration by the personal wireless service provider, and approved by the zoning administrator, that there shall not be any adverse visual impact, that no other sites are reasonably available, and that every effort has been made to incorporate stealth techniques.

H. When feasible and in conformance with other provisions of this chapter, personal wireless service providers shall be encouraged to locate their personal wireless service facilities on publicly owned or controlled property or right-of-way.

I. Amateur radio facilities are prohibited on public property in any zoning district, unless the facility meets the requirements of Section 18.110.010(A)(2) of this chapter. (Ord. 1743 § 1, 1998)

18.110.060 Collocation.

The zoning administrator may require a personal wireless service provider to collocate its personal wireless service facilities with other existing or proposed facilities if the proposed antennas would be located at least 300 feet away from the property lines listed in subsections 18.110.050(B)(3)(a) through (B)(3)(e) of this chapter; if the proposed antennas would comply with the provisions of this chapter, including Section 18.110.130 of this chapter; if it would be structurally and technically feasible that the collocation site can service the same or a similar coverage area as pro-

posed; and if the zoning administrator determines that the proposed personal wireless service facilities would have less of an adverse visual impact than two or more single noncollocated personal wireless service facilities. (Ord. 1743 § 1, 1998)

18.110.070 Stealth techniques.

A. All personal wireless service facilities shall be located so as to minimize their visibility and, unless determined by the zoning administrator to be hidden from view, designed to ensure that they will not appear as an antenna facility. To minimize visual impacts, all personal wireless service facilities determined by the zoning administrator to be visible to the public or properties in the vicinity shall incorporate appropriate stealth techniques to camouflage, disguise and/or blend them into the surrounding environment. Personal wireless service facilities shall be in scale and architecturally integrated with surrounding building design(s) or natural setting in such a manner as to be visually unobtrusive.

B. Antennas mounted on structures or on architectural details of a building shall be treated to match existing architectural features and colors found on the building. Façade-mounted antennas shall be integrated into the building's architecture through design, color, and texture.

C. Roof-mounted antennas shall be located in an area of the roof where the visual impact is minimized. Roof-mounted and ground-mounted antennas shall not be allowed when they are placed in direct line of sight of significant or sensitive view corridors or where they adversely affect scenic vistas, unless facilities incorporate appropriate, creative stealth techniques to camouflage, disguise, and/or blend them into the surrounding environment, as determined by the zoning administrator.

D. Aboveground and partially buried equipment cabinets shall be located where they will be the least visible from surrounding properties and public places. Aboveground and partially buried equipment cabinets shall require screening from surrounding properties and public view. Any visible portion of an equipment cabinet shall be treated to be architecturally compatible with surrounding structures and/or screened using appropriate techniques to camouflage, disguise, and/or blend it into the environment. If the zoning administrator determines that an equipment cabinet is not or cannot be adequately screened from adjacent properties or from public view or architecturally treated to blend in with the environment, the equipment cabinet shall be placed underground or inside the existing building where the antenna is located. (Ord. 1743 § 1, 1998)

18.110.080 Height.

A. The height of a personal wireless service facility shall include the height of any structure upon which it is placed.

B. The height of a personal wireless service facility shall be based on a visual analysis demonstrating that views of the facility are minimized or are substantially screened from residential land uses, or other sensitive land uses such as parks, schools, or major streets, and on an engineering analysis justifying the height of the proposed personal wireless service facility. (Ord. 1743 § 1, 1998)

18.110.090 Colors and materials.

A. The visible exterior surfaces of personal wireless service facilities shall be constructed out of nonreflective materials.

B. All colors and materials are subject to the zoning administrator's approval. The colors and materials of antennas, equipment cabinets, and other appurtenances shall be chosen to minimize the visibility of the personal wireless service facility, except as specifically required by the Federal Aviation Administration. Facilities which will be primarily viewed against soils, trees, or grasslands shall be painted colors matching these landscapes.

C. Lightning arrester rods and beacon lights shall not be included as part of the design of any personal wireless service facility, unless the personal wireless service provider can prove that it is necessary for health and safety purposes, or required by the Federal Aviation Administration. (Ord. 1743 § 1, 1998)

18.110.100 Landscaping.

A. Landscaping may be required to screen personal wireless service facilities from adjacent properties or public view and/or to provide a backdrop to camouflage the facilities. All proposed landscaping is subject to the zoning administrator's review and approval. Existing on-site vegetation shall be preserved or improved, and disturbance of the existing topography shall be minimized. Additional trees and other vegetation shall be planted and maintained around the facility, in the vicinity of the project site, and along access roads in appropriate situations where such vegetation is deemed necessary to provide screening of personal wireless service facilities and related access roads.

B. All ground-mounted antennas and related equipment and roads shall be substantially screened by landscaping so that their visual impact is minimized.

C. All trees used in landscaping shall be a minimum of 15 gallons in size and all shrubs a minimum of five gallons, unless otherwise approved.

D. Any adjacent, existing landscaping shall be preserved and refurbished if damaged during construction.

E. The personal wireless service provider shall enter into an agreement with the city, approved by the city attorney, which guarantees that all landscaping and open space areas included in the project shall be maintained at all times in a manner consistent with the approved landscape plan for the personal wireless service facility and its related equipment and roads. (Ord. 1743 § 1, 1998)

18.110.110 Setbacks and projections into yards.

A. All setbacks shall be measured from the furthest extent of a personal wireless service facility to the closest applicable property line or structure, with the exception of equipment shelters. Equipment shelters shall be measured from the outside wall of the shelter to the closest applicable property line or structure.

B. Personal wireless service facilities shall meet all applicable regulations for Class I or II accessory structures, whichever is applicable, in accordance with Chapter 18.84 of this title, with the following exceptions:

1. Underground equipment shelters or cabinets may adjoin property lines, if approved by the building department.

2. Ground-mounted antennas and related equipment shall not be located in front of main structures and/or along major street frontages where they will be readily visible.

3. The clear vertical height under a projection shall be at least 15 feet. (Ord. 1743 § 1, 1998)

18.110.120 Projections into public rights-of-way.

A. Ground-mounted antennas and related equipment shall not extend over a sidewalk, street, or other public right-of-way, except that ground-mounted antennas and related equipment on streetlight poles, traffic signals, and existing telephone poles may extend over a sidewalk or street, subject to zoning administrator and director of public works approvals.

B. Roof-mounted and façade-mounted antennas and their related equipment shall not extend over a street.

C. Roof-mounted and façade-mounted antennas and their related equipment may extend over a sidewalk provided that there shall be a setback of at least two feet between the curb and any portion of an antenna and its related equipment.

D. The clear vertical height under a projection shall be at least 15 feet. (Ord. 1743 § 1, 1998)

18.110.130 Number of antennas and facilities permitted.

A. The zoning administrator shall determine the number of antennas allowed per site on a case-by-case basis, with the goal of minimizing adverse visual impacts.

B. No more than three personal wireless service facility providers shall be permitted to collocate on a single building, tower, monopole, or other supporting structure. (Ord. 1743 § 1, 1998)

18.110.140 Noise.

A. All personal wireless service facilities shall be constructed and operated in such a manner as to minimize the amount of noise impacts to residents of nearby homes and the users of recreational areas, such as public parks and trails. Noise attenuation measures shall be required for all air-conditioning units. Backup generators shall only be operated during power outages and for testing and maintenance purposes. At any time, noise attenuation measures may be required by the zoning administrator when deemed necessary.

B. Testing and maintenance activities of personal wireless service facilities which generate audible noise shall occur between the hours of 8:00 a.m. and 5:00 p.m., weekdays (Monday through Friday, non-holiday) excluding emergency repairs, unless allowed at other times by the zoning administrator. Testing and maintenance activities which do not generate audible noise may occur at any time, unless otherwise approved by the zoning administrator. (Ord. 1743 § 1, 1998)

18.110.150 Interference.

All personal wireless service facilities shall be operated in a manner which complies with the Federal Communication Commission's regulations regarding signal interference. (Ord. 1743 § 1, 1998)

18.110.160 Maintenance and safety.

A. Personal wireless service facilities shall comply with all Federal Communications Commission and California Public Utilities Commission requirements.

B. All personal wireless service providers shall provide signage, as required by the zoning administrator, which shall identify the name and phone number of the personal wireless service provider for use in case of an emergency.

1. The design, materials, colors, and location of the identification signs shall be subject to zoning administrator review and approval.

2. If at any time a new personal wireless service provider takes over operation of an existing personal wireless service facility, the new personal wireless service provider shall notify the planning department of the change in operation within 30 days and the required and approved signs shall be updated within 30 days to reflect the name and phone number of the new wireless service provider. The colors, materials and design of the updated signs shall match those of the required and approved signs.

C. In addition to providing visual screening, each antenna site may be required to provide warning signs, fencing, anticlimbing devices, or other techniques to achieve the same end to control access to the facilities in order to prevent unauthorized access and vandalism. However, the use of fencing shall not unnecessarily add to the visual impact of the facility, and the design of the fencing and other access control devices shall be subject to zoning administrator review and approval. All signs shall be legible from a distance of at least 10 feet from the personal wireless service facility. No sign shall be greater than two square feet in size.

D. All personal wireless service facilities, including, but not limited to, antennas, towers, equipment cabinets, structures, accessory structures, and signs shall be maintained by the wireless service provider in good condition. This shall include keeping all personal wireless service facilities graffiti-free and maintaining security fences in good condition.

E. All personal wireless service facilities shall be required to be reviewed by an electrical engineer licensed by the state.

1. Within 45 days of initial operation or modification of a personal wireless service facility, the personal wireless service provider shall submit to the planning department a written certification by an electrical engineer licensed by the State that the personal wireless service facility, including the actual radio frequency radiation of the facility, is in compliance with the application submitted, any conditions imposed, and all other provisions of this chapter in order to continue operations past the 45-day period. At the personal wireless service provider's expense, the zoning administrator may employ on behalf of the city an independent technical expert to confirm and periodically reconfirm compliance with the provisions of this chapter.

2. Every personal wireless service facility shall demonstrate continued compliance with all radio frequency standards adopted by the Federal Communications Commission. The personal wireless service provider shall hire a qualified electrical engineer licensed by the state, and approved by the zoning administrator to measure the actual radio frequency radiation of the approved facility and determine if it meets the Federal Communications Commission's standards. A report of all calculations, required measurements, and the engineer's findings with respect to compliance with the radio frequency standards shall be submitted to the planning department within three years of facility approval and every three years thereafter. In the case of a change in the standard, the required report shall be submitted within 90 days of the date the said change becomes effective. In order to assure the objectivity of the analysis, the city may require, at the personal wireless service provider's expense, independent verification of the results of any analysis. If a personal wireless service provider fails to supply the required reports or remains in continued noncompliance with the Federal Communications Commission standard, the zoning administrator shall schedule a public planning commission hearing. After conducting the hearing, if the planning commission determines that the personal wireless service provider has failed to supply the required reports or remains in continued noncompliance, the planning commission shall modify or revoke all approvals.

F. All personal wireless service facilities providing service to the government or general public shall be designed to survive a natural disaster without interruption in operation. To this end the following measures shall be implemented:

1. Nonflammable exterior wall and roof covering shall be used in the construction of all aboveground equipment shelters and cabinets.

2. Openings in all aboveground equipment shelters and cabinets shall be protected against penetration by fire and windblown embers.

3. The material used as supports for the antennas shall be fire resistant, termite proof, and subject to all the requirements of the Uniform Building Code.

4. Personal wireless service facility towers shall be designed to withstand the forces expected during the "maximum credible earthquake." All equipment mounting racks and attached equipment shall be anchored in such a manner that such a quake will not tip them over, throw the equipment off its shelves, or otherwise act to damage it.

