SUPPLEMENT NO. 12

INSERTION GUIDE

PLEASANTON MUNICIPAL CODE

July 2014

(Covering Ordinances through 2098)

This supplement consists of reprinted pages replacing existing pages in the Pleasanton Municipal Code.

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PREFACE

The Pleasanton Municipal Code is a codification of the general and permanent ordinances of the City of Pleasanton, California. Originally published by Book Publishing Company, the code was prepared under the direction of Peter D. MacDonald, city attorney.

Commencing with the September 2007 code supplement, updates to this code are published by Quality Code Publishing. The code will be periodically updated to incorporate new legislation.

Detailed instructions for using the code are included at the front of this volume. An ordinance list and index are located at the end of the code.

The code is current through Supplement Number 12, July 2014, and includes Ordinance 2098, passed May 20, 2014.

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Chapter 2.29

YOUTH COMMISSION

Sections:

2.29.010 Commission created.

There is created a youth commission (commission). (Ord. 1819 § 2, 2001)

2.29.020 Duties.

A. The commission shall advise the city council on matters related to the youth of the community.

B. The duties of the Pleasanton youth commission shall include the following:

1. Make recommendations to the city council regarding policies, services and issues related to the youth of the community.

2. Act as the "voice" of the community.

3. Act as a communication liaison between Pleasanton's youth community and the city council.

4. Research the needs and interest of Pleasanton's youth. Promote an understanding and appreciation of community affairs among the youth of Pleasanton.

5. Identify and report to the city council on youth needs and priorities in the city of Pleasanton and remain informed regarding the programs providing youth services to the community.

6. Research and formulate proposed policies, programs and services designed to meet the needs of the youth community in Pleasanton.

7. Review and evaluate requests received by the city for youth related policies and services.

8. Represent the city and maintain liaison with the youth commissions in other cities and with youth related agencies in Pleasanton and other cities. (Ord. 1819 § 2, 2001)

2.29.030 Memberships—Appointments.

A. The commission shall have 11 regular commissioners and three alternate commissioners all of whom shall be residents of the city.

B. The 11 regular commissioners shall include: three students from middle school; three students from high school; four at large student representatives from grades six through 12; and one adult commissioner from the community at large.

C. The two alternate youth commissioners shall be from grades six through 12 and shall be selected from the community at large. The one alternate adult commissioner shall be selected from the community at large.

D. The regular commissioners and the alternate commissioners shall be appointed by the mayor subject to ratification by the city council, as provided in the adopted city resolution establishing procedures for appointments to boards and commissions.

E. Commissioners shall be eligible to participate in all activities of the commission except that the alternate commissioner shall vote only in the event of an absence or conflict of interest of one of the regular youth commissioners.

F. The alternate commissioners may serve as a voting member on any subcommittee of the commission.

G. Commissioners shall be compensated as established by city council resolution or as allowed by state law given limitations related to work permits for minors. (Ord. 2093 § 1, 2014; Ord. 2065 § 1, 2013; Ord. 2059 § 1, 2013; Ord. 1853 § 1, 2002; Ord. 1819 § 2, 2001)

2.29.040 Term of membership.

A. Regular youth commissioners shall be eligible to serve a maximum of six years with three terms of two years.

B. The regular adult commissioner shall be eligible to serve a maximum term of eight years with two four-year terms.

C. The alternate youth commissioners shall be eligible to serve two-year terms and are not subject to a limit in the number of years served provided that their grade level does not exceed the 12th grade. The alternate adult member shall be eligible to serve four year terms and is not subject to the limit in the number of years served.

D. The term of a commissioner shall be consistent with and subject to city council resolution concerning limiting service on boards and commissions. (Ord. 1853 § 2, 2002; Ord. 1819 § 2, 2001)

2.29.050 Maintenance of membership.

A. Persons appointed to the commission shall continue to serve as members of the commission except when:

1. The commissioner's term of office on the commission expires;

2. The commissioner voluntarily resigns from the commission;

3. The commissioner is absent from one-third of the regular meetings within a six-month period as provided in subsection C of this section;

4. The commissioner fails to maintain a primary residence in the city;

5. The commissioner is employed by the city in a capacity related to the duties of the commission.

B. The secretary of the commission shall inform the council when any of the above occurs.

C. The following procedures shall apply to termination of office as a result of absences from commission meetings:

1. At the end of each six-month period, the secretary of the commission shall report the attendance record of each member of the commission to the city manager, who shall transmit the record to the city council.

2. The city manager shall notify, in writing, any commissioner who has been absent from one-third or more of the regular meetings during the course of a six-month period and request that the commissioner submit, in writing, to the city council the reasons for the absences.

3. The city council shall determine if the commissioner's reasons for the absences were justified. If the city council determines that the reasons for the failure of the member to attend the meetings in question were not justified, the city council shall terminate the term of office of the commissioner and declare the office vacant.

4. If the city council declares such office vacant, the city clerk shall notify the commissioner that the commissioner's term has been officially terminated. (Ord. 1836 § 1, 2001; Ord. 1819 § 2, 2001)

2.29.060 Commissioner vacancies.

Vacancies on the commission shall be filled as provided in the city resolution establishing procedures for appointments to city boards and commissions. (Ord. 1819 § 2, 2001)

2.29.070 Organization.

A. Commissioners shall meet in regular session and elect a chairperson and vice chairperson. The election shall be a majority vote of the commission, to be held in December of each year. The term of service for these offices shall be one year, beginning in January of each year. No commissioner shall serve more than two consecutive full terms as chairperson of the commission.

B. The commission shall conduct its meetings and business in accordance with the Pleasanton city council's adopted "rules and operating procedures," as said rules and procedures may be amended from time to time.

C. The chairperson shall:

1. Preside at all meetings;

2. Appoint commissioners as needed to serve on subcommittees, ad hoc committees, and as representatives on other boards and commissions; and

3. Call special meetings.

D. The vice chairperson shall preside in the absence of the chairperson.

E. The city manager shall appoint a city employee to serve as staff liaison who shall also serve as secretary to the commission. The staff liaison/secretary to the commission shall keep true and accurate accounts of all action of the commission. (Ord. 1887 § 3, 2003; Ord. 1819 § 2, 2001)

2.29.080 Meetings.

A. Regular meetings shall be held on the second Wednesday of each month, September through May, at a time and place set by the commission. The commission may approve an alternate meeting date.

B. Special meetings may be called by the chairperson or by a majority of the commissioners, the city manager, and/or the city council provided written notice is given 48 hours in advance of the special meeting to the following: each commissioner, local newspapers of general circulation, and anyone filing written request for notice with the city clerk. Notice of meetings shall comply in all respects with Section 54950 et seq., of the Government Code, known commonly as the Ralph M. Brown Act.

C. All meetings shall be open to the public and shall follow a prepared agenda. Minutes of all meetings shall be kept and filed with the city clerk.

D. Seven commissioners need to be present to constitute a quorum and a vote to approve or deny shall only occur upon a majority vote of the commissioners present. (Ord. 2065 § 1, 2013; Ord. 1819 § 2, 2001)

Chapter 2.38

HOUSING COMMISSION*

Sections:

* **Prior ordinance history:** Ords. 1674, 1768.

2.38.010 Commission created.

There is created a housing commission (commission). (Ord. 1819 § 1, 2001)

2.38.020 Duties.

A. The commission shall be responsible for advising the city council on both the affordable housing needs of the community and the methods for meeting these needs.

B. The duties of the commission shall include the following:

1. Initiate and pursue opportunities for developing affordable housing within the city.

2. Cooperate with the private housing industry, city commissions and regional agencies to produce new affordable housing and/or to maintain existing affordable housing.

3. Make recommendations to the city council and/or establish policies regarding affordable housing projects affiliated with the city and the housing authority including preference and eligibility criteria for city assisted housing, informational documents, available grant applications, and new affordable housing programs.

4. In cooperation with the human services commission, review and make recommendations to the city council regarding community development block grant applications for capital improvement and rehabilitation projects.

5. Coordinate the property and financial management and tenant related issues at affordable housing projects under the control of the city and/or the housing authority of the city, including Ridge View commons and Kottinger place.

6. Review and make recommendations to the city council regarding the annual operating budget for the city's lower income housing fund.

7. Appoint the resident representatives to the housing authority commission and commission liaisons to affordable housing projects. (Ord. 1819 § 1, 2001)

2.38.030 Membership; appointments; voting.

A. The commission shall have five members, and one alternate, all of whom shall be residents of the city.

B. The five regular commissioners and the one alternate commissioner shall be selected from the community at large. The regular commissioners and alternate commissioner shall be appointed by the mayor subject to the ratification by the city council, as provided in the adopted city council resolution establishing procedures for appointments to boards and commissions.