5. All connections between various components of the personal wireless service facility and with necessary power and telephone lines shall be protected against damage by fire, flooding, and earthquake.

6. Measures shall be taken to keep personal wireless service facilities in operation in the event of a disaster.

7. All equipment shelters and personal wireless service facility towers shall be reviewed and approved by the fire department.

8. A building permit shall be required for the construction, installation, repair, or alteration of all support structures for personal wireless service facilities equipment. Personal wireless service facilities must be stable and must comply with the Uniform Building Code and any conditions imposed as a condition of issuing a building permit. (Ord. 1743 § 1, 1998)

18.110.170 Antennas located on an undeveloped parcel.

A. All ground-mounted antennas that are located on undeveloped sites, where allowed, shall be converted to roof- or façade-mounted antennas with the development of the site when feasible and technically possible.

B. All aboveground and partially buried equipment shelters and cabinets that are located on undeveloped sites, where allowed, shall be located where they will be the least visible from surrounding properties and public places. (Ord. 1743 § 1, 1998)

18.110.180 Access roads.

All personal wireless service facilities shall use existing access roads, where available. Unless visual impacts can be adequately mitigated, no new access roads shall be allowed with any proposed personal wireless service facility. (Ord. 1743 § 1, 1998)

18.110.190 Advertising.

No advertising shall be placed on personal wireless service facilities. (Ord. 1743 § 1, 1998)

18.110.200 Federal Aviation Administration.

A. Personal wireless service facilities shall comply with all Federal Aviation Administration requirements.

B. No personal wireless service facility shall be installed in a location where special painting or lighting will be required by the Federal Aviation Administration unless technical evidence acceptable to the zoning administrator is submitted showing that this is the only technically feasible location for this facility, and the proposed facility meets all of the other requirements of this chapter. When lighting is required and is permitted by the Federal Aviation Administration or other federal or state authority, it shall be turned inward so as not to project on surrounding property. (Ord. 1743 § 1, 1998)

18.110.210 Historical and archaeological sites.

No personal wireless service facility shall be sited such that its design and/or construction will damage an archaeological site or have an adverse effect on the historic character of an historic structure, feature, or site. (Ord. 1743 § 1, 1998)

18.110.220 Additional information required.

Each personal wireless service provider with a personal wireless service facility in the city may be required by the zoning administrator, at any time, to provide additional information to the public by means of community meetings and/or distribution of relevant literature. (Ord. 1743 § 1, 1998)

18.110.230 Minor modifications.

Minor modifications to personal wireless service facility equipment design, location, height, and other elements may be allowed, subject to the approval of the zoning administrator, if such modifications are in keeping with the architectural statement and layout design of the original approval, and meet the requirements of this chapter. (Ord. 1743 § 1, 1998)

18.110.240 Cessation of operation on-site.

A. Personal wireless service providers shall provide the city with a notice of intent to vacate a site a minimum of 30 days prior to the vacation.

B. A new permit shall be required if a site is to be used again for the same purpose as permitted under the original permit if a consecutive period of six months have lapsed since cessation of operations.

C. All equipment associated with a personal wireless service facility shall be removed by the property owner after cessation of the said use for more than six consecutive months, and the site shall be restored to its original preconstruction condition. Any access road installed shall also be removed by the property owner and the ground returned to its natural condition after continuous cessation of the said use for more than six months unless the property owner establishes to the satisfaction of the zoning administrator that these sections of road are necessary to serve another use which is permitted or conditionally permitted and has been approved for the property or to provide access to adjoining parcels. An exception to this subsection may be made by the zoning administrator for an extension of up to 12 months if the property owner continues to make a good faith attempt to sell or lease the

property as a personal wireless service facility site, as certified by a licensed real estate broker who is under contract with a right to sell or lease the property.

D. The personal wireless service provider shall be responsible for providing the financial guarantee required in Section 18.110.250(B) of this chapter.

E. Any personal wireless service provider that is buying, leasing, or is considering a transfer of ownership of an already approved facility shall submit a letter of notification of intent to the zoning administrator. (Ord. 1743 § 1, 1998)

18.110.250 Fees.

A. The zoning administrator is authorized at his or her discretion to employ on behalf of the city an independent technical expert to review any technical materials submitted. The zoning administrator shall consult with all interested personal wireless service facility providers to compile a list of independent technical experts from which the zoning administrator shall choose the reviewing technical expert. The personal wireless service provider shall pay all reasonable costs of said review, not including administrative costs.

B. Prior to erecting a personal wireless service facility, the personal wireless service provider shall provide a financial guarantee, satisfactory to the city attorney, for the removal of the facility in the event that its use is abandoned, or its approval is terminated. This subsection shall not apply to personal wireless service facilities approved prior to the effective date hereof. (Ord. 1743 § 1, 1998)

18.110.260 Preexisting and nonconforming personal wireless service facilities.

A. The personal wireless service provider of a personal wireless service facility which was approved by the city before the effective date hereof shall submit a copy of the following to the zoning administrator within six months from the date of notification:

1. A written summary certifying the commencement date and expiration date of any lease, license, property right, or other use agreement for the personal wireless service facility, including any options or renewal terms contained therein.

2. The approval by the city which had been granted for the personal wireless service facility prior to the effective date hereof.

3. A report stating that the facility complies with the emissions standards adopted by the Federal Communications Commission as certified by an electrical engineer licensed by the state.

4. A site plan showing the location of the personal wireless service facility.

B. The personal wireless service provider of a personal wireless service facility which was approved by the city prior to the effective date hereof and does not comply with this chapter on the date of its adoption shall be considered a preexisting legal nonconforming use provided that the personal wireless service provider submits the information required in subsection A of this section.

1. Preexisting legal nonconforming personal wireless service facilities shall be permitted to remain until the lessor's lease, including renewals, with the property expires, or the city council takes action pursuant to subsection F of this section.

2. A nonconforming personal wireless service facility shall not be altered or modified unless approved by the zoning administrator subject to the determination that the alteration or modification will cause the personal wireless service facility to be in greater conformance with this chapter.

C. Personal wireless service facilities, approved prior to the date of the ordinance codified in this chapter, which comply with the provisions of this chapter shall be subject to the regulations in this chapter including Section 18.110.270 of this chapter except that the lack of a five-year review period shall not make a preexisting personal wireless service facility, as described in subsection A of this section, a preexisting nonconforming use.

D. Within eight months from the effective date hereof, the zoning administrator shall review the approval for all personal wireless service facilities approved prior to the effective date hereof to determine if they are conforming or nonconforming uses.

E. Any personal wireless service facility approved by the city prior to the effective date hereof shall cease operations within six months of the enactment of the ordinance codified in this chapter and shall be immediately removed, unless the personal wireless service facility submits the materials required in subsection A of this section.

F. The zoning administrator shall determine which nonconforming uses, including preexisting nonconforming uses as defined in subsection B of this section, are to be submitted to the city council for review. The zoning administrator shall base his or her decision on substantial evidence that the nonconforming use is a threat to the public health, safety and general welfare, and/or materially injurious to the properties or improvements in the vicinity. The city council shall then hold a noticed public hearing.

The personal wireless service provider shall be provided written notice, not less than 30 days prior to the hearing, including, with reasonable specificity: (1) the nature of the threat and/or material injury and copies of all of the evidence and materials upon which the zoning administrator based his or her determination, (2) a reasonably ascertainable means to correct the threat and/or material injury, if possible, and (3) a reasonable opportunity to cure the same, if curable, which time period in no event shall be less than 30 days from the date of notification or such lesser time period as may be warranted by virtue of a public emergency.

At the hearing, the city council shall accept evidence from the personal wireless service provider, the public, and any other interested persons in determining whether substantial evidence supports the finding that the nonconforming use is a threat to the public health, safety and general welfare, and/or materially injurious to the properties or improvements in the vicinity; and if the city council so determines, it shall also determine whether to:

1. Require modifications of such personal wireless service facility to eliminate the threat to the public health, safety and general welfare, and/or the material injury to the properties or improvements in the vicinity;

2. Immediately eliminate such personal wireless service facility by paying the provider just compensation pursuant to the procedures set forth in the Eminent Domain Law, California Code of Civil Procedure, Section 1230.010 et seq.; or

3. Subject such nonconforming use and/or structure to the provisions of Chapter 18.120 of this title, including Table 18.120.060 of this title.

G. If the city and the provider voluntarily agree on just compensation to remove the nonconforming facility pursuant to subsection (F)(2) of this section, the city and the provider shall thereafter enter into an agreement for just compensation and the removal of the facility. If the parties cannot voluntarily agree, then the determination of just compensation and the removal of the facility shall be determined under the applicable law.

H. The remedies for the removal of nonconforming uses set forth in this section are not exclusive. city retains the right to use any and all other means legally available to remove a nonconforming facility. (Ord. 1743 § 1, 1998)

18.110.270 Length of approvals.

A. All approvals for personal wireless service facilities shall be valid for an initial maximum period of five years. An approval may be extended administratively from the initial approval date for a subsequent five years and may be extended administratively every five years thereafter upon the verification of the personal wireless service provider's continued compliance with the findings and conditions of approval under which the application was originally approved. Costs associated with the review process shall be borne by the personal wireless service provider. The zoning administrator may schedule a public hearing at which the zoning administrator may deny the renewal of an approval if he or she finds that:

1. The report showing that the personal wireless service facility complies with the current Federal Communications Commission radio frequency standards, as required in subsection 18.110.160(E)(2) of this chapter, has not been submitted to the planning department.

2. The personal wireless service facility fails to comply with the requirements of this chapter as they exist at the time of renewal, and the personal wireless service provider has failed to supply assurances acceptable to the zoning administrator that the facility will be brought into compliance within 90 days.
3. The personal wireless service provider has failed to comply with the conditions of approval imposed.
4. The personal wireless service facility has not been properly maintained.
5. The personal wireless service provider has not agreed in writing to upgrade the personal wireless service facility within six months to minimize the facility's adverse visual impact to the greatest extent permitted by the technology that exists at the time of renewal. The zoning administrator shall determine if a new technology shall further minimize a facility's adverse visual impact and if a facility shall be required to be upgraded. A personal wireless service facility shall not be upgraded unless it shall continue to comply with the requirements of this chapter as they exist at the time of renewal.

Notwithstanding the foregoing, no public hearing to schedule a denial of an extension pursuant to this section shall be calendared until the zoning administrator has first provided a written notice to the personal wireless service provider including with reasonable specificity: (a) the nature of the deficiency or violation; (b) a reasonably ascertainable means to correct such deficiency or violation; and (c) a reasonable opportunity to cure the same if the deficiency or violation is curable, which time period in no event shall be less than 30 days from the date of notification or such lesser period as may be warranted by virtue of a public emergency.

B. If an approved personal wireless service facility meets the requirements of this chapter but it is no longer allowed in its applicable zoning district, the personal wireless service facility shall be permitted to remain for five years from the date of the facility's next approval renewal, or until such time as the lessor's lease, including renewals, with the property expires, or the city council takes action pursuant to Section 18.110.260(F) of this chapter.

A nonconforming personal wireless service facility shall not be altered or modified unless approved by the zoning administrator subject to a determination that the alteration or modification will cause the personal wireless service facility to be in greater conformance with this chapter.

C. The zoning administrator's decision to deny a renewal may be appealed as described in Section 18.144.050 of this title.

D. At the zoning administrator's request, the personal wireless service provider shall provide a written summary certifying the commencement date and expiration date of any lease, license, property right, or other use agreement for the personal wireless service facility, including any options or renewal terms contained therein.

E. An approval for a personal wireless service facility may be modified or revoked by the planning commission as described in Section 18.110.030 of this chapter.