C. Commissioners are eligible to participate in all discussions of the commission except that the alternate commissioner shall vote only if one of the regular commissioners is absent or has a financial conflict of interest.

D. The alternate commissioner may serve as a voting member on any subcommittee of the commission and may be designated as the housing commission representative to other boards and commissions.

E. Commissioners shall be compensated as established by city council resolution. (Ord. 1901 § 2, 2004; Ord. 1887 § 7, 2003; Ord. 1819 § 1, 2001)

2.38.040 Term of membership.

A. Regular commissioners shall be eligible to serve a maximum of eight years with two four-year terms.

B. Alternate commissioners shall be eligible to serve four-year terms and are not subject to a limit in the number of years served.

C. The term of a commissioner shall be consistent with and subject to city council resolution concerning limiting service on boards and commissions. (Ord. 1901, 2004; Ord. 1819 § 1, 2001)

2.38.050 Maintenance of membership.

A. Persons appointed to the commission shall continue to serve as members of the commission except when:

1. The commissioner's term of office on the commission expires;

2. The commissioner voluntarily resigns from the commission;

3. The commissioner is absent from one-third of the regular meetings within a six-month period as provided in subsection C of this section;

4. The commissioner fails to maintain a primary residence in the city.

5. The commissioner is employed with the city in a capacity related to the duties of the commission.

B. The secretary of the commission shall inform the council when any of the above occurs.

C. The following procedures shall apply to termination of office as a result of absences from commission meetings:

1. At the end of each six-month period, the secretary of the commission shall report the attendance record of each member of the commission to the city manager, who shall transmit the record to the city council.

2. The city manager shall notify, in writing, any commissioner who has been absent from one-third or more of the regular meetings during the course of a six-month period and request that the commissioner submit, in writing, to the city council the reasons for the absences.

3. The city council shall determine if the commissioner's reasons for the absences were justified. If the city council determines that the reasons for the failure of the member to attend the meetings in question were not justified, the city council shall terminate the term of office of the commissioner and declare the office vacant.

4. If the city council declares such office vacant, the city clerk shall notify the commissioner that the commissioner's term has been officially terminated. (Ord. 1819 § 1, 2001)

2.38.060 Commissioner vacancies.

Vacancies on the commission shall be filled as provided in the city council resolution establishing procedures for appointments to city boards and commissions. (Ord. 1819 § 1, 2001)

2.38.070 Organization.

A. Commissioners shall meet in regular session and elect a chairperson and vice chairperson. The election shall be by a majority vote of the commission, to be held in December of each year. The term of service for these offices shall be one year, beginning in January of each year. No commissioner shall serve more than two consecutive full terms as chairperson of the commission.

B. The commission shall conduct its meetings and business in accordance with the Pleasanton city council's adopted "rules and operating procedures," as said rules and procedures may be amended from time to time.

C. The chairperson shall:

1. Preside at all meetings;

2. Appoint commissioners as needed to serve on subcommittees, ad hoc committees, and as representatives on other boards and commissions; and

3. Call special meetings.

D. The vice chairperson shall preside in the absence of the chairperson.

E. The city manager shall appoint a city employee to serve as staff liaison who shall also serve as secretary to the commission. The staff liaison/secretary to the commission shall keep true and accurate accounts of all action of the commission. (Ord. 1887 § 8, 2003; Ord. 1819 § 1, 2001)

2.38.080 Meetings.

A. Regular meetings shall be held on the third Thursday of each month at a time and place set by the commission. The commission may approve an alternate meeting date.

B. Special meetings may be called by the chairperson or by a majority of the commissioners, the city manager, the staff liaison and/or the city council provided written notice is given 48 hours in advance of the special meeting to the following: each commissioner, local newspapers of general circulation, and anyone filing written request for notice with the city clerk. Notice of meetings shall comply in all respects with Section 54950 et seq., of the Government Code, known commonly as the Ralph M. Brown Act.

C. All meetings shall be open to the public and shall follow a prepared agenda. Minutes of all meetings shall be kept and filed with the city clerk.

D. Three commissioners need to be present to constitute a quorum and a vote to approve or deny shall only occur upon a majority vote of the commissioners present. (Ord. 2093 § 1, 2014; Ord. 1819 § 1, 2001)

Chapter 2.48

SELECTION PROCEDURES FOR THE DEVELOPMENT OF LISTS OF QUALIFIED FIRMS FOR CERTAIN PROFESSIONAL SERVICES

Sections:

2.48.010 Purpose.

This chapter shall establish the selection procedures for the development of lists of qualified firms for architectural, engineering, environmental, land surveying and construction project management services, in conformance with California Government Code Section 4525 et seq. (Ord. 1524 § 1, 1991)

2.48.020 Definitions.

For purposes of this chapter, the following definitions shall apply:

A. "Director" shall mean the respective department head who has the primary administrative responsibility for a particular project.

B. "Local firm" shall mean an architectural, engineering, environmental, land surveying or construction management service firm which has a professional office in the city and which has a current city business license. (Ord. 1536 § 1, 1992; Ord. 1524 § 1, 1991)

2.48.030 Annual statement of qualifications.

A. Each director shall encourage firms engaged in the lawful practice of their profession to submit annually a statement of qualifications and performance data.

B. Each director shall each January mail a notice to all local firms who are not already on the lists as set forth in this chapter informing such firms of the existence of this chapter and encouraging such firms to request to be placed on the lists.

C. Each director shall each January review the lists as set forth in this chapter to determine if local firms are unrepresented or under-represented on such lists. If local firms are determined to be unrepresented or under-represented, then the director shall actively solicit local firms to be placed on the lists.

D. A statement of qualifications and performance data includes, but is not limited to:

1. Firm name, office location, principals and organization size.

2. Qualifications of key personnel likely to be assigned to the work including names, resumes, responsibilities and examples of similar work.

3. Availability of key personnel to complete the project within time required.

4. Areas of special expertise related to the work.

5. List of references, previous clients and similar projects.

6. Statement that the city standard consultant agreement has been read, that the firm has or can meet the requisite insurance requirements, and that the firm, if selected, will enter into such agreement. (Ord. 1536 § 1, 1992; Ord. 1524 § 1, 1991)

2.48.040 Notice to firms.

When the director determines that a particular project requires professional services, the director shall make such announcement through publications of the respective professional societies. For example, should the director determine that a city project will need engineering services, such announcement would be made to the California Council of Civil Engineers and Land Surveyors. (Ord. 1524 § 1, 1991)

2.48.050 Evaluation of firms.

A. Any firm not already on the city's list of qualified firms may submit a statement of qualifications and performance data for a particular project. Such statement shall contain the information set forth in Section 2.48.030(D).

B. The director shall evaluate current statements of qualifications on file with the city, together with those that may be submitted by other firms regarding the proposed project.

C. The director shall conduct discussions with no less than three firms (if three qualify) regarding the proposed services to be rendered. These discussions shall include, but not be limited to, experience, staffing, approach, estimate of hours for the work to be performed, coordination, work schedule and the name and experience of any subconsultants to be used. The director may use other city employees or use others who have knowledge with respect to the profession in conducting the discussions.

D. The director shall select the firm deemed to be the most qualified.

E. Notwithstanding the provisions of subsection C, for projects, the fees for which are determined to be $20,000.00 or less, and/or which in the director's opinion are considered routine in nature, the director may use a rotating system of firms and select the firm next in order to be the most qualified. Furthermore, where the director determines that it is in the best interests of the city to do so, and the city attorney and director of finance concur, the director may need not comport with subsection C, and instead may proceed to contract with the most qualified firm. (Ord. 2093 § 1, 2014; Ord. 1536 § 1, 1992; Ord. 1524 § 1, 1991)

2.48.060 Negotiation of contracts.

A. The director shall negotiate a contract with the most qualified firm.

B. For purposes of negotiation, the firm shall prepare a scope of work and a fee proposal to include, but not be limited to, the following: schedule of work; names of principals to perform tasks; names of subconsultants; type of fee; actual amount of fee; allowance for expenses; and method and timing of payments.

C. The actual fee to be paid will be governed by the complexity of the project, time schedule, types of services needed and shall be a fair and reasonable amount for the city.

D. In the event that agreement on the scope of work or the amount of fee cannot be reached with the first firm selected, all negotiations shall be terminated and the director shall undertake negotiations with the second most qualified firm as provided herein. Failing accord with the second most qualified firm, the director shall undertake negotiations with the third most qualified firm.