F. This section does not apply to preexisting legal nonconforming uses. (Ord. 1743 § 1, 1998)

18.110.280 Change in federal or state regulations.

All personal wireless service facilities shall meet the current standards and regulations of the Federal Communications Commission, the California Public Utilities Commission, and any other agency of the federal or state government with the authority to regulate personal wireless service providers. If such standards and regulations are changed, the personal wireless service provider shall bring its facilities into compliance with such revised standards and regulations within 90 days of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal or state agency. Failure to bring personal wireless service facilities into compliance with such revised standards and regulations shall constitute grounds for the immediate removal of such facilities at the personal wireless service provider's expense. (Ord. 1743 § 1, 1998)

18.110.290 Indemnity and liability.

A. The personal wireless service provider shall defend, indemnify and hold harmless the city or any of its boards, commissions, agents, officers, and employees from any claim, action or proceeding against the city, its boards, commissions, agents, officers, or employees to attack, set aside, void, or annul, the approval of the project, unless such claim, action, or proceeding is based on the city's negligence or misconduct, when such claim or action is

brought within the time period provided for in applicable state and local statutes. The city shall promptly notify the providers of any such claim, action or proceeding. Nothing contained in this subsection shall prohibit the city from participating in a defense of any claim, action, or proceeding if the city bears its own attorney fees and costs, and the city defends the action in good faith.

B. Personal wireless service providers shall be strictly liable for any and all sudden and accidental pollution and gradual pollution from the usage of their personal wireless service facilities within the city. This liability shall include cleanup, injury or damage to persons or property. Additionally, personal wireless service providers shall be responsible for any sanctions, fines, or other monetary costs imposed as a result of the release of pollutants from their operations.

C. Personal wireless service providers shall be strictly liable for any and all damages resulting from electromagnetic waves or radio frequency emissions in excess of the Federal Communication Commission's standards. (Ord. 1743 § 1, 1998)

18.110.300 Review of ordinance.

A. Personal wireless service facilities are currently subject to rapid change. Innovations may render the need for specific sections of this chapter obsolete. The city shall review the ordinance codified in this chapter at least once every five years from the date of adoption.

B. Whenever a personal wireless service facility provider applies to locate a significantly different type of technology in the city, the city shall review the ordinance codified in this chapter for its applicability prior to the approval of the placement and/or design of the new technology.

C. The city shall review the ordinance codified in this chapter within six months of a change to the Federal Communication Commission's regulations which states that local governments may regulate personal wireless service facilities based on their health effects. (Ord. 1743 § 1, 1998)

18.110.310 Severability.

If any section or portion of this chapter is found to be invalid by a court of competent jurisdiction, such finding shall not affect the validity of the remainder of the chapter, which shall continue in full force and effect. (Ord. 1743 § 1, 1998)

Chapter 18.112

SATELLITE EARTH STATION DEVELOPMENT STANDARDS

Sections:

18.112.010 Residential district standards.

No exterior satellite earth station having a dimension greater than 24 inches shall be allowed in any residential district unless it complies with the requirements of this section. For the purposes of this section, a "satellite earth station" means a parabolic dish antenna designed for the transmission and/or receiving of signals from a satellite and used for enhanced radio, television reception and/or telecommunications uses.

A. No satellite earth station shall be located on, attached to, or in any manner supported above any roof of any structure.

B. No satellite earth station shall be located in any street, alleyway, front yard or in the area between the front yard and the front of the structure.

C. No satellite earth station shall be located in any side yard on the street side of a corner lot unless the antenna is totally screened from view from such street.

D. The maximum height to the highest point of the installed satellite earth station shall be 10 feet.

E. Any satellite earth station which has a maximum height taller than the top of any fence separating the property on which the earth station is proposed and adjacent properties shall maintain a minimum setback of five feet from such property line, if such satellite earth station is screened from such adjacent properties. The focusing side of a satellite earth station, if required to be unscreened, shall maintain a minimum setback of 15 feet from any property line it faces.

F. Screening, in a form acceptable to the director, shall be installed to screen along the sides and rear of the satellite earth station that are visible to the adjacent properties or public roadways. Screening shall be designed to achieve a height equal to the maximum height of the satellite earth station.

G. Satellite earth stations shall be earth-tone colors satisfactory to the director, unless such satellite earth station is completely screened from adjoining properties and city rights-of-way. (Ord. 1220 § 2, 1985; prior code § 2-5.59(a))

18.112.020 Nonresidential district standards.

No exterior satellite earth station or microwave dish having a dimension greater than two feet in diameter shall be allowed in any nonresidential district unless it complies with the requirements of this section. For the purposes of this section, "satellite earth station" means a parabolic dish antenna designed for the transmission and/or receiving of signals from a satellite and used for enhanced radio, television reception and/or telecommunication uses; "microwave dish" means a parabolic dish or open antenna designed for the transmission and/or receiving of microwave signals for enhanced telecommunication uses.

A. Design review approval per Chapter 18.20 of this title is required for any proposed satellite earth station or microwave dish greater than two feet in diameter.

B. All satellite earth stations and microwave dish antennas shall be located on the roof of a structure whenever possible, provided the antenna or dish is not visible from public roadways or can be adequately screened from view of a public roadway. All satellite earth stations and microwave dish antennas that cannot be installed on the roof in a manner that is not visible to a public roadway shall be located directly adjacent to an existing building, whenever possible.

C. Any satellite earth station or microwave dish proposal that is visible from any public roadway or other public place shall include a written statement explaining the exact need of the satellite earth station or microwave dish. This statement shall include details of the efforts made to utilize the capabilities of alternative service providers (cable company, teleports, etc.) prior to the submittal of an application.

D. Ground-mounted dishes shall be located to the rear of the building or facing the interior of the respective business park whenever possible in order to be completely hidden from view from the front of the building or public roadways.

E. No satellite earth station or microwave dish shall result in the elimination of any existing or approved off-street parking space unless the remaining off-street parking satisfied the off-street parking requirements of this code, or, in the event no standard applies, the Planning director determines that there remains a sufficient amount of off-street parking at the subject property.

F. Ground-mounted dishes and antennas shall be adequately screened (on three sides) utilizing on- and/or off-site vegetation or other approved screening mechanism.

G. The maximum height of the satellite earth station or microwave antenna shall not exceed 17 feet measured from its base to its highest point. (Ord. 1600 § 3, 1993; Ord. 1520 § 4, 1991; Ord. 1220 § 2, 1985; prior code § 2-5.50(b))

18.112.030 Building permit required.

No satellite earth station shall be erected or otherwise installed unless a permit for such installation has first been applied for and approved by the building department, if such permit is deemed necessary by the chief building official. (Ord. 1220 § 2, 1985; prior code § 2-5.50(c))

Chapter 18.114

ADULT ENTERTAINMENT ESTABLISHMENTS

Sections:

18.114.010 Purpose and intent.

It is the purpose of this chapter to provide for the reasonable and uniform regulations of adult entertainment establishments, as defined herein. It is the intent of this chapter that the regulations be utilized to prevent the serious objectionable operational characteristics of adult entertainment establishments, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect upon adjacent areas. The distribution, sale, exhibition, or display of obscene matter or obscene live conduct in or about a public place presents a serious deleterious effect upon the public health, morals, and general welfare. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. (Ord. 1603 § 1, 1993)

18.114.020 Definitions.

For the purposes of this chapter, unless the context clearly requires a different meaning, the words, terms and phrases set forth in this section have the meaning given them in this section.

A. "Adult entertainment establishment" means any place or business at which one or more of the following activities is conducted:

1. "Adult bookstore" means an establishment that devotes more than 20 percent of the total shelf, rack, table, standard or floor area utilized for the display and sale of the following:

   a. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records or other forms of visual or audio representations which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas"; or

   b. Instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities"; or

c. An establishment with a majority of: (1) its floor area devoted to; (2) stock-in-trade consisting of; or (3) gross revenues derived from, goods which are replicas of, or which simulate, "specified anatomical areas" or "specified sexual activities," or goods which are designed to be placed on or in "specified anatomical areas," or to be used in conjunction with "specified sexual activities."

An adult bookstore does not include an establishment that sells books or periodicals as an incidental or accessory part of its principal stock-in-trade and does not devote more than 20 of the total floor area of the establishment to the sale of books and periodicals.

2. "Adult motion picture theater" means an establishment, with a capacity of more than one person, where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which is distinguished or characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons. For purposes of this subsection A2 and subsection A3, a "substantial portion of the total presentation time" shall mean the presentation of films or shows described above for viewing on more than 14 days within any 56 consecutive-day period.

3. "Adult video store" means an establishment having more than 20 percent: (a) its floor area devoted to; (b) stock-in-trade consisting of; or (c) gross revenues derived from, films, motion pictures, video cassettes, video reproductions, or other visual representations which are distinguished or characterized by their emphasis on matter depicting, or relating to "specified sexual activities" or "specified anatomical areas," as defined in this section, or any establishment devoted to the sale or display of such material.

4. "Other businesses" means any business not otherwise herein defined or identified which involves "specific sexual activities" or display of "specified anatomical areas."

B. "Church" means an institution which people regularly attend to participate in or hold religious services, meetings and other activities. The term "church" shall not carry a secular connotation, and shall include buildings in which the religious services of any denomination are held.

C. "Matter" means any book, magazine, newspaper, or other printed or written material or any picture, drawing, photograph, motion picture, or other pictorial representation or any statue or other figure, or any recording, transcription or mechanical, chemical or electrical reproduction of any other articles, equipment, machines or materials.

D. "Person" means any individual, firm, association, partnership, corporation, joint venture or combination of individuals.

E. "Public park" means an area publicly owned and dedicated as a park whether developed or not.

F. "Residential zone", for purposes of this chapter, means a residential zone which shall include the R-1, R-M, PUD-HDR, MDR, LDR and RDR zoning districts.

G. "School" means an institution of learning for minors, whether public or private, which offers instruction in those courses of study required by the California Education Code or which is maintained pursuant to standards set by the State Board of Education. This definition includes a nursery school, kindergarten, elementary school, junior high school, senior high school or any special institution of learning under the jurisdiction of the State Department of Education, but it does not include a vocational or professional institution or an institution of higher education, including a community or junior college, college or university.

H. "Specified sexual activities" means human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; or fondling or other erotic touching of human genitals, buttocks, or female breasts.

I. "Specified anatomical areas" means less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

J. "Viewing area" means an area in any adult book and/or novelty store, cabaret, theater, motion picture arcade, or other adult entertainment establishment, where a patron or customer would ordinarily be positioned for purposes of viewing or watching a performance, picture, show, or film. (Ord. 1603 § 1, 1993)

18.114.030 Prohibition.

A. No person shall cause or permit the establishment, enlargement or transfer of ownership or control of any adult entertainment establishment if such establishment is within 500 feet of another such business, 500 feet of any residential zone or residential use, or within 500 feet (of any church, school, or public park within the city, or within 500 feet of an establishment selling and serving alcohol. For purposes of this section, a hotel/motel shall not be considered as a residential use.

B. An adult entertainment establishment shall not be permitted to be established, enlarged or transferred unless the provisions of the zone in which the site or proposed site is located permits such a use.

C. For purposes of this section, enlargement shall mean an increase in the size of the building within which the business is conducted by either construction or use of an adjacent building or any portion thereof whether located on the same or an adjacent lot or parcel of land. (Ord. 1603 § 1, 1993)

18.114.040 Measure of distance.

The distance between any two adult entertainment establishments shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of each establishment. The distance between any adult entertainment establishment and any church, school, public park, establishment selling and serving alcohol or residential zone or use, shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of the adult entertainment establishment to the closest property line of the church, school, public park, or residential zone or residential use, or establishment selling and serving alcohol. (Ord. 1603 § 1, 1993)

18.114.050 Zoning districts—Permitted.

An adult entertainment establishment shall be permitted only in the commercial zones listed in Table 18.44.090 of Chapter 18.44. (Ord. 1603 § 1, 1993)

18.114.060 Adult entertainment establishment permit required.

A. Prior to commencing any work pertaining to the development, construction, reconstruction, relocation, conversion, alteration, expansion, or establishment of any adult entertainment establishment, the applicant shall submit to the city planning department an application for an adult entertainment establishment permit on a form approved by the planning department and a site plan. A fee therefor shall be paid pursuant to Section 18.114.070 of this chapter. The application and site plan are required for purposes of verification that the request complies with the design and performance standards, and is in conformity with the locational criteria, set forth in this chapter.

B. The applicant shall also submit to the police chief an application for an adult entertainment establishment permit. Said application shall be in writing on a form prescribed by the police chief and shall be signed by the applicant. The application shall set forth the exact nature of the activities proposed to be conducted, the proposed place of business and facilities therefor, and the name and address of each applicant. The chief of police may require the applicant to allow fingerprints to be taken for the purpose of establishing identification. Any applicant shall furnish the following information:

1. The previous addresses of each applicant, if any, for a period of three years immediately prior to the date of the application and the dates of residence of each.
2. Written proof that the applicant is at least 18 years of age.
3. The applicant shall allow the police department official who processes the application to take photographs of the applicant.
4. Applicant's height, weight, color of eyes and hair.

5. Business, occupation or employment history of the applicant for the three years immediately preceding the date of the application.

6. If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation, together with the names and residence addresses of each of its officers, directors, and each stockholder holding more than five percent of the stock of the corporation along with the amount of stock held, and the name and address of the person or agent to accept service of a summons and complaint. If the applicant is a partnership, the application shall set forth the name and residence address of each of the partners, including limited partners. If one or more of the partners is a corporation, the provisions of this section pertaining to a corporate applicant shall apply.

7. The names and residence addresses of all persons currently employed or intended to be employed in the adult entertainment establishment, regardless of the nature of employment, along with the proposed or actual nature of the work performed or to be performed and recent passport-size photographs of each employee, suitable to the police department official processing the application. The chief of police may require each such employee to allow fingerprints to be taken for the purpose of identification. Any applicant or permittee shall notify the city in writing of the names and addresses and shall supply such photographs of any new employees within five days of such employment. Such new employees shall allow fingerprints to be taken for identification purposes.

8. Such other information as may be deemed necessary by the chief of police.

C. Within 60 days following receipt of a completed application, the chief of police shall either issue the permit or mail to the applicant a written statement of the reasons for denial thereof. The police chief shall issue an adult entertainment establishment permit to any person whose application complies with the requirements of this chapter, unless grounds for denial of such permit are found to exist. Grounds for denial include:

1. The applicant made a material misstatement in the application for a permit.

2. The applicant has, within five years immediately preceding the date of the filing of the application, been convicted in a court of competent jurisdiction of an offense involving conduct which requires registration under California Penal Code Sections 243.4, 290, or any violation of Sections 311 through 311.7, 313.1, 314, 315, 316, 318 or 647(b), 647(d), or 647(h) of the California Penal Code, or of any offense involving theft of property or violence. The basis for denial stated in this subsection (C)(2) shall not apply to adult theaters, adult bookstores, or adult video stores. Prior to denying a permit under this chapter for either of said activities by reason of such conviction, the chief of police shall make a finding that by reason of the nature of the conviction or underlying facts, or by reason of the anticipated nature of the activities to be carried out under the permit applied for, or by reason of any other relevant factors, the issuance of such permit would be inconsistent with the general health, safety and welfare.

3. That the operation of an adult entertainment establishment, as proposed by the applicant, if permitted, would not comply with all applicable laws including, but not limited to, all city ordinances and regulations.

4. That the applicant has violated any provision of this chapter; or of any similar ordinance, law, rule or regulation of another public agency which regulates the operation of adult entertainment establishments.

D. It is unlawful for any person to engage in, conduct, or carry on, in or upon any premises within the city the operation of an adult entertainment establishment without an adult entertainment establishment permit.

E. An adult entertainment establishment permit shall not be transferrable and a new permit must be obtained if the adult entertainment establishment is leased, subleased, sold, or otherwise transferred for any reason, as the term "transfer of interest" is defined in Section 18.114.140 of this chapter. (Ord. 1603 § 1, 1993)

18.114.070 Adult entertainment establishment permit application fee.

Any application for a permit to operate an adult entertainment establishment shall be accompanied by a nonrefundable fee as set forth in the city master fee schedule (on file in the office of the city clerk). The application fee shall be used to defray, in part, administrative costs incurred in the processing of such application, and is not made in-lieu of

any other fees or taxes required under this code. A permit to operate an adult entertainment establishment shall be renewed annually. (Ord. 1603 § 1, 1993)

18.114.080 Adult entertainment facilities and operation requirements.

All adult entertainment establishments shall comply with the following facilities, design, performance, and operations requirements:

A. Such establishments shall comply with all site development standards, including parking, of the zone in which an adult entertainment establishment is located and all codes, including Building and Fire Codes.

B. Adult entertainment establishments shall close and remain closed from 11:00 p.m. to 10:00 a.m.

C. Signs, advertisements, displays, or other promotional materials depicting or describing "specified anatomical areas" or "specified sexual activities" or displaying instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities" shall not be shown or exhibited so as to be discernible by the public beyond the walls of the building or portion thereof in which the adult entertainment establishment is conducted.

D. Each adult entertainment establishment shall have a business entrance separate from any other nonadult business located in the same building, except in the C-R(M) zoning district.

E. All building openings, entries, and windows for an adult entertainment establishment shall be located, covered or screened in such a manner as to prevent a view into the interior of an adult entertainment establishment from any area open to the general public.

F. No adult entertainment establishment shall be operated in any manner that permits the observation by the public of any material depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" from any public way or from any location beyond the walls of the building or portion thereof in which the adult entertainment establishment is conducted.

G. The building entrance to the adult entertainment establishment shall be clearly and legibly posted with a notice indicating that minors are precluded from entering the premises.

H. No loudspeakers or sound equipment shall be used by adult entertainment establishment for the amplification of sound to a level discernible by the public beyond the walls of the building or portion thereof in which the adult entertainment establishment is conducted.

I. Each adult entertainment establishment shall be provided with a manager's station for the purpose of supervising activities within the business. A manager shall be on duty on the premises during all times that the adult entertainment establishment is open to the public.

J. Any viewing area, as defined in this chapter, shall be visible from the manager's station of the adult entertainment establishment, and visibility of the entire viewing area from the manager's station shall be neither obscured nor obstructed by any merchandise, curtain, door, wall, or other structure.

K. All exterior areas of adult entertainment establishment, including buildings, landscaping, and parking areas, shall be maintained in a clean and orderly manner free of trash, weeds, and debris.

L. The maximum occupancy load, fire exits, fire lanes, and fire suppression equipment shall be regulated, designed, and provided in accordance with the Uniform Fire Code and Uniform Building Code.

M. An on-site security program shall be prepared and implemented including the following items:

1. All off-street parking areas and building entries serving the adult entertainment establishment shall be illuminated during all hours of operation with a lighting system which provides an average maintained horizontal illumination of one foot-candle of light on the parking surface and/or walkway. This required lighting level is established in order to provide sufficient illumination of the parking areas and walkways serving the adult entertainment establishment for the personal safety of patrons and employees and to reduce the incidence of vandalism and theft. The lighting shall be shown on the required plot plan and shall be subject to review for compliance through the design review process by the planning director and police chief.

2. All interior portions of the adult entertainment establishment, except those areas devoted to motion pictures, shall be illuminated during all hours of operation with a lighting system which provides a minimum maintained horizontal illumination of not less than two foot-candles of light.

3. For adult entertainment establishments which exceed an occupant load of 125 persons, the provision of on-site security personnel shall be required during all business hours. Security personnel shall be licensed in accordance with the California Business and Professions Code, to the satisfaction of the police chief. (Ord. 1603 § 1, 1993)

18.114.090 Adult motion picture theaters.

An adult motion picture theater shall comply with all the conditions stated in Section 18.114.080 and the following requirements:

A. A manager's station shall be located near the main entrance and the station shall be provided with an unobstructed view of all motion picture viewing areas.

B. No adult motion picture theater shall be maintained or operated unless the complete interior of the adult motion picture theater is visible upon entrance to such adult motion picture theater.

C. Maximum number of devices. No person shall operate an adult motion picture theater in which the number of image producing devices exceeds the maximum occupancy load permitted in any room or partitioned portion of a room in which an image producing device is located. (Ord. 1603 § 1, 1993)

18.114.100 Viewing booths.

A permittee who operates or causes to be operated an adult entertainment establishment and regardless of whether or not an adult entertainment establishment permit has been issued to said business under this chapter, and which exhibits on the premises in a viewing room of less than 150 square feet of floor space, a film, video cassette, or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:

A. Upon application for an adult entertainment establishment permit, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations, the location of all overhead lighting fixtures, and designating any portion of the premises in which patrons shall not be permitted. A manager's station(s) shall not exceed 32 square feet of floor area.

B. No alteration in the configuration or location of a manager's station shall be made without the prior written approval of the city zoning administrator.

C. It is the duty of the permittee to ensure that at least one employee is on duty and situated at each manager's station at all times that any patron is present inside the premises.

D. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms shall not contain video viewing equipment. If the premises has two or more manager's stations designed, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection shall be by direct line of sight from the manager's station.

E. It shall be the duty of the permittee and any employees present on the premises to ensure that the view area specified in subsection D of this section remains unobstructed by any doors, walls, merchandise, display racks, or other materials at all times and to ensure that no patron is permitted access to any area of the premises which has been designed as an area in which patrons shall not be permitted in the application filed pursuant to this chapter.

F. No viewing booth shall be occupied by more than one person at any one time.

G. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access with an illumination of not less than two foot-candles as measured at the floor

level. It shall be the duty of the permittee and any employees present on the premises to ensure that the required illumination is maintained at all times that any patron is present on the premises. (Ord. 1603 § 1, 1993)

18.114.110 Inspection by officials.

Any and all investigating officials of the city shall have the right to enter adult entertainment establishments from time to time during regular business hours to make reasonable inspections to observe and enforce compliance with state or federal laws and building, fire, electrical, plumbing, health regulations or provisions of this chapter. A warrant shall be obtained whenever required by law. (Ord. 1603 § 1, 1993)

18.114.120 Business name.

No person licensed to operate an adult entertainment establishment shall operate under any name or conduct business under any designation not specified in the permit. (Ord. 1603 § 1, 1993)

18.114.130 Business location change.

Upon a change of location of an adult entertainment establishment, an application for a zoning certificate as well as application to the chief of police shall be made, and such application shall be granted; provided all applicable provisions of this code are complied with and a change of location fee as set forth in the municipal fee schedule to defray, in part, the administrative costs incurred has been paid to this city. (Ord. 1603 § 1, 1993)

18.114.140 Transfer of interest.

No permit issued pursuant to the provisions of this chapter shall be assigned or transferred in any manner, nor shall any person other than those therein mentioned engage in the enterprise for which the permit is issued. As used in this section, transfer includes, but is not limited to, any modification of a business entity operating an enterprise, or otherwise required to be disclosed pursuant to this chapter, including transfer of more than 10 percent of the stock of any corporation. (Ord. 1603 § 1, 1993)

18.114.150 Display of permit.

The owner or operator of an adult entertainment establishment shall display the establishment permit in an open and conspicuous place on the premises. Passport-size photographs of the permittee shall be affixed to the permit on display pursuant to this chapter. (Ord. 1603 § 1, 1993)

18.114.160 Suspension of adult entertainment establishment permit.

A. After a public hearing conducted pursuant to Section 18.124.130, the zoning administrator shall suspend an adult entertainment establishment permit for a period not to exceed 30 days or until the violation has been corrected, whichever is later, if the evidence presented establishes that one or more of the following conditions exist:

1. That the conduct of the adult entertainment establishment does not comply with all applicable laws including, but not limited to, the city's Fire, Building, Zoning, or Health and Safety Codes; or the locational criteria or design and performance standards as set forth in this chapter;
2. That there was not a responsible person over 18 years of age on the premises to act as a manager at all times during which the adult entertainment establishment was open;
3. That the permittee, manager, or any employee of the permittee or manager has knowledge that the adult entertainment establishment has been used on an on-going basis as a place where sexual intercourse, sodomy, oral copulation, masturbation, prostitution, assignation, or other lewd acts occur or have occurred;
4. That the permittee, manager, or any employee, partner, director, officer, majority stockholder, or manager has violated any provision of this chapter;
5. That the permittee, manager, or any employee has failed to prevent or failed to clean up materials harmful to minors left in the immediate area outside of the adult entertainment establishment building;

6. That the permittee, manager, or any employee of the permittee or manager refused to allow lawful inspection of the premises pursuant to Section 18.114.110;

7. That the permittee, manager, or any employee of the permittee or manager knowingly permitted gambling on the premises.