E. Should the director be unable to negotiate a satisfactory contract with any of the selected firms, the director shall select additional firms in order of their competence and qualifications and continue negotiations in accordance with this chapter until an agreement is reached.

F. Should a firm be selected as provided in Section 2.48.050(E), and should the director be unable to negotiate a satisfactory contract, the director shall select the firm next in order on the list, and so on, until an agreement is reached. (Ord. 1536 § 1, 1992; Ord. 1524 § 1, 1991)

2.48.070 Award of contract.

A. When the director reaches accord with a firm as provided in Section 2.48.060, a contract for professional services shall be awarded as provided in this section.

B. If the amount of the proposed contract is $20,000.00 or more, the contract shall be awarded only after city council authorization.

C. If the amount of the contract is less than $20,000.00, the city manager is authorized to award the contract. (Ord. 1524 § 1, 1991)

2.48.080 Selection review board.

The director may, at the director's discretion, convene at any time a review board when the project or type of services requires a particular expertise. The board shall consist of the director or the director's designee, the department's employee responsible for the project and any other qualified professionals, not employed by the city. (Ord. 1524 § 1, 1991)

2.48.090 Conflict of interest clause.

A. These procedures specifically prohibit practices which might result in unlawful activity including, but not limited to, rebates, kickbacks, or other unlawful considerations. City and other government agency employees participating in the selection process shall not have a relationship with any person, firm or business entity seeking a professional contract.

B. Where determined appropriate by the city attorney, the following shall be included as a part of the standard consultant agreement:

> The consultant states that the consultant is not currently employed by the project applicant or affected property owner to provide consultant services for this or any other project of said applicant or affected property owner and will not accept any employment from said parties until such time as the city takes final action on the project application. The consultant further understands that failure to comply with this provision will result in the termination of this agreement and disqualification from future consideration for other agreements for a period of two years.

(Ord. 1524 § 1, 1991)

Chapter 5.08

LICENSE APPLICATIONS, RENEWALS AND CONDITIONS

Sections:

5.08.010 Contents of license.

Every person required to have a license under the provisions of this title shall make application as hereinafter prescribed for the same to the collector of the city, and upon the payment of the prescribed license tax the collector shall issue to such person a license which shall contain the following information:

A. The name of the person to whom the license is issued;

B. The business licensed;

C. The place where such business is to be transacted and carried on;

D. The date of the expiration of such license; and

E. Such other administrative information as may be necessary for the enforcement of the provisions of this title. (Prior code § 1-5.23)

5.08.020 Application—First license.

A. Upon a person making an application for the first license to be issued hereunder or for a newly established business, such person shall furnish to the collector a sworn statement, upon a form provided by the collector, setting forth the following information:

1. The exact nature or kind of business for which a license is requested;

2. The place where such business is to be carried on, and if the same is not to be carried on at any permanent place of business, the places of residence of the owners of same;

3. If the applicant is the owner of a real estate office, the applicant shall either: (a) include all independent agent's/broker's gross receipts on the application, or (b) if not including independent agent's/broker's gross receipts, then the applicant shall set forth the names of all agents and brokers working from said location;

4. Landlords.

a. Residential Landlords. If the applicant rents three or more residential dwelling units, regardless of whether the units are in one building, the applicant shall set forth the addresses of all the units and is subject to the tax on the gross receipts for all such units without any exclusions. An applicant may request that a single business license be issued for all of the dwelling units;

b. Commercial Landlords. If the applicant rents any nonresidential property, a separate business license for each location is required. On the application, the applicant shall list the names of all tenants on the property;

5. If the applicant is a partnership, the application shall set forth the names and places of residences of the partners thereof;

6. If the applicant is a corporation, the applicant shall set forth the name, address and telephone number of the agent of process service thereof;

7. The application shall set forth such information as may be therein required and as may be necessary to determine the amount of the license tax to be paid by the applicant;

8. Any further administrative information which the collector may require to enable him or her to issue the type of license applied for;

9. (a) If the applicant is an event promoter, the applicant is responsible for the license tax on the total gross receipts generated by the event. No less than 30 days in advance of the event, the promoter has the option either to: (i) pay a set amount of $300.00 per event; or (ii) pay only on the promoter's gross receipts and provide the collector with a list of all participating vendors, including the vendors' mailing addresses, telephone numbers, and their estimated gross receipts from the event. If the promoter chooses to supply the collector with the list of all participating vendors and the collector is unable to collect the business license tax from a vendor, the promoter will be responsible for such tax. (b) If the applicant is a non-profit event promoter, no less than 30 days in advance of the event the non-profit has the option either: (i) to pay a set amount of $150.00 per event; or (ii) provide the collector with a list of all participating vendors, including the vendors' mailing addresses, telephone numbers, and their estimated gross receipts from the event.

B. With the exception of developers/general contractors, the applicant shall estimate the gross receipts for the period to be covered by the license to be issued. As to an applicant who is a developer/general contractor, the applicant shall include an estimated sales price of each property for sale during the period to be covered by the license to be issued. As to a general contractor hired by an owner-builder, the applicant shall include an estimated value of the project. Such estimate, if accepted by the collector as reasonable, shall be used in determining the amount of license tax to be paid by the applicant. In the event that the collector finds the estimate submitted by the applicant to be unreasonable, the collector shall notify the applicant thereof in writing. Within 30 days following receipt of such written notification, the applicant shall furnish the collector with a written verification by a certified public accountant as to the range of gross receipts during the period of such license, and the license tax for such period shall be finally ascertained and paid in the manner provided by this title for the ascertaining and paying of renewal license taxes for other businesses, after deducting from the payment found to be due, the amount paid at the time such first license was issued.

C. The collector shall not issue to any such person another license for the same or any other business, until such person shall have furnished to him or her the accountant's verification and paid the license tax as herein required. (Ord. 2093 § 1, 2014; Ord. 1976 § 2, 2008; Ord. 1773 § 1, 1999; Ord. 1550 § 3, 1992; prior code § 1-5.24)

5.08.030 Renewal license.

In all cases, the applicant for the renewal of a license shall submit to the collector on or before January 1st an application for renewal containing a sworn statement upon a form to be provided by the collector, setting forth such information concerning the applicant's business during the preceding calendar year, as may be required by the collector to enable the collector to verify the amount of the license tax paid by said applicant pursuant to the provisions of this title. (Ord. 1550 § 3, 1992; prior code § 1-5.25)

5.08.040 Statements and records.

A. No statements shall be conclusive as to the matters set forth therein, nor shall the filing of the same preclude the city from collecting by appropriate action such sum as is actually due and payable hereunder.

B. If the collector deems it necessary in order to ascertain the amount of the license tax due, the collector may require the applicant or licensee to submit a verification by written statement to confirm as true and correct the reported amount of gross receipts or operating expenses; after which the collector may require further verification by a certified public accountant or similar agent of the applicant or licensee attesting to the financial information, including, but not limited to, federal and state income tax returns, financial statements and other financial reports. (Ord. 2065 § 1, 2013; Ord. 1976 § 3, 2008; Ord. 1550 § 3, 1992; prior code § 1-5.26)

5.08.050 Information confidential.

It is unlawful for the collector or any person having an administrative duty under the provisions of this title to make known in any manner whatever the business affairs, operations or information obtained by an investigation of records and eqiupment of any person required to obtain a license, or pay a license tax, or any other person visited or examined in the discharge of official duty, or the amount of source of income, profits, losses, expenditures, or any particular thereof, set forth in any statement or application, or to permit any statement or application, or copy of either, or any book containing any abstract or particulars thereof to be seen or examined by any person; provided, that nothing in this section shall be construed to prevent:

A. The public disclosure of:

1. The name of the owner,

2. Type of business ownership (e.g., sole proprietor, partnership or corporation),

3. The name of the business licensed,

4. The place where such business is to be transacted and the address used for mailing if different;

B. The disclosure to, or the examination of records and equipment by, another city official, employee or agent for collection of taxes for the sole purpose of administering or enforcing any provisions of this title, or collecting taxes imposed hereunder;

C. The disclosure of information and results of examination of records of particular taxpayers, or relating to particular taxpayers, to a court of law in a proceeding brought to determine the existence or amount of any license tax liability of the particular taxpayers to the city;

D. The disclosure after the filing of a written request to that effect, to the taxpayer him or herself, or to his or her successors, receivers, trustees, executors, administrators, assignees and guarantors, if directly interested, of information as to the items included in the measure of any paid tax, any unpaid tax or amounts of tax required to be collected, interest and penalties; further provided, however, that the city attorney approves

each such disclosure and that the collector may refuse to make any disclosure referred to in this subsection when in his or her opinion the public interest would suffer thereby;

E. The disclosure by way of public meeting or otherwise of such information as may be necessary to the city council in order to permit it to be fully advised as to the facts when a taxpayer files a claim for refund of license taxes, or submits an offer of compromise with regard to a claim asserted against him or her by the city for license taxes, or when acting upon any other matter;

F. The disclosure of general statistics regarding taxes collected on business done in the city;

G. The disclosure of information to the State of California Franchise Tax Board and any other information as legally required by the state. (Ord. 1976 § 4, 2008; Ord. 1550 § 3, 1992; Ord. 1083 § 2, 1983; prior code § 1-5.27)

5.08.060 Failure to file statement or corrected statement.

If any person fails to file any required statement within the time prescribed, or if after demand therefor made by the collector he or she fails to file a corrected statement, or if any person subject to the tax imposed by this title fails to apply for a license, the collector may determine the amount of license tax due from such person by means of such information as he or she may be able to obtain and shall give written notice thereof to such person. (Prior code § 1-5.28)

5.08.070 Appeal.

Any person aggrieved by any decision of the collector with respect to the issuance or refusal to issue such license may appeal to the council by filing a notice of appeal with the clerk of the council within 15 days after receipt of written notice from the collector. The council shall thereupon fix a time and place for hearing such appeal. The clerk of the council shall give notice to such person of the time and of hearing by serving it personally or by depositing it in the United States Post Office at Pleasanton, California, postage prepaid, addressed to such person at his or her last known address. The council shall have authority to determine all questions raised on such appeal. No such determination shall conflict with any substantive provision of this title. (Prior code § 1-5.29)

5.08.080 Additional power of collector.

In addition to all other power conferred upon the collector, the collector or the collector's assistants shall have the power to extend the time for filing any required sworn statement or application for a period not to exceed 60 days, and in such cases to waive any penalty that would otherwise have accrued. (Ord. 1550 § 3, 1992; prior code § 1-5.30)

5.08.090 License nontransferable—Changed location and ownership.

No license issued pursuant to this title shall be transferable; provided, that where a license is issued authorizing a person to transact and carry on a business at a particular place, such licensee may upon application therefor and paying a fee as outlined in the city's master fee schedule (on file in the office of the city clerk) have the license amended to authorize the transacting and carrying on of such business under said license at some other location to which the business is or is to be moved; provided further, that transfer, whether by sale or otherwise, to another person under such circumstances that the real or ultimate ownership after the transfer is substantially similar to the ownership existing before the transfer, shall not be prohibited by this section. For the purpose of this section, stockholders, bondholders, partnerships, or other persons holding an interest in a corporation or other entity herein defined to be a person are regarded as having the real or ultimate ownership of such corporation or other entity. (Ord. 1550 § 3, 1992; prior code § 1-5.31)

5.08.100 Duplicate license.

The collector may issue a duplicate license to replace the current year's license previously issued if the licensee files a statement stating that the original license has been lost or destroyed and, at the time of the filing of such statement, the licensee pays a duplicate license fee as provided in the city's current schedule of fees and charges. (Ord. 1976 § 5, 2008; Ord. 1550 § 3, 1992; prior code § 1-5.32)

5.08.110 Posting.

A. Any licensee transacting and carrying on business at a fixed place of business in the city shall keep the license posted in a conspicuous place upon the premises where such business is carried on.

B. Any licensee transacting and carrying on business but not operating at a fixed place of business in the city shall keep the original or a copy of the license upon his or her person at all times while transacting and carrying on the business for which it is issued. (Ord. 2065 § 1, 2013; Ord. 1976 § 6, 2008; prior code § 1-5.33)

Chapter 5.12

LICENSE AND TAX PAYMENT

Sections:

5.12.010 Required.

A. There are imposed upon the businesses specified in this title license taxes in the amounts prescribed in this title. It is unlawful for any person to transact and carry on any business in the city without first having procured a license from said city so to do and paying the tax hereinafter prescribed or without complying with any and all applicable provisions of this title.

B. This section shall not be construed to require any person to obtain a license prior to doing business within the city if such requirement conflicts with applicable statutes of the United States or of the state. (Ord. 1550 § 4, 1992; prior code § 1-5.18)

5.12.020 Branch establishments.

A separate license must be obtained for each branch establishment or location of the business transacted and carried on and for each separate type of business at the same location, and each license shall authorize the licensee to transact and carry on only the business licensed thereby at the location or in the manner designated in such license; provided, however, that if a separate business income tax return is filed for a particular business, it shall, for purposes of this section, be conclusively presumed to be a separate business for which a separate license is required. (Prior code § 1-5.19)

5.12.030 Evidence of doing business.

When any person: (A) by the use of signs, circulars, cards, telephone books, internet or newspapers, advertise, hold out or represent that the person is conducting business in the city; (B) holds an active license or permits issued by a governmental agency indicating that the person is conducting business in the city; or (C) makes a sale, takes an order, delivers goods as a private carrier to any destination within the city, renders a commercial service or performs any similar act within the city, such facts shall be considered prima facie evidence that the person is conducting business in the city. This includes, but is not limited to, persons who use a Pleasanton address for licensing by federal, state or other public agencies, even if business is done off-site out of Pleasanton. (Ord. 2038 § 1, 2012; Ord. 1976 § 7, 2008; Ord. 1773 § 1, 1999; Ord. 1550 § 4, 1992; Ord. 1093 § 1, 1983; prior code § 1-5.20)

Chapter 5.24

LICENSE TAXES

Sections:

5.24.010 How and when payable.

Unless otherwise specifically provided, all annual license taxes, under the provisions of this title, shall be due and payable in advance on January 1st. License taxes covering new operations after January 1st may be prorated based on estimated gross receipts for the balance of the year. License taxes for the development of residential or commercial property shall be due and payable when applying for a building permit for each property to be developed. (Ord. 1773 § 1, 1999; Ord. 1550 § 6, 1992; prior code § 1-5.34)

5.24.020 Delinquent taxes—Penalties.

A. For failure to pay the license tax when due, the collector shall add a penalty of: 25 percent of said license tax on the first day of February: and 50 percent (non-cumulative) said license tax on the first day of March. When the first day of the month falls on a day when the City Hall is closed, payment of the license tax due may be made on the next working day without penalty. Any license issued pursuant to this title may be suspended by the collector upon the failure of the licensee to pay any charges imposed by this title within 60 days after such charges or reports become delinquent. No license shall be issued, nor one which has been suspended or revoked shall be reinstated or reissued, to any person, who at the time of applying therefor, is indebted to the city for any delinquent license taxes, unless such person, with the consent of the collector, enters into a written agreement with the city, through the collector, to pay such delinquent taxes, plus five percent simple annual interest upon the unpaid balance, in monthly installments, or oftener, extending over a period of not to exceed one year.

B. In any agreement so entered into, such person shall acknowledge the obligation owed to the city and agree that, in the event of failure to make timely payment of any installment, the whole amount unpaid shall become immediately due and payable and that his or her current license shall be revocable by the collector upon 30 days' notice. In the event legal action is brought by the city to enforce collection of any amount included in the agreement, such person shall pay all costs of suit incurred by the city or its assignee, including a reasonable attorney fee. The execution of such an agreement shall not prevent the prior accrual of penalties on unpaid balances at the rate provided in this section, but no penalties shall accrue on account of taxes included in the agreement, after the execution of the agreement, and the payment of the first installment and during such time as such person shall not be in breach of the agreement. (Ord. 2085 § 1, 2013; Ord. 1093 § 2, 1983; prior code § 1-5.35)

5.24.030 Refunds of taxes paid.

No refund of any taxes paid shall be allowed in whole or in part unless a claim for refund is filed with the collector within the timelines and in the manner set forth in Section 1.04.090 of this code. If after the filing of such a claim, the collector determines that a refund is due, the collector may refund the amount that is owed. (Ord. 1967 § 3, 2008; Ord. 1773 § 1, 1999; prior code § 1-5.36)

5.24.040 Gross receipts.

Every person who is conducting business shall pay a license tax based upon the gross receipts in accordance with the following schedule. Gross receipts from the previous calendar year shall be prima facie evidence of the estimated gross receipts for the year for which the license tax applies for all businesses renewing licenses:

LICENSE TAX SCHEDULE

$0—24,999	$25.00
25,000—99,999	50.00
100,000—249,999	75.00
250,000 and above	$0.30/$1,000.00 of gross receipts

If a business has been operating less than one year, the amount due shall be based on actual gross receipts per month for the previous year multiplied by 12, and in accordance with the previous schedule. A new business shall base its tax on estimated gross receipts for the current licensing period in accordance with the previous

schedule. (Ord. 1550 § 6, 1992; Ord. 1089 § 1, 1983; prior code § 1-5.37)

5.24.050 County fairgrounds concessions and exhibitors.

A. All persons who transact and carry on business within the city only at the Alameda County Fairgrounds during a period commencing one week prior to opening and ending one week after closing of the regular fair days, are deemed exempt from said license requirements and shall be exempt from the tax provided in this section.