8. That the permittee, manager, or any employee of the permittee or manager was found to be intoxicated or under the influence of a controlled substance while on duty at the adult entertainment establishment and acting in the capacity of manager;

B. The review of an adult entertainment establishment permit for its possible suspension shall be conducted by the zoning administrator. The zoning administrator shall make his or her written determination including findings. A copy of the written determination and the findings therefor shall be provided to the permittee. The permittee may appeal such determination as provided in Chapter 18.144 of this title. (Ord. 1603 § 1, 1993)

18.114.170 Revocation of adult business permit.

A. An adult entertainment establishment permit shall be revoked and no adult entertainment establishment permit may be requested for the same location within a one year period if one or more of the following conditions is found to exist:

1. That the permittee, his or her employee, partner, director, officer, stockholder, or manager has knowingly made any false, misleading, or fraudulent statement of material facts in the application for a permit, or in any report or record required to be filed with the police department or other department of the city;

2. That the permittee, manager, or any employee of the permittee or manager has been convicted of a felony in a court of competent jurisdiction in conjunction with or as a result of the operation of the adult entertainment establishment;

3. That the permittee, manager, or any employee of the permittee or manager knowingly allows any minor into the establishment, permits use of the facilities by a minor, and/or sells adult-oriented materials to a minor;

4. That the approved adult entertainment establishment has been expanded, or partially or wholly converted to another adult entertainment establishment without the required city approvals and permits;

5. That there have been two suspensions of the adult entertainment establishment permit within a three year period;

6. That the permittee, manager, or any employee of the permittee or manager, knowingly allowed possession, use, or sale of controlled substances, or knowingly allowed acts of prostitution on the premises; or

7. That the permittee or manager continued to operate the adult entertainment establishment during a suspension period of the adult entertainment establishment permit.

8. That a permittee has been convicted of a "specified criminal act" stated in subsection 18.114.060(C)(2), for which the required time period has not yet elapsed.

9. That on two or more occasions within a 12-month period, a person or persons committed an offense, occurring in or on the permitted premises, constituting a specified criminal act for which a conviction has been obtained, and the person or persons were employees of the adult entertainment establishment at the time the offenses were committed. The fact that a conviction is being appealed shall have no effect on the revocation of the permit.

10. That a permittee, manager or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or any other specified sexual activities to occur in or on the permitted premises.

11. That a permittee or manager is operating more than one adult business in the same building.

B. If the facts warrant, suspension may be imposed in lieu of revocation.

C. The zoning administrator shall conduct a hearing to consider revocation of an adult entertainment establishment permit and make a written determination, including findings, in accordance with the findings indicated in Chapter 18.124 of this title. A copy of the written determination including the findings therefor shall be provided to the permittee. The permittee may appeal such determination as provided in Chapter 18.144 of this title. (Ord. 1603 § 1, 1993)

18.114.180 Exceptions.

The following are specifically excluded from the meaning of the term "adult entertainment establishment":

A. Physicians, surgeons, chiropractors, osteopaths, nurses or physical therapists who are duly licensed to practice their respective professions in the state of California and are practicing their respective professions;

B. Any activity conducted or sponsored by any school district or other public agency. (Ord. 1603 § 1, 1993)

18.114.190 Severability.

If any provision or clause of this chapter or the application thereof to any person or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other chapter provisions or clauses or applications thereof which can be implemented without the invalid provision, clause or application, and to this end the provisions and clauses of this chapter are declared to be severable. (Ord. 1603 § 1, 1993)

Chapter 18.116

TEMPORARY USES

Sections:

18.116.010 Temporary conditional uses.

The following temporary uses shall be permitted upon the granting of a use permit in accord with the provisions of section 18.124.170 of this title relating to temporary use permit:

A. Temporary conditional uses in C districts prescribed in Section 18.44.090 of this title;

B. Subdivision sales offices, and model home complexes; such uses shall be located so as to minimize their impact on adjoining occupied dwellings, generally a minimum separation of 200 feet;

C. Construction yards located not less than 200 feet from any existing dwelling outside the subdivision;

D. Nonresidential uses conducted in trailers, provided each use shall be a permitted use or a conditional use in the district in which it is located;

E. Trailer residence of fair, circus or carnival personnel or Christmas tree sales personnel on the site of the principal use, or trailer residence of a watchman on the site of a construction project. (Ord. 1312 § 1, 1987; prior code § 2-10.22)

18.116.015 Temporary conditional uses in R districts—Home boutiques.

A. "Home boutique" means and is defined as the indoor sale of homemade, nonimported craft and art goods whereby the legal tenant of the residence in which the boutique is operated must be one of the creators of the homemade goods. The operation, including sales and storage area, shall not occupy more than three rooms and the garage area of the residence in which it is conducted, nor be located closer than a half mile to any other home boutique operating on the same day.

B. A home boutique may be permitted upon grant of a use permit where the findings listed in Section 18.124.070 of this title can be made by the zoning administrator.

C. A permit for a home boutique shall authorize conduct of the use for a specified period not to exceed three days in any one calendar year.

D. Notice of the proposed home boutique 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 home boutique at least 10 days prior to the date on which the decision will be made on the use permit application.

E. If a hearing is requested, 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 request is made.

F. The use permit may be revocable or granted subject to such conditions as the zoning administrator may prescribe. Conditions may include, but shall not be limited to:

   1. Requiring that no structural alterations be made to the structure in order to accommodate the home boutique;

   2. A maximum of four signs, not less than 400 feet apart, and each sign no more than six square feet in area. These signs shall not be placed, used or maintained in any location upon public property, rights-of-way or

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 director of planning and community development, 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. (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 for that event; any application not meeting the criteria shall be subject to a conditional use permit in accordance with the provisions of Section 18.124.170 of this title relating to temporary use permits; however, no conditional use permit for an outdoor sale shall be approved if it is longer than three days, no conditional use permit for an outdoor sale during a hotel convention shall be allowed if it is longer than five days, no 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. 1906 § 2, 2004; Ord. 1694 § 1, 1996; Ord. 1511 § 2, 1991; prior code § 2-10.25)

18.116.045 Outdoor sales during hotel conventions. (Rep. by Ord. 1906, 2004)

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)

Chapter 18.120

NONCONFORMING USES

Sections:

18.120.010 Purpose.

This chapter is intended to limit the number and extent of nonconforming uses by prohibiting their enlargement, their reestablishment after abandonment, and the alteration or restoration after destruction of the structures they occupy. While permitting the use and maintenance of nonconforming structures and signs, this chapter is intended to limit the number and extent of nonconforming structures and certain nonconforming signs by prohibiting their being moved, altered or enlarged in a manner that would increase the discrepancy between existing conditions and the standards prescribed in this chapter and by prohibiting their restoration after destruction. Eventually, certain classes of nonconforming uses, nonconforming structures of nominal value, and certain nonconforming signs are to be eliminated or altered to conform. (Prior code § 2-10.32)

18.120.020 Continuation and maintenance.

A. A use, lawfully occupying a structure or a site on the effective date of the ordinance codified in this chapter, or of amendments thereto, that does not conform with the use regulations or the site area per dwelling unit regulations for the district in which the use is located shall be deemed to be a nonconforming use and may be continued, except as otherwise provided in this chapter.

B. A structure, lawfully occupying a site on the effective date of the ordinance codified in this chapter, or of amendments thereto, that does not conform with the standards for front yard, side yards, rear yard, height, or basic floor area of structures, distances between structures, courts, or usable open space for the district in which the structure is located shall be deemed to be a nonconforming structure and may be used and maintained, except as otherwise provided in this chapter.

C. A sign, outdoor advertising structure, or display of any character, lawfully occupying a site on the effective date of the ordinance codified in this chapter, or of amendments thereto, that does not conform with the standards for subject matter, location, size, lighting, or movement prescribed for signs, outdoor advertising structures, and displays for the district in which it is located shall be deemed to be a nonconforming sign and may be displayed and maintained, except as otherwise provided in this chapter.

D. Routine maintenance and repairs may be performed on a structure or site the use of which is nonconforming, on a nonconforming structure, and on a nonconforming sign. (Prior code § 2-10.33)

18.120.030 Alteration and addition.

A. No structures, the use of which is nonconforming, and no nonconforming sign, shall be moved, altered or enlarged unless required by law, or unless the moving, alteration or enlargement will result in the elimination of the nonconformity, except that a structure housing a nonconforming residential use in an A, R, O or C district may be altered or enlarged, provided that the number of dwelling units is not increased.

B. No structure partially occupied by a nonconforming use shall be moved, altered or enlarged in such a way as to permit the enlargement of the space occupied by the nonconforming use, except as permitted in this section.

C. No nonconforming use shall be enlarged or extended in such a way as to occupy any part of the structure or site or another structure or site which it did not occupy on the effective date of the ordinance codified in this chapter, or of the amendments thereto that caused it to become a nonconforming use, or in such a way as to displace any conforming use occupying a structure or site, except as permitted in this section.

D. No nonconforming structure shall be altered or reconstructed so as to increase the discrepancy between existing conditions and the standards for front yard, side yards, rear yard, height of structures, distances between structures, courts, or usable open space prescribed in the regulations for the district in which the structure is located. No nonconforming structure shall be moved or enlarged unless the new location or enlargement shall conform to the standards for front yard, side yards, rear yard, height of structures, basic floor area, distances between structures, courts, or usable open space prescribed in the regulations for the district in which the structure is located.