B. The city council shall, prior to April 1st of each year fix and determine by agreement, letter or resolution confirmed by the board of directors of the Alameda County Fair, an in-lieu fee to compensate the city for services required by concessionaires and exhibitors exempt from this tax. Terms and conditions of said in-lieu payments shall be fixed at the discretion of the council and the board of directors. (Prior code § 1-5.38)

5.24.060 Rules and regulations.

The collector may make rules and regulations not inconsistent with the provisions of this title as may be necessary or desirable to aid in the enforcement of the provisions of this title. (Prior code § 1-5.39)

5.24.070 Enforcement authority.

A. It shall be the duty of the collector, and he or she is directed to enforce each and all of the provisions of this title, and the chief of police shall render such assistance in the enforcement hereof as may from time to time be required by the collector or the city council.

B. The collector, in the exercise of the duties imposed upon him or her hereunder and acting through his or her deputies or duly authorized assistants, may examine or cause to be examined any place of business in the city to ascertain whether the provisions of this title have been complied with.

C. The collector and each and all of his or her assistants and any police officer shall have the power and authority (upon obtaining an inspection warrant therefor) to enter, free of charge, and at any reasonable time, any place of business required to be licensed herein, and demand an exhibition of its license. Any person having such license theretofore issued, in his or her possession or under his or her control, who wilfully fails to exhibit the same on demand, shall be guilty of a misdemeanor and subject to the penalties provided for by the provisions of this title. It shall be the duty of the collector and each of his or her assistants to cause a complaint to be filed against any and all persons found to be violating any of said provisions. (Prior code § 1-5.40)

5.24.080 Tax constitutes debt.

The amount of any license tax and penalty imposed by the provisions of this title shall be deemed a debt to the city. An action may be commenced in the name of said city in any court of competent jurisdiction, for the amount of any delinquent license tax and penalties. (Prior code § 1-5.41)

5.24.090 Remedies cumulative.

All remedies prescribed hereunder shall be cumulative and the use of one or more remedies by the city shall not bar the use of any other remedy for the purpose of enforcing the provisions of this title. (Prior code § 1-5.42)

smoking room must not be recirculated to other parts of the building. Pressure in the room must be less than in the surrounding area to make sure smoke does not drift to surrounding spaces.

4. The ventilation system must provide the smoking room with 60 cubic feet per minute (CFM) of supply air per smoker.

5. Nonsmokers should not have to use the smoking room for any purpose. The smoking room must be located in a nonwork area where no one, as part of his or her work responsibilities, is required to enter at any time.

Within 60 days of the effective date of this chapter, every employer having an enclosed place of employment shall adopt, implement, make known and maintain a written smoking policy which shall contain the following requirements:

Smoking shall be prohibited in all enclosed facilities within a place of employment except in freestanding bars and in designated smoking rooms. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, vehicles, and all other enclosed facilities.

D. "Dining area" means any area containing a counter or tables where meals are served, or area improved with tables, chairs, benches or similar improvements provided for sitting that is controlled by the business where patrons sit after purchasing food or beverage at a restaurant counter.

E. "Employee" means any person who is employed in consideration for direct or indirect monetary wages or profit, and any person who volunteers services for a nonprofit entity or public agency.

F. "Employer" means any person, partnership, corporation or nonprofit entity, including a municipal corporation or other public agency, which employs one or more persons.

G. "Enclosed" means closed in by a roof and walls on all sides with appropriate openings for ingress and egress.

H. "Freestanding bar" means a business which: (1) primarily serves alcoholic beverages; (2) as only incidental to serving such beverages, serves food, has music and/or dancing, provides coin-operated amusement devices, or provides pool tables, darts or other similar activities; (3) prohibits persons under the age of 18 from entering the business; and (4) was operating as a freestanding bar on January 1, 1994. If there are other uses within the same building, the freestanding bar must also meet the following requirements:

1. Have a separate heating, ventilation and air-conditioning system (HVAC) designed such that none of the air from the freestanding bar will be recirculated into other areas of the building.

2. Be completely separated from the remainder of the building by solid partitions or glazing without openings other than doors, and all doors leading to the bar shall be self-closing. The doors shall be provided with a gasket so installed as to provide a seal where the door meets the stop on both sides and across the top.

3. Air from the freestanding bar must be directly exhausted to the outside by an exhaust fan. Air from the freestanding bar must not be recirculated to other parts of the building. Pressure in the room must be less than in the surrounding area to make sure smoke does not drift to surrounding spaces.

4. The ventilation system must provide the area of the freestanding bar with 60 cubic feet per minute (CFM) of supply air per smoker.

I. "Place of employment" means any area under the control of a public or private employer where employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges and restrooms, conference rooms and classrooms, cafeterias and hallways.

J. "Pool vehicle" means an automobile, truck or van, owned, leased or otherwise controlled by an employer, which is available, by advance request, reservation or otherwise, for the use, in the course of employment, of any employee or employees.

K. "Public place" means any area to which the public is invited or in which the public is permitted, including but not limited to banks, educational facilities, health facilities, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, theaters, and waiting rooms.

L. "Reasonable distance" shall mean any distance necessary to insure that persons in an area where smoking is prohibited are not exposed to second-hand smoke created by smokers near the area. The determination of the city manager shall be final in any disputes relating to reasonable distance for smoking near places regulated by this chapter.

M. "Restaurant" means any coffee shop, cafeteria, tavern, sandwich stand, soda fountain, private or public school cafeteria, and any other eating establishment, organization, club, boarding house, or guest house, the primary purpose of which gives or offers for sale food to the public, guests, patrons or employees.

N. "Retail tobacco store" means a retail store utilized primarily for the sale of tobacco or smoking products and accessories.

O. "Service line" means any line at which one or more persons are waiting for or receiving service of any kind, whether or not such service includes the exchange of money.

P. "Smoking" means: (1) inhaling, exhaling, burning or carrying any lighted pipe, cigar, cigarette, or similar article of any kind; or (2) use of an activated or functioning device, whether an electronic cigarette as defined by California Health and Safety Code Section 119405 ("e-cigarette") or a similar device, including but not limited to a device intended to emulate smoking, which permits a person to inhale vapors or mists that may or may not include nicotine.

Q. "Sports arena" means bowling centers, sports pavilions, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks and other similar places where members of the public assemble to engage in physical exercise, participate in athletic competition or witness sports events. (Ord. 2093 § 1, 2014; Ord. 2038 § 1, 2012; Ord. 1615 § 1, 1994*; Ord. 1609 § 1, 1993)

* If a business expends more than $500.00 to meet the requirements of Section 9.24.020(H), the business shall have until July 1, 1994 to comply fully with the requirements of Ordinance 1615.

9.24.030 Application of chapter in city-owned facilities.

All city buildings, vehicles, and other facilities shall be subject to this chapter. (Ord. 1609 § 1, 1993)

9.24.040 Prohibition of smoking in public places.

A. Smoking shall be prohibited in all enclosed public places within the city, including the following enclosed and unenclosed spaces:

1. Elevators and restrooms.

2. Buses, taxicabs and other means of public transit, and ticket, boarding and waiting areas of public transit depots.

3. Service lines.

4. Retail stores, except retail tobacco stores.

5. Retail food marketing establishments, including grocery stores and supermarkets.

6. All areas available to and customarily used by the general public in all businesses, nonprofit entities and public agencies patronized by the public, including but not limited to business offices, banks, hotels and motels, except as provided in subsection (A)(14) of this section.

7. Restaurants, including:

a. Bars and banquet rooms in, open to or directly accessible from restaurants; and

b. Outdoor dining areas.

8. Bars.

9. Any building not open to the sky which is used primarily for exhibiting any motion picture, stage drama, lecture, musical recital, or other similar performance, except to the extent that smoking is part of any such production.

10. Sports arenas and convention halls.

11. Stadiums, amphitheaters and similar places of assembly which are open to the sky.

12. Health and residential and day care facilities, including but not limited to nursing homes, adult care facilities, child care facilities including family day care homes, hospitals, clinics, physical therapy facilities, doctors' offices and dentists' offices.

13. Polling places.

14. Private hotel and motel rooms rented to guests, except that up to 25 percent of such rooms may be designated for smoking guests, if on a separate floor(s) or if in a separate wing(s).

15. Private residences when used at any time as family day care homes or health care facilities.

16. Enclosed lobbies, hallways and other enclosed common areas in apartment buildings, including condominiums, in retirement facilities, and in other multiple-family residential facilities.

B. Notwithstanding any other provisions of this section, any owner, operator, manager or other person who controls any establishment described in this section may declare that entire establishment as a nonsmoking establishment.

C. Notwithstanding the effective date of this chapter, any owner, operator, manager or other person who controls any private hotel or motel shall have until July 1, 1994 to comply with subsection (A)(14) of this section. The council may grant an additional 12 months in which to comply for good cause shown. (Ord. 1615 § 1, 1994; Ord. 1609 § 1, 1993)

9.24.050 Regulation of smoking in places of employment.

A. Every employer shall provide a smoke-free work place for all employees.

B. Every employer shall post "No Smoking" or "Smoke Free" signs in accordance with Section 9.24.070 of this chapter.

C. Smoking outside any enclosed place of employment shall occur at a reasonable distance from any place of employment to insure that smoke does not enter

any place of employment through doors and windows and affect occupants therein, or those entering or leaving any place of employment.

D. Within 60 days of the effective date of the ordinance codified in this chapter, every employer having an enclosed place of employment shall adopt, implement, make known and maintain a written smoking policy which shall contain the following requirements:

Smoking shall be prohibited in all enclosed facilities within a place of employment without exception. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, vehicles, and all other enclosed facilities.

E. Every employer shall communicate this smoking policy to all employees within three weeks of its adoption, and shall communicate the policy to a new employee upon hiring.

F. Every employer shall supply a written copy of the smoking policy upon request to any employee or prospective employee. (Ord. 1615 § 1, 1994; Ord. 1609 § 1, 1993)

9.24.060 Optional smoking areas.

A. Notwithstanding Sections 9.24.040 and 9.24.050 to the contrary, the following areas shall not be subject to the smoking restrictions of this chapter:

1. Private residences, except when such residence is used at any time as a family day care home or a health care facility.

2. Retail tobacco stores.

3. Outdoor areas a reasonable distance from any area designated nonsmoking in this chapter.

B. Notwithstanding any other provision of this section, any owner, operator, manager or other person who controls any establishment described in this section may declare that entire establishment as a nonsmoking establishment. (Ord. 1615 § 1, 1994; Ord. 1609 § 1, 1993)

9.24.070 Posting of signs.

A. Where signs are required by this section, the owner, operator, manager or other person having control of a building shall conspicuously post in such building "Smoking" and "No Smoking" signs, whichever are appropriate, with letters of not less than one inch in height, or the international "Smoking" or "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette, enclosed in a green circle for "Smoking," or enclosed in a red circle with a red bar across it for "No Smoking"), or the same information in another format approved by the city manager.

B. Every theater owner, manager or operator shall conspicuously post signs in the lobby stating that smoking is prohibited within the theater or auditorium.

C. The owner, operator, manager or other person having control of a restaurant or other public place shall conspicuously post in, or at every entrance of, every restaurant or other public place, including all places described in Section 9.24.040 when in or adjacent to a building, or in outdoor dining areas, "No Smoking" signs and "Smoking" signs, when appropriate.

D. The owner, operator, manager or other person having control of every bar shall conspicuously post at every entrance of every bar, adjacent to any warning sign required under the California Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65), a "No Smoking" sign.

E. The owner, operator, manager or other person having control of the area shall remove all ash trays in any area designated nonsmoking. (Ord. 2038 § 1, 2012; Ord. 1609 § 1, 1993)

9.24.080 Enforcement.

A. The city manager and any other persons designated by the city manager shall administer and enforce the provisions of this chapter.

B. Any citizen who desires to register a complaint may initiate enforcement of this chapter.

C. A private citizen may bring legal action to enforce this chapter. (Ord. 1609 § 1, 1993)

9.24.090 Nonretaliation.

No person or employer shall discharge, refuse to hire, or in any manner retaliate against any employee or applicant for employment because such employee or applicant exercises any rights afforded by this chapter. (Ord. 1609 § 1, 1993)

9.24.100 Violations and penalties.

A. It is unlawful for any person who owns, manages, operates or otherwise controls the use of any premises subject to this chapter to fail to ensure compliance with its provisions.

B. It is unlawful for any person to smoke in any area designated nonsmoking under the provisions of this chapter.

C. Any person who violates any provision of this chapter shall be guilty of an infraction, punishable by:

1. A fine, not exceeding $100.00, for the first violation;

2. A fine, not exceeding $200.00, for a second violation of this chapter within one year;

3. A fine, not exceeding $500.00, for each additional violation of this chapter within one year. (Ord. 1609 § 1, 1993)

9.24.110 Severability.

If any provision or clause of this chapter or the application thereof to any person or circumstances is held to be unconstitutional or to be otherwise invalid by any court of competent jurisdiction, such validity shall not affect other provisions or clauses or applications thereof which can be implemented without the invalid provision or clause or application, and to this end the provisions and clauses of this chapter are declared to be severable. (Ord. 1609 § 1, 1993)

Chapter 9.28

PROPERTY MAINTENANCE

Sections:

9.28.010 Definitions.

A. "Building" means any structure used or intended for supporting or sheltering any use or occupancy and includes any house, garage, duplex, apartment, condominium, stock cooperative or other residential structure, and includes all retail, commercial and industrial structures.

B. "City manager" means the city manager or the city manager's designees.

C. "Owner" means any person owning property, as shown on the last equalized assessment roll for city taxes, or the lessee, tenant, or other person having control or possession of the property.

D. "Person" means any individual, partnership, corporation, association or other organization, however formed.

E. "Property" means all property within the city and includes any building located on such property.

F. "Unreasonable state of partial construction" means any unfinished building or structure which has been in the course of construction two years or more, and where the appearance or other conditions of said unfinished building or structure substantially detracts from the appearance of the immediate neighborhood or reduces the property value in the immediate neighborhood. (Ord. 1431 § 1, 1989)

9.28.020 Unlawful property nuisances.

It is unlawful for any person owning, leasing, renting, occupying or having charge or possession of any property in the city to maintain or to allow to be maintained such property in such manner that any of the following conditions are found to exist thereon, except as may be allowed by this code:

A. Broken or discarded furniture, household equipment and furnishings or shopping carts stored on the property so as to be visible from a public street;

B. Overgrown vegetation visible from a public street likely to harbor rats, vermin or other nuisances or which obstructs the view of drivers on public streets or private driveways, or which impedes, obstructs or denies pedestrian or other lawful travel on sidewalks, walkways, or other public rights-of-way;

C. Dead, decayed, diseased or hazardous trees, weeds, or other vegetation constituting unsightly appearance, dangerous to public safety and welfare and visible from a public street;

D. Packing boxes, cardboard boxes, lumber, junk, trash, barrels, drums, salvage materials, or other debris kept on the property for an unreasonable period and visible from a public street;

E. Attractive nuisances dangerous to children and other persons, including abandoned, broken or neglected equipment, machinery, appliances, refrigerators and freezers, hazardous pools, ponds and excavations;

F. Personal property, such as vehicles, boats, trailers or vehicle parts which are abandoned or left in a state of partial repair for an unreasonable period of time in front yards, side yards, driveways, sidewalks or walkways and visible from a public street;

G. Vehicles parked or stored in residential zoning districts on property, other than on driveways or other improved surface designed for parking as reasonably determined by the city, and visible from a public street;

H. Buildings which are abandoned, partially destroyed, left in an unreasonable state of partial construction or have been declared substandard or dangerous by the building official;

I. Unpainted buildings and those having dry rot, warping or termite infestation. Any building on which the condition of the paint has become so deteriorated as to permit decay, excessive checking, cracking, peeling, chalking, dry rot, warping or termite infestation

as to render the building unsightly and in a state of disrepair;

J. Buildings with windows containing broken glass or no glass at all, where the window is of a type which normally contains glass, which constitutes a hazard and/or invites trespassers and malicious mischief. Plywood or other material used to cover such window space, if permitted under this code, shall be painted in a color or colors compatible with the remainder of the building;

K. Building exteriors, walls, fences, driveways, sidewalks or walkways which are maintained in such condition as to become defective or unsightly or are materially detrimental to nearby properties and improvements;