E. The nonconforming use of a structure or site shall not be changed to another nonconforming use.

F. No use which fails to meet the required conditions for the district in which it is located by reason of noise, emissions, odor, vibration, heat, cold, glare, electrical disturbance, radiation, insect nuisance, or waste disposal, shall be enlarged or extended or shall have equipment that results in failure to meet required conditions replaced unless the enlargement, extension or replacement will result in elimination of nonconformity with required conditions. (Prior code § 2-10.34)

18.120.040 Abandonment of nonconforming use.

Whenever a nonconforming use has been abandoned, discontinued, or changed to a conforming use for a continuous period of 90 days or more, the nonconforming use shall not be reestablished, and the use of the structure or site thereafter shall be in conformity with the regulations for the district in which it is located; provided, that this section shall not apply to nonconforming dwelling units. Abandonment or discontinuance shall include cessation of a use regardless of intent to resume the use. (Prior code § 2-10.35)

18.120.050 Restoration of damaged structure or sign.

A. Whenever a structure or sign which does not comply with the standards for front yard, side yards, rear yard, height of structures, distances between structures, courts, or usable open space prescribed in the regulations for the district in which the structure is located, or in the case of signs, with any of the requirements of Chapter 18.96 of this title, or the use of which does not conform with the regulations for the district in which it is located, is destroyed by fire or other calamity, by act of God, or by the public enemy to the extent of 50 percent or less, the structure may be restored and the nonconforming use may be resumed, provided that restoration is started within one year and diligently pursued to completion.

B. Whenever a structure which does not comply with the standards for front yard, side yards, rear yard, height of structures, distances between structures, courts, or usable open space prescribed in any regulations for the district in which it is located, or the use of which does not conform with the regulations for the district in which it is located, is destroyed by fire or other calamity, by act of God, or by the public enemy to an extent greater than 50 percent, or is voluntarily razed or is required by law to be razed, the structure shall not be restored except in full conformity with the regulations for the district in which it is located, and the nonconforming use shall not be resumed.

C. 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 director of public works. (Prior code § 2-10.36)

18.120.060 Elimination of nonconforming use, structure or sign.

Nonconforming uses, structures and signs listed in Table 18.120.060 shall be discontinued and removed from their sites, altered to conform, or altered as prescribed to decrease the degree of nonconformity, within the specified time after they become nonconforming.

Table 18.120.060

REMOVAL OR ALTERATION OF NONCONFORMING USE

Removal or Alteration Required	Maximum Time Permitted for Removal or Alteration After Use Becomes Nonconforming
Removal or alteration of a nonconforming fence, wall, or hedge	1 year
Removal of a nonconforming business or advertising sign or structure in an R district	1 year
Removal of a nonconforming sign painted on a wall	1 year
Removal or alteration of a sign having nonconforming lighting or movement	1 year
Removal of a nonconforming advertising sign or structure in an A, O, C, I, Q, P, S or PUD district	2 years
Removal of a nonconforming use	*
Compliance with the conditional use permit provisions of Chapter 18.124 of this title for an existing nonconforming use without a conditional use permit if required by the zoning district in which the use is located. * Maximum time permitted shall be determined on a case-by-case basis by the city council at a public hearing held in compliance with Section 18.12.040 of this title. The zoning administrator shall deter mine which nonconforming uses are to be submitted to the city council for review. The zoning administrator shall base his or her decision on complaints received from the public, and/or after determining that the nonconforming use is a threat to the public health, safety, or general welfare, or materially injurious to the properties or improvements in the vicinity.	*
Compliance with screening and landscaping provisions of Chapter 18.84 of this title for district in which use is located, provided that removal or alteration of a nonconforming structure having an assessed valuation of $500.00 or more shall not be required	3 years
Compliance with subsections 18.88.040(H), (I) and (J) of this title	3 years
Compliance with the noise, emissions, odor, vibration, heat and cold, glare, electrical disturbance, radiation, insect nuisance, and waste disposal requirements for the district in which a permitted use or a preexisting conditional use is located	3 years
Compliance with the noise, emissions, odor, vibration, heat, cold, glare, electrical disturbance, radiation, insect nuisance, and waste disposal requirements for the districts in which a nonconforming use is a permitted use or a conditional use, provided that a nonconforming use permitted only in an I district shall comply with the requirements for the I-P district	3 years
Removal or alteration of a nonconforming structure having an assessed valuation of less than $500.00	5 years
Removal or alteration of skateboard ramps existing on February 7, 1986, in an R district. If an existing skate board ramp is altered or is approved by a conditional use permit prior to February 7, 1991, the skateboard ramp shall conform with the requirements of this section.	5 years

(Ord. 1626 § 1, 1994; Ord. 1238 § 2, 1985; prior code § 2-10.37)

18.120.070 Time when use, structure or sign becomes nonconforming.

Whenever a use, structure or sign becomes nonconforming because of a change of zoning district boundaries or a change of regulations for the district in which it is located, the period of time prescribed in this chapter for the elimina-

tion of the use or the removal of the structure or sign shall be computed from the effective date of the change of district boundaries or regulations. (Prior code § 2-10.38)

18.120.080 Notice of removal date.

The zoning administrator shall determine the existence of nonconforming uses listed in Section 18.120.060 of this chapter, and shall promptly notify the owner of each nonconforming use, structure or sign by certified or registered mail of the date by which compliance with the provisions of Section 18.120.060 will be required. Notification shall precede the date by which elimination is required by not less than the periods prescribed in Section 18.120.060. (Prior code § 2-10.39)

Chapter 18.124

CONDITIONAL USES

Sections:

Article I. General Provisions

18.124.010 Purpose—Authorization.

In order to give the district use regulations the flexibility necessary to achieve the objectives of this chapter, in certain districts conditional uses are permitted, subject to the granting of a use permit. Because of their unusual characteristics, conditional uses require special consideration so that they may be located properly with respect to the objec-

tives of this title, and with respect to their effects on surrounding properties. In order to achieve these purposes, the planning commission is empowered to grant and to deny applications for use permits for such conditional uses in such districts as are prescribed in the district regulations and to impose reasonable conditions upon the granting of use permits, subject to the right of appeal to the city council or to review by the council. (Prior code § 2-11.03)

18.124.020 Application—Required data and maps.

Application for a use permit shall be filed with the zoning administrator on a form prescribed by the city planning commission and shall include the following data and maps:

A. Name and address of the applicant;

B. Statement that the applicant is the owner or the authorized agent of the owner of the property on which the use is proposed to be located. This provision shall not apply to a proposed public utility right-of-way;

C. Address or description of the property;

D. 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 use permit, prescribed in Section 18.124.070 of this article;

E. An accurate scale drawing of the site and the surrounding area showing existing streets and property lines for a distance from each boundary of the site determined by the zoning administrator to be necessary to illustrate the relationship to and impact on the surrounding area;

F. An accurate scale drawing of the site showing the contours at intervals of not more than five feet and existing and proposed locations of streets, property lines, uses, structures, driveways, pedestrian walks, off-street parking and off-street loading facilities, landscaped areas, trees, fences, and walls;

G. In a Q district, an application for rock, sand or gravel extraction or processing shall be accompanied by the data and plans prescribed in Sections 18.52.060 and 18.52.070 of this title;

H. The zoning administrator may require additional information, plans and drawings if they are necessary to enable the commission 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. (Prior code § 2-11.04(1))

18.124.030 Application—Fee.

The application shall be accompanied by a fee established by resolution of the city council to cover the cost of handling the application as prescribed in this chapter, except that there shall be no fee for application for a conditional use in an S district. (Prior code § 2-11.04(2))

18.124.040 Application—Hearing.

The planning commission shall hold at least one public hearing on each application for a use permit. The hearing shall be set and notice shall be given as prescribed in Section 18.12.040 of this title. At the public hearing the commission shall review the application and the drawings submitted therewith and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained, particularly with respect to the findings prescribed in Section 18.124.070 of this article. (Ord. 1812, 2000; prior code § 2-11.05)

18.124.050 Investigation and report.

The zoning administrator shall make an investigation of the application and shall prepare a report thereon which shall be submitted to the city planning commission and made available to the applicant prior to the public hearing. (Prior code § 2-11.06)

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 director of public works. (Prior code § 2-11.12)

18.124.120 Modification of conditional use.

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 relating to findings. (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 suspended automatically. The planning commission shall hold a public hearing within 40 days, 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 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 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 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. (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 recommen-

dation 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 in C districts 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 not to exceed 60 days, 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. (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 administrator, 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

handled by the zoning administrator pursuant to the procedures set forth in this article for new applications. (Ord. 1126 § 9, 1984; prior code § 2-11.20(d))

Article III. Use Permits for Small Bed and Breakfasts and Bed and Breakfast Inns

18.124.260 Procedure.

Applications for small bed and breakfasts and bed and breakfast inns shall be processed in accordance with article I of this chapter.

In addition to the findings listed in Section 18.124.070 of this chapter, the planning commission shall make the following finding before granting of a use permit for a small bed and breakfast in an R-1 district: The proposed location of the small bed and breakfast will not change the residential character of the neighborhood due to an overconcentration of small bed and breakfasts or other home business establishments in the area. (Ord. 1636 § 10, 1994)

18.124.270 Standards.

A. Small bed and breakfasts shall be owner occupied. Bed and breakfast inns shall be owner occupied or shall provide for a resident manager.

B. Meal service shall be limited only to residents and overnight guests, except that in the C-C district, a restaurant may be approved as part of the use permit for a bed and breakfast inn.

C. No receptions, banquets, or other commercial gatherings shall be permitted unless approved as part of the use permit for a bed and breakfast inn in the C-C district.

D. Small bed and breakfasts and bed and breakfast inns shall conform to the requirements of the county health department, the uniform building code, and Title 24 of the California Administrative Code.

E. Parking shall be provided on-site as provided in Sections 18.88.030 and 18.88.040 of this title. (Ord. 1636 § 10, 1994)

Article IV. Use Permits for Medium and Large Electricity Generator Facilities and Medium and Large Fuel Cell Facilities

18.124.280 Procedure.

A. Applications for large electricity generator facilities and large fuel cell facilities shall be processed in accordance with Article I of this chapter, with the following exceptions:

1. Notice of public hearings shall be given to all property owners within the city of Pleasanton.

2. The applicant shall pay all costs of said noticing in subsection (A)(1) of this section, including administrative costs. The cost of each notice shall be established by resolution of the city council.

B. Applications for medium electricity generator facilities and medium fuel cell facilities shall be processed in accordance with Article I of this chapter, with the following exceptions:

1. Notice of all required public hearings shall be given to all property owners within one and a half miles of the property where the facility is proposed to be located.

2. The applicant shall pay all costs of said noticing in subsection (B)(1) of this section, including administrative costs. The cost of each notice shall be established by resolution of the city council. (Ord. 1880, 2003)

18.124.290 Standards.

In addition to making the findings in Section 18.124.070 of this chapter, the decision making body shall make the following findings before granting a use permit for medium or large electricity generator facilities, and medium or large fuel cell facilities:

A. The facilities shall use the best available control technology to reduce air pollution.

B. The facilities shall not create any objectionable odors at any point located outside of the property plane where the facilities are located.

C. 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.

D. The facilities shall be cogeneration or combined cycle facilities, if feasible.

E. Toxic and hazardous chemicals shall not be routed through existing or proposed residential neighborhoods.

F. In no case shall electricity generator facilities and fuel cell facilities exceed 49.9 megawatts in size. If there are electricity generator facilities and fuel cell facilities on site, in no case shall the aggregate wattage of the facilities exceed 49.9 megawatts in size.

G. The fuel source for electricity generator facilities shall be natural gas, bio diesel, or the byproduct of an approved cogeneration or combined cycle facility.

H. On a site with electricity generator facilities, medium fuel cell facilities shall not be permitted unless the aggregate wattage of the two facilities is either: (1) 10 megawatts or less, or (2) if the aggregate wattage is greater than 10 megawatts, no electricity is exported off site. If the aggregate wattage is greater than 10 megawatts in size, and some electricity is exported off site, the fuel cell facilities shall be subject to all requirements and processes prescribed in this title for large fuel cell facilities in the applicable zoning district.