L. Construction equipment, farm machinery, or machinery of any type or description parked or stored on the owner's property when it is visible from a public street, except:

1. During excavation, construction or demolition operations covered by an active building permit which are in progress on the subject property or an adjoining property,

2. During active farming operations, or

3. When such machinery in an agricultural or industrial zoning district is appropriately stored;

M. Property which lacks appropriate landscaping, turf or plant material so as to cause excessive dust;

N. The keeping, storing, depositing or accumulation for an unreasonable period of time of dirt, sand, gravel, concrete, and other similar materials, which manner of keeping, storing, depositing or accumulation constitutes visual blight or reduces the aesthetic appearance of the neighborhood or is offensive to the senses;

O. Maintenance of property so out of harmony or conformity with the maintenance standards of adjacent properties as to cause substantial diminution of the enjoyment or use of such adjacent properties. (Ord. 2038 § 1, 2012; Ord. 1431 § 1, 1989)

9.28.025 Demolition by neglect.

Every person in possession or control of a building and appurtenant premises in the Downtown Specific Plan Area shall maintain and keep in good repair such building and premises. "Good repair" means and includes that level of maintenance and repair which: (1) clearly ensures the continued availability of such building and premises for lawful reasonable uses; (2) prevents deterioration, dilapidation, and decay of any exterior portion of such building and premises; and (3) prevents deterioration, dilapidation, and decay of interior portions whose maintenance is necessary to prevent deterioration, dilapidation, and decay of an exterior feature. (Ord. 2088 § 2, 2014)

9.28.030 Declaration of public nuisance.

Any property found to be maintained in violation of Section 9.28.020 or 9.28.025 is declared to be a public nuisance and shall be abated by rehabilitation, removal, demolition or repair pursuant to the procedures set forth in this chapter, except that property in violation of Section 9.28.025 shall not be abated by demolition. The procedures for abatement set forth in this chapter shall not be exclusive and shall not in any manner limit or restrict the city from enforcing other city ordinances or abating public nuisances in any other manner provided by law. (Ord. 2088 § 2, 2014; Ord. 1431 § 1, 1989)

9.28.040 Notification of nuisance.

Whenever the city manager determines that any property within the city is being maintained contrary to one or more of the provisions of Section 9.28.020 or 9.28.025, the city manager shall give written notice to the owner of the property stating the section(s) being violated. Such notice shall set forth a reasonable time limit, in no event more than 15 days, for correcting the violation(s) and may also set forth suggested methods of correcting the same. Such notice shall be served upon the owner in accordance with provisions of Section 9.28.060 covering service in person or by mail. (Ord. 2088 § 2, 2014; Ord. 1431 § 1, 1989)

9.28.050 Hearing to abate nuisance.

In the event the owner shall fail, neglect, or refuse to comply with the "Notice to Abate," the city manager shall conduct an administrative hearing to ascertain whether the violation constitutes a public nuisance. (Ord. 1431 § 1, 1989)

9.28.060 Notice of hearing.

Notice of the hearing shall be served upon the owner not less than 15 days before the time fixed for hearing. Notice of hearing shall be served in person or by certified mail to the owner's last-known address. Service shall be deemed complete at the time notice is personally served or deposited in the mail. Failure of any person to receive notice shall not affect the validity of any proceedings hereunder. Notice shall be substantially in the format set forth below:

NOTICE OF ADMINISTRATIVE HEARING
ON ABATEMENT OF NUISANCE

This is a notice of hearing before the city manager (or his or her designees) to ascertain whether certain property situated in the city of Pleasanton, State of California, known and designated as (street address)_____, in said City, and more particularly described as (assessor's parcel number) _____ constitutes a public nuisance subject to abatement by the rehabilitation of such property or by the repair or demolition of buildings situated thereon. If said property, in whole or part, is found to constitute a public nuisance as defined in this code and if the same is not promptly abated by the owner, such nuisance may be abated by municipal authorities, in which case the cost of such rehabilitation, repair or demolition will be assessed upon such property, and such costs, together with interest thereon, will constitute a lien upon such property until paid; in addition, you may be cited for violation of the provisions of the Municipal Code and subject to a fine.

Said alleged conditions consist of the following:

_____
_____
_____
_____

The method(s) of abatement are:

_____
_____
_____
_____

All persons having an interest in said matters may attend the hearing and their testimony and evidence will be heard and given due consideration.

Dated this __ day of _____, 20___.

_____
City Manager

Time and Date of Hearing: _____

Location of Hearing: _____.

(Ord. 1431 § 1, 1989)

9.28.070 Hearing by city manager.

A. At the time stated in the notice, the city manager shall hear and consider all relevant evidence, objections or protests, and shall receive testimony under oath relative to the alleged public nuisance and to proposed rehabilitation, repair, removal or demolition of the property. The hearing may be continued from time to time.

B. If the city manager finds that the public nuisance does exist and that there is sufficient cause to rehabilitate, demolish, remove or repair it, the city manager shall prepare findings and an order, which shall specify the nature of the nuisance, the method(s) of abatement, and the time within which the work shall be commenced and completed. The order shall include reference to the right to appeal set forth in Section 9.28.090. A copy of the findings and order shall be served on all owners of the subject property in accordance with the provisions of Section 9.28.060. In addition, a copy of the findings and order shall be forthwith conspicuously posted on the property. (Ord. 1431 § 1, 1989)

9.28.080 Procedure—No appeal.

In the absence of any appeal, the property shall be rehabilitated, repaired, removed or demolished in the manner and means specifically set forth in the findings and order. In the event the owner fails to abate the nuisance as ordered, the city manager shall cause it to be abated by city employees or by private contract. The costs shall be billed to the owner, as specified in Section 9.28.130. The city manager is expressly authorized to enter upon the property for such purposes. (Ord. 1431 § 1, 1989)

9.28.090 Appeal procedure—Hearing by city council.

The owner may appeal the city manager's findings and order to the city council by filing an appeal with the city clerk within seven days of the date of service of the city manager's decision. The appeal shall contain:

A. A specific identification of the subject property;

B. The names and addresses of all appellants;

C. A statement of appellant's legal interest in the subject property;

D. A statement in ordinary and concise language of the specific order or action protested and the grounds for appeal, together with all material facts in support thereof;

E. The date and signature of all appellants; and

F. The verification of at least one appellant as to the truth of the matters stated in the appeal.

As soon as practicable after receiving the appeal, the city clerk shall set a date for the council to hear the appeal which date shall be no less than seven days nor more than 30 days from the date the appeal was filed. The city clerk shall give each appellant written notice of the time and the place of the hearing at least five days prior to the date of the hearing, either by causing a copy of the notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at his or her address shown on the appeal. Continuances of the hearing may be granted by the council on request of the owner for good cause shown, or on the council's own motion. (Ord. 1431 § 1, 1989)

9.28.100 Decision by council.

Upon the conclusion of the hearing, the council shall determine whether the property or any part thereof, as maintained, constitutes a public nuisance. If the council so finds, the council shall adopt a resolution declaring the property to be a public nuisance, setting forth its findings and ordering the abatement of the same by having the property rehabilitated, repaired, removed or demolished in the manner and means specifically set forth in the resolution. The resolution shall set forth the time within which the work shall be completed by the owner, in no event more than 15 days. The decision and order of the council shall be final. (Ord. 1431 § 1, 1989)

9.28.110 Service of order to abate.

A copy of the resolution of the council ordering the abatement of the nuisance shall be served upon the owner(s) of the property in accordance with the provisions of Section 9.28.060. Upon abatement in full by the owner, the proceedings hereunder shall terminate. (Ord. 1431 § 1, 1989)

9.28.120 Hearing procedure before city manager and council.

A. All hearings shall be tape recorded.

B. Hearings need not be conducted according to the technical rules of evidence.

C. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in this state. Any relevant evidence shall be admitted if it is the type of evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper admission of any such evidence over objection in civil actions in courts of competent jurisdiction in this state.