I. On a site with fuel cell facilities, medium electricity generator facilities shall not be permitted unless the aggregate wattage of the two facilities is either: (1) 10 megawatts or less, or (2) if the aggregate wattage is greater than 10 megawatts, no electricity is exported off site. If the aggregate wattage is greater than 10 megawatts in size, and some electricity is exported off site, the electricity generator facilities shall be subject to all requirements and processes prescribed in this title for large fuel cell facilities in the applicable zoning district.

J. If the facilities are large electricity generator facilities, the facilities shall be designed such that there is no wastewater discharged into the sewer system.

K. If the facilities are large electricity generator facilities or large fuel cell facilities, the facilities shall be located at least one mile away from the property lines of the following:

1. Existing or approved residences in Pleasanton; and

2. Undeveloped residential zoning districts and undeveloped planned unit developments in Pleasanton with a residential zoning designation and without an approved development plan. (Ord. 1880, 2003)

Chapter 18.128

DETERMINATION AS TO USES NOT LISTED

Sections:

18.128.010 Purpose and initiation.

In order to ensure that this title will permit all similar uses in each district, the planning commission, upon its own initiative or upon written request, shall determine whether a use not specifically listed as a permitted use or a conditional use in an A, O, C or I district shall be deemed a permitted use or a conditional use in one or more districts on the basis of similarity to uses specifically listed. The procedures of this chapter shall not be substituted for the amendment procedure as a means of adding new uses to the lists of permitted uses and conditional uses, but shall be followed to determine whether the characteristics of a particular use not listed are sufficiently similar to a listed use to justify a finding that the use should be deemed a permitted use or a conditional use in one or more districts. (Prior code § 2-10.43)

18.128.020 Application.

Application for determination that a specific use should be included as a permitted use or a conditional use in an A, O, C or I district shall be made in writing to the zoning administrator, and shall include a detailed description of the proposed use and such other information as may be required by the zoning administrator to facilitate the determination. (Prior code § 2-10.44)

18.128.030 Investigation—Report.

The zoning administrator shall make such investigations of the application as he or she deems necessary to compare the nature and characteristics of the proposed use with those of the uses specifically listed in this chapter, and shall prepare a report thereon which shall be submitted to the planning commission to aid the commission in making its determination of the classification of the proposed use. (Prior code § 2-10.45)

18.128.040 Determination by planning commission.

The determination of the planning commission shall be rendered in writing within 60 days unless the applicant consents to an extension of the time period, and shall include findings supporting the conclusion. (Prior code § 2-10.46)

18.128.050 Effective date of determination.

Within 10 days following the date of a decision of the planning commission on a request for a determination as to a use not listed, the secretary shall transmit to the city council written notice of the decision. The decision shall become effective 15 days following the date on which the determination was made 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. (Prior code § 2-10.47)

18.128.060 Appeal to city council.

A decision of the planning commission may be appealed to the city council by the applicant or any other person as prescribed in Section 18.144.020 of this code. (Prior code § 2-10.48)

18.128.070 Determination by city council.

The determination of the city council shall be rendered in writing within 40 days unless the applicant consents to an extension of the time period, and shall include findings supporting the conclusion. (Prior code § 2-10.49)

Chapter 18.132

VARIANCES

Sections:

18.132.010 Purpose—Authorization.

A. In order to prevent a particular property from being deprived of privileges enjoyed by other properties in the vicinity and under the identical zoning classification due to special circumstances applicable to the property, the zoning administrator is empowered to grant variances.

B. The power to grant variances does not extend to use regulations because the flexibility necessary to avoid results inconsistent with the objectives of the zoning regulations is provided by Chapter 18.124 of this title; provided, however, that a variance may be granted consistent with the provisions of this chapter to allow extension, expansion or alteration of a nonconforming use.

C. The zoning administrator may grant variances to the regulations prescribed by this title, in accord with the procedure prescribed in this chapter, with respect to 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; and off-street parking and off-street loading facilities. (Ord. 1520 § 5 1991; prior code § 2-11.23)

18.132.020 (Rep. by Ord. 1520, § 5, 1991).

18.132.030 Application—Required data and maps.

Application for a variance shall be filed with the zoning administrator on a form prescribed by the zoning administrator and shall include the following data and maps:

A. Name and address of the applicant;

B. Statement that the applicant is the owner or the authorized agent of the owner of the property on which the variance is being requested;

C. Address or description of the property;

D. Precise statement of the variance requested, the special circumstances giving rise to the request for the variance, and other data pertinent to the prerequisite findings set forth in Sections 18.132.090 through 18.132.110 of this chapter;

E. An accurate scale drawing of the site and any adjacent property affected, showing when pertinent, the contours at intervals of not more than five feet, and all existing and proposed locations of streets, property lines, uses, structures, driveways, pedestrian walks, off-street parking and off-street loading facilities, and landscaped areas;

F. If required for a hearing as prescribed in Section 18.132.060, the application shall be accompanied by an accurate scale drawing of the site and the surrounding area showing existing streets and property lines for a distance from each boundary of the site determined by the zoning administrator to be necessary to illustrate the relationship to and impact on the surrounding area;

G. The zoning administrator may require additional information, plans and drawings if they are necessary to enable a determination as to whether the circumstances prescribed for the granting of a variance exist. The zoning administrator may authorize omission of any or all the plans and drawings required by this section if they are not necessary. (Ord. 1520 §5, 1991; prior code § 2-11.25(1))

18.132.040 Application—Fee.

The application shall be accompanied by a fee established by resolution of the city council to cover the cost of handling the application as prescribed in this chapter. A single application may include requests for variances from more than one regulation applicable to the same site, or for similar variances on two or more sites with similar characteristics. (Prior code § 2-11.25(2))

18.132.050 Action by zoning administrator.

A. The zoning administrator may grant, grant in modified form, condition or deny a request for a variance. The zoning administrator must make a decision on a request on or before the 10th day following receipt of the completed application. The zoning administrator shall mail a notice of the action taken to the applicant, the board, adjacent property owners, or any others found by the administrator to be interested parties, on or before the fifth day following the decision. The administrator's decision shall become effective at five p.m. on the 15th day following the decision, unless an appeal to the planning commission or city council has been filed with the planning department prior to that time.

B. Applications not decided by the zoning administrator shall be decided by the planning commission. Upon receipt of the completed application, the zoning administrator shall schedule a hearing at the earliest possible meeting of the board, taking into account time necessary for staff preparation and public notice. (Ord. 1520 § 5, 1991; prior code § 2-11.26)

18.132.060 Public hearing.

The zoning administrator shall hold a public hearing on a variance application. If the zoning administrator refers a variance application to the planning commission, then the planning commission shall hold a public hearing on an application. The hearing shall be set and notice given as prescribed in Section 18.12.040 of this title. At a public hearing, the zoning administrator or planning commission shall review the application, statements and drawings submitted therewith and shall receive pertinent evidence concerning the variance, particularly with respect to the findings prescribed in Sections 18.132.090 through 18.132.110 of this chapter. (Ord. 1520 § 5, 1991; prior code § 2-11.27)

18.132.070 Investigation and report.

The zoning administrator shall make an investigation of each application that is a subject of a public hearing and shall prepare a report thereon which shall be made available to the applicant prior to the public hearing and submitted to the planning commission, if the commission shall hear the variance application. (Ord. 1520 § 5, 1991; prior code § 2-11.28)

18.132.080 Action of zoning administrator or planning commission.

Within 40 days following the closing of a public hearing on a variance application, the zoning administrator or planning commission shall take action on the application. The zoning administrator or planning commission may grant, may grant in modified form, condition or deny a request for a variance. A variance may be revocable or may be granted for a limited time period. (Ord. 1520 § 5, 1991; prior code § 2-11.29 (part))

18.132.090 Findings—Generally.

The planning commission or the zoning administrator may grant a variance to a regulation prescribed by this chapter with respect to fences, walls, hedges, screening or landscaping; site area, width, frontage or depth; front, rear or side yards; basic floor area; height of structures; distances between structures; courts; usable open space; or other regulations of this chapter, but a variance shall not be granted for a parcel of property for a use or activity not expressly authorized by the zone regulation governing the parcel of property. Variances from these regulations may be granted only when the planning commission or the zoning administrator finds that the following circumstances apply:

A. That because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the provisions of this chapter deprives such property of privileges enjoyed by other properties in the vicinity and under identical zoning classification;

B. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitation on other properties classified in the same zoning district;

C. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity. (Ord. 1520 § 5, 1991; prior code § 2-11.29(1))

18.132.100 Findings—Signs.

The planning commission or the zoning administrator, when authorized, may grant a variance to a regulation prescribed by this chapter with respect to signs as the variance was applied for or in modified form, if, on the basis of the application and the evidence submitted, the planning commission or the zoning administrator makes the findings of fact that establish that the circumstances prescribed in Section 18.132.090 of this chapter apply and the following circumstances also apply:

A. That the granting of the variance will not detract from the attractiveness or orderliness of the city's appearance;

B. That the granting of the variance will not introduce an inharmonious visual element into the district in which the sign would be located;

C. That the granting of the variance will not create a hazard to safety. (Ord. 1520 § 5, 1991; prior code § 2-11.29(2))

18.132.110 Findings—Parking and loading.

The planning commission or the zoning administrator, when authorized, may grant a variance to a regulation prescribed by this chapter with respect to off-street parking facilities or off-street loading facilities, as the variance was applied for or in modified form, if, on the basis of the application and the evidence submitted, the commission or the zoning administrator makes findings of fact that establish that the circumstances prescribed in Section 18.132.090 apply and the following circumstances also apply:

A. That neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specified regulation;

B. That the granting of the variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic on the streets;

C. That the granting of the variance will not create a safety hazard or any other condition inconsistent with the objectives of this chapter. (Ord. 1520 § 5, 1991; prior code § 2-11.29(3))

18.132.120 Effective date of variance decision.

A. Within 10 days following the date of a decision of the zoning administrator on a variance application, the secretary shall transmit written notice of the decision to the city council, the planning commission and to the applicant. A variance shall become effective 15 days following the date on which the variance was granted or on the day following the next meeting of the council, whichever is later, unless the action of the zoning administrator has been appealed to the planning commission, or unless the planning commission or the city council elects to review the decision of the zoning administrator. A variance shall become effective immediately after it is granted by the council.

B. Within 10 days following the date of a decision of the planning commission on a variance application, the secretary shall transmit written notice to the city council and the applicant. A variance shall become effective 15 days following the date on which the variance was granted or on the date following the next meeting of the council, whichever is later, unless an action of the planning commission has been appealed to the city council, or the council elects to review the decision of the planning commission. A variance shall become effective immediately after it is granted by the council. (Ord. 1520 § 5, 1991; prior code § 2-11.30)

18.132.130 Review or appeal.

A. The planning commission may elect to review a decision of the zoning administrator as prescribed by this section, or a decision of the zoning administrator may be appealed to the planning commission by the applicant or by any other person as prescribed in Section 18.144.020.

B. The city council may elect to review a decision of the zoning administrator or the planning commission as prescribed in Section 18.144.010 of this title, or a decision of the planning commission may be appealed to the city council by the applicant or by any other person as prescribed in Section 18.144.020.

C. An appeal shall be heard and acted upon as prescribed in Sections 18.144.030 and 18.144.040. (Ord. 1520 § 5, 1991; prior code § 2-11.31)

18.132.140 Lapse of variance.

A variance shall lapse and shall become void one year following the date on which the variance 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 variance application, or a permit is issued authorizing occupancy of the site or structure which was the subject of the variance 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 § 2-11.32)

18.132.150 Revocation.

A variance granted by the zoning administrator or planning commission subject to conditions shall be revoked by the body granting such variance if the conditions are not complied with. The decision of the zoning administrator shall become final 15 days following the date on which the variance was revoked, unless an appeal has been filed with the secretary of the planning commission. Within 15 days after revoking a variance, the zoning administrator shall submit a report to the planning commission stating the reasons for the action. The decision of the planning commission revoking a variance shall become final 15 days following the date on which the variance was revoked or on the day following the next meeting of the city 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 planning commission, in which case Section 18.132.130 of this chapter shall apply. A variance granted by the city council subject to conditions shall be revoked by the council if the conditions are not complied with. (Ord. 1520 § 5, 1991; prior code § 2-11.33)

18.132.160 New application.

Following the denial or revocation of a variance application, no application for the same or substantially the same variance on the same or substantially the same site shall be filed within one year of the date of denial or revocation of the variance. (Prior code § 2-11.33a)

18.132.170 Limitation.

Unless otherwise specified at the time a variance is granted, it shall apply only to the plans and drawings submitted as part of the application. (Prior code § 2-11.34)

Chapter 18.136

AMENDMENTS

Sections:

18.136.010 Purpose.

The zoning map and zoning regulations may be amended by changing the boundaries of any district, or by changing any district regulation, off-street parking or loading facilities requirements, general provision, exception, or other provision thereof, in accord with the procedure prescribed in this chapter. (Prior code § 2-12.03)

18.136.020 Initiation.

A. A change in the boundaries of any district may be initiated by the owner or the authorized agent of the owner of the property filing an application for a change in district boundaries as prescribed in Sections 18.136.040 and 18.136.050. If the property for which a change of district is proposed is in more than one ownership, all the owners or their authorized agents shall join in filing the application.

B. A change in boundaries of any district or a change in a district regulation, off-street parking or loading facilities requirement, general provision, exception, or other provision may be initiated by resolution of the planning commission or by action of the city council in the form of a request to the commission that it consider a proposed change, provided that in either case the procedure prescribed in Sections 18.136.040 through 18.136.110 shall be followed.

C. A proposal for a change in district boundaries initiated by the commission or council and one initiated by a property owner for all or part of the same area may be considered simultaneously. (Prior code § 2-12.04)

18.136.030 Change in boundaries of C districts.

In order to ensure orderly and thorough planning and to avoid speculative requests for changes in the boundaries of C districts, no change in boundaries that would increase the area of the C district by more than two acres shall be initiated by a property owner unless the property for which the change of district is proposed is in a PUD district at the time the change is initiated. (Prior code § 2-12.05)

18.136.040 Application—Required data and map.

A property owner desiring to propose a change in the boundaries of the district in which his or her property is located or his or her authorized agent may file with the zoning administrator an application for a change in district boundaries on a form prescribed by the planning commission and shall include the following data and map:

A. Name and address of the applicant;

B. Statement that the applicant is the owner or the authorized agent of the owner of the property for which the change in district boundaries is proposed;

C. Address or description of the property;

D. An accurate scale drawing of the site and the surrounding area showing existing streets and property lines for a distance determined by the zoning administrator to be necessary to illustrate the relationship to and impact on the surrounding area;

E. The zoning administrator may require additional information or maps if they are necessary to enable the commission to determine whether the change is consistent with the objectives of this title. The zoning administrator may authorize omission of the map required by this section if it is not necessary. (Prior code § 2-12.06(1))

18.136.050 Application—Fee.

The application shall be accompanied by a fee established by resolution of the city council to cover the cost of processing the application as prescribed in this chapter. (Prior code § 2-12.06(2))

18.136.060 Public hearing—Required.

The planning commission shall hold at least one public hearing on each application for a change in district boundaries and on each proposal for a change in district boundaries or for a change of a district regulation, off-street parking or loading facilities requirement, general provision, exception, or other provision of this title. The hearing shall be set and notice given as prescribed in Section 18.12.040. (Prior code § 2-12.06a)

18.136.070 Public hearing—Procedure.

At the public hearing the planning commission shall review the application or the proposal and may receive pertinent evidence as to why or how the proposed change is consistent with the objectives of this chapter prescribed in Section 18.04.010. (Prior code § 2-12.07)

18.136.080 Investigation and report.

The zoning administrator shall make an investigation of the application or proposal and shall prepare a report thereon which shall be submitted to the planning commission and made available to the applicant, if any, prior to the public hearing. (Prior code § 2-12.08)

18.136.090 Action of planning commission.

Within 40 days following the closing of a public hearing, the planning commission shall make a specific finding as to whether the change is consistent with the objectives of this chapter prescribed in Section 18.04.010, and shall recommend that the application be granted, granted in modified form, or denied, or that the proposal be adopted, adopted in modified form, or rejected. (Prior code § 2-12.09)

18.136.100 Denial—Request for city council hearing.

Within 15 days following the date of a decision of the planning commission recommending denial of an application for a change in district boundaries, the applicant may request a hearing by the city council. (Prior code § 2-12.10)

18.136.110 Action of city council.

The city council shall hold at least one public hearing on an application or proposal within 40 days after receipt of the resolution or report of the planning commission, provided that no hearing shall be held on an application for a change in district boundaries that the commission has recommended be denied unless a request is received by the council as prescribed in Section 18.136.100, and no hearing shall be held on a proposal initiated by the commission that the commission has recommended be rejected, unless the council shall elect to give the proposal further consideration. The hearing shall be set and notice given as prescribed in Section 18.12.040 of this title. Within 40 days following the closing of a public hearing, the council shall make a specific finding as to whether the change is consistent with the objectives of this chapter prescribed in Section 18.04.010 of this title. If the council finds that the change is consistent, it shall enact an ordinance amending the zoning map or an ordinance amending the regulations of this title, whichever is appropriate. If the council finds that the change is not consistent, it shall deny the application or reject the proposal. The council shall not modify a decision of the commission recommending granting of an application or adoption of a proposal until it has requested and considered a report of the commission on the modification. Failure of the commission to report within thirty days after receipt of the council request shall be deemed concurrence. (Prior code § 2-12.11)

18.136.120 Conditions.

The city council may impose conditions to a change in zoning district boundaries where it finds that said conditions must be imposed so as not to create problems inimical to the public health, safety and welfare of the residents of the city. (Prior code § 2-12.11(a))

18.136.130 Zoning map.

The zoning map dated April 18, 1960, including all changes or amendments thereto, is adopted and made a part of this code. The zoning map shall show the zoning district classification of all lands within the city. Any change in zoning district boundaries pursuant to Section 18.136.110 shall be indicated on the zoning map. (Prior code § 2-12.12)

18.136.140 New application.

Following the denial of an application for a change in district boundaries, no application for the same or substantially the same change shall be filed within one year of the date of denial of the application. (Prior code § 2-12.13)

18.136.150 Prezoning of unincorporated territory.

Prezoning of unincorporated territory adjoining the city may be initiated as prescribed in Section 18.136.020(B) of this chapter, for the purpose of determining which zoning districts it should be classified in the event of subsequent annexation to the city. An ordinance designating zoning districts in unincorporated territory shall become effective at the same time that annexation becomes effective. (Prior code § 2-12.14)

18.136.160 Unzoned territory.

All property which becomes unzoned through abandonment of a public street, alley, or railroad right-of-way shall be classified in the same zoning district as adjoining property if all adjoining property is in the same district, or if this condition does not exist, in the S district. All territory which is annexed to the city and which has not been prezoned shall be classified in the S district. Within 60 days the planning commission shall make a study of the territory to determine in which zoning district it should be classified in order to carry out the objectives of the zoning regulations prescribed in Section 18.04.010. If the commission finds that a change of district is required, it shall initiate the change as prescribed in Section 18.136.020(B) of this chapter. The owner of annexed property or the authorized agent of the owner may file an application for a change in district as prescribed in Section 18.136.020A of this chapter. (Prior code § 2-12.15)

Chapter 18.140

PENALTIES

Sections:

18.140.010 Violation—Penalty.

A. Any violation of this title shall be punishable as provided in Section 1.12.020 of this code.

B. Any structure or sign erected, moved, altered, enlarged, or maintained, and any use of a site contrary to the provisions of this title shall be and is declared to be unlawful and a public nuisance, and the city attorney shall immediately institute necessary legal proceedings for the abatement, removal and enjoinment thereof in the manner provided by law, shall take such other steps as may be necessary to accomplish these ends, and shall apply to a court of competent jurisdiction to grant such relief as will remove or abate the structure, sign or use, and restrain or enjoin the person, firm, corporation or organization from erecting, moving, altering or enlarging the structure or sign or using the site contrary to the provisions of this title.

C. All remedies provided for in this section shall be cumulative and not exclusive. (Ord. 1168 § 3, 1984; prior code § 2-12.22)

18.140.020 Voidable conveyances.

Any deed of conveyance, sale or contract to sell made contrary to the provisions of this title shall be voidable at the sole option of the grantee, buyer or person contracting to purchase, his or her heirs, personal representative, or trustee in insolvency, or bankruptcy, within one year after the date of execution of the deed of conveyance, sale or contract to sell; but the deed of conveyance, sale or contract to sell is binding upon any assignee or transferee of the grantee, buyer, or person contracting to purchase other than those above enumerated, and upon the grantor, vendor, or person contracting to sell or his or her assignee, heir, or devisee. (Prior code § 2-12.23)

Chapter 18.144

APPEALS

Sections:

18.144.010 City council review.

The city council may elect to review an action of the planning commission or zoning administrator within 15 days following such action, or at its next regular meeting, whichever is later. If the council elects to review an action and declines to confirm the decision, a public hearing shall be held by the council. The hearing shall be set and notice given as prescribed in Section 18.12.040 of this title. (Ord. 1586 § 11, 1993; prior code § 2-5.09)

18.144.020 Appeal to planning commission or city council.

Where this title provides for an appeal of a decision of the zoning administrator, the Building Inspector, or the planning commission, the appeal shall be filed within 15 days of the date of the decision being appealed and shall be filed with the secretary in the case of an appeal of the zoning administrator or the commission and with the city clerk in the case of an appeal to the city council. The appeal shall be made on a form approved by the commission and shall state specifically wherein it is claimed there was an error or abuse of discretion by the person or body making the decision or wherein a decision following a public hearing is not supported by the evidence in the record. (Ord. 1656 § 1, 1995; Ord. 1520 § 5, 1991; prior code § 2-5.10)

18.144.030 Public hearing on appeal.

The body designated by this chapter to hear an appeal shall hold at least one public hearing within 40 days of the date when the appeal was filed. The hearing shall be set and notice given as prescribed in Section 18.12.040 of this title. (Prior code § 2-5.11)

18.144.040 Action on appeal.

Within 40 days following the closing of a public hearing on an appeal, the body hearing the appeal shall render its decision. A decision by the zoning administrator or the planning commission shall become final 15 days after it is made, unless appealed, and a decision by the city council shall be final immediately after it is made. If an appealed decision is reversed or modified, the body hearing the appeal shall, on the basis of the record transmitted and such additional evidence as may be submitted, make the findings required by this chapter as prerequisite to granting the application or shall specifically decline to make such findings. (Ord. 1520 § 5, 1991; prior code § 2-5.12)

18.144.050 Administrative appeal procedure.

An appeal may be made to the planning commission by any interested party of any administrative determination or interpretation made by the zoning administrator or the building inspector under this title. An appeal shall be made on a form prescribed by the commission and shall be filed with the secretary. The planning commission may affirm, modify or reverse any administrative determination or interpretation from which appeal is made, and in making its decision shall be guided by the objectives of this title. The decision of the commission shall be rendered within 30 days after filing, unless the applicant shall consent to an extension of time. A decision of the planning commission may be appealed to the city council by the applicant within 15 days of the date of the decision or, in the event no decision is rendered, within 15 days following the time period prescribed for a decision by the commission. (Ord. 1656 § 1, 1995; prior code § 2-12.19)