D. Oral evidence shall be taken only on oath or affirmation.

E. Irrelevant and unduly repetitious evidence shall be excluded. (Ord. 1431 § 1, 1989)

9.28.130 Abatement by city.

If such nuisance is not abated as ordered within the abatement period, the city manager shall cause the same to be abated by city employees or private contract. The city manager is expressly authorized to enter upon the property for such purposes. The cost, including incidental expenses, of abating the nuisance shall be billed to the owner and shall become due and payable 30 days thereafter. The term "incidental expenses" shall include, but not be limited to, personnel costs, both direct and indirect; costs incurred in documenting the nuisance; the actual expenses and costs of the city in the presentation of notices, specifications and contracts, and in inspecting the work; and the costs of printing and mailing required by this chapter. (Ord. 1431 § 1, 1989)

9.28.140 Limitation of filing judicial action.

Any action appealing the council's decision and order shall be commenced within 30 days of the date of service of the decision. (Ord. 1431 § 1, 1989)

9.28.150 Demolition.

No property shall be found to be a public nuisance under Section 9.28.020 and ordered demolished unless the order is based on competent sworn testimony and it is found that in fairness and in justice there is no way other than demolition reasonably to correct the nuisance. (Ord. 1431 § 1, 1989)

9.28.160 Notice of intent to demolish.

A copy of any order or resolution requiring abatement by demolition under Sections 9.28.070 or 9.28.100 shall be forthwith recorded with the Alameda County Recorder. (Ord. 1431 § 1, 1989)

9.28.170 Record of cost of abatement.

The city manager shall keep an account of the cost, including incidental expenses, of abating the nuisance on each separate lot or parcel of land where the work is done by the city and shall render an itemized report in writing to the city council showing the cost of abatement, including the rehabilitation, demolition, or repair of the property, including any salvage value relating thereto; provided that before the report is submitted

to the city council, a copy of the same shall be posted for at least five days upon the property, together with a notice for the time when the report shall be heard by the city council for confirmation. A copy of the report and notice shall be served upon the owners of the property in accordance with the provisions of Section 9.28.060 at least five days prior to submitting the same to the city council. Proof of the posting and service shall be made by affidavit filed with the city clerk. (Ord. 1431 § 1, 1989)

9.28.180 Assessment lien.

A. The total cost for abating the nuisance, as so confirmed by the city council, shall constitute a special assessment against the respective lot or parcel of land to which it relates, and upon recordation in the office of the county recorder of a notice of lien, as so made and confirmed, shall constitute a lien on the property for the amount of the assessment.

B. After the confirmation and recordation, a certified copy of the council's decision shall be filed with the Alameda County auditor-controller on or before August 1st of each year, whereupon it shall be the duty of the auditor-controller to add the amounts of the respective assessments to the next regular tax bills levied against the respective lots and parcels of land for municipal purposes and thereafter the amounts shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary municipal taxes. All laws applicable to the levy, collection and enforcement of municipal taxes shall be applicable to such special assessment.

C. In the alternative, after the recordation, the lien may be foreclosed by judicial, or other sale in the manner and means provided by law.

D. The notice of lien for recordation shall be in form substantially as follows:

NOTICE OF LIEN

(Claim of City of Pleasanton)

Pursuant to the authority vested by the provisions of Section _____ of the Pleasanton Municipal Code, the city manager of the city of Pleasanton did on or about the _____ day of_____, 20_____, cause the property hereinafter described to be rehabilitated or the building or structure on the property hereinafter described, to be repaired or demolished in order to abate a public nuisance on said real property; and the city council of the city of Pleasanton did on the _____ day of _____, 20_____, assess the cost of such rehabilitation, repair or demolition upon the real property hereinafter described; and the same has not been paid nor any part thereof; and that said City of Pleasanton does hereby claim a lien on such rehabilitation, repair, or demolition in the amount of said assessment, to wit: the sum of $_____; and the same, shall be a lien upon said real property until the same has been paid in full and discharged of record.

The real property hereinabove mentioned, and upon which a lien is claimed, is that certain parcel of land lying and being in the city of Pleasanton, County of Alameda, State of California, and particularly described as follows:

(description)

Dated this _____ day of _____, 20_____.

_____

City Manager

City of Pleasanton

(Ord. 1431 § 1, 1989)

9.28.190 Alternative actions available.

Nothing in this chapter shall be deemed to prevent the council or the city manager from ordering the commencement of a civil or criminal proceeding to abate a public nuisance or from pursuing any other means available to them under provisions of applicable ordinances or state law to correct hazards or deficiencies in real property in addition to or as alternatives to the proceedings set forth in this chapter. (Ord. 1431 § 1, 1989)

9.28.200 Violations.

A. The owner or other person having charge or control of any such building, structure or property who maintains any public nuisance defined in this chapter or who violates any order of abatement made pursuant to this chapter is guilty of an infraction.

B. Any person who removes or defaces any notice or order posted as required by this chapter is guilty of an infraction.

C. No person shall obstruct, impede or interfere with any representative of the city department or with any person who owns or holds any estate or interest in the building or structure which has been ordered to be vacated, repaired, rehabilitated, or demolished and removed or with any person to whom such building has been lawfully sold pursuant to the provisions of this code whenever any such representative of the city, pur-

chaser, or person having an interest or estate in such building is engaged in vacating, repairing, rehabilitating or demolishing and removing any such building pursuant to the provisions of this chapter or in performing any necessary act preliminary to or incidental to such work as authorized or directed pursuant to the provisions of this chapter. (Ord. 1431 § 1, 1989)

Chapter 9.30

WATER CONSERVATION PLAN*

Sections:

* **Prior ordinance history:** Ords. 1508, 1560 and 2000.

9.30.010 Declaration of emergency.

A water shortage emergency shall be declared by resolution of the city council. The city manager may administratively determine that any water shortage is terminated, and inform the city council of such determination. (Ord. 2092 § 1, 2014)

9.30.020 Purpose.

The purpose of this chapter is to provide both voluntary and mandatory water conservation stages to minimize the effect of a shortage of water on the city's customers and, by means of this chapter, to adopt provisions that will significantly reduce the consumption of water over an extended period of time, thereby extending the available water required for the city's customers while reducing the hardship to the greatest extent possible on or to the city and on or to the general public. This chapter is also intended to implement the Urban Water Management Plan's Water Shortage Contingency Planning and Stages of Action. (Ord. 2092 § 1, 2014)

9.30.030 Application of chapter.

The provisions of this chapter shall apply to all customers, as defined herein, regardless of whether any customer using water shall have a contract for water service with the city. Notwithstanding other municipal code provisions inconsistent with this chapter, the provisions of this chapter shall supersede and prevail for the duration of a city council declared water shortage. (Ord. 2092 § 1, 2014)

9.30.040 Definitions.

A. "City" means the city of Pleasanton.

B. "City manager" means the city manager of the city, or designee.

C. "Customer" means a person, firm, partnership, association, corporation and all other institutions and businesses receiving water from the water distribution system of the city.

D. "Director" means the operations services director of the city, or designee. (Ord. 2092 § 1, 2014)

9.30.050 Creation of classes.

The following types of customers or uses are those which exist in the city's current utility billing system, as follows:

A. "Single-family residential individually metered" consists of water service to land improved with structures designed to serve as a residence for a single family, including single-family home, townhomes, and condominiums.

B. "Commercial and multiple-family" consists of water service to land improved with structures designed to serve commercial (including restaurants), recreational, charitable, educational and cultural uses, as well as residential uses sharing water meters.

C. "Irrigation" consists of water service which is separately metered and is used exclusively to water turf and other landscaping areas.

D. "Special landscape area" are uses as defined in the California Water Efficient Landscape Ordinance Government Code Section 65591 et seq. (Ord. 2092 § 1, 2014)

9.30.060 Stages for reduction in water use.

The following stages of action for reduction in water use depend on the total amount of water supplied to the city by Zone 7 and the amount of water the city is able to pump out of the groundwater basin from its own wells. These stages are based on the Urban Water Management Plan.

REDUCTIONS IN WATER USE

Stage	Overall Reduction	Voluntary or Mandatory
1	Up to 20%	Voluntary
2	Up to 20%	Mandatory
3	Up to 35%	Mandatory
4	35% or more	Mandatory

(Ord. 2092 § 1, 2014)

9.30.070 Calculation of customer reduction in water use.

A. When a water shortage is declared with mandatory reductions in water use, the director shall impose the applicable stage of mandatory reduction by calculating customers' average usage for the same billing period from one to four prior years, as data is available. If sufficient historic usage information is not available, the director may base water use allocations on a combination of the limited historic usage data available, per-capita water use targets, water usage from similar customer types, and other activity-specific water usage data.

B. Usage of water in excess of a customer's mandatory conservation amount is subject to excess use penalties in Section 9.30.100. (Ord. 2092 § 1, 2014)

9.30.080 Conservation measures.

The following conservation measures are applicable for normal supply, and the declared water shortage stage(s) indicated:

A. Level: Normal Supply. To protect and preserve the community water supply the elimination of wasteful water uses is essential at all times, regardless of water supply level. Pleasanton customers shall observe the following regulations on water use:

1. Use potable water for irrigation of landscape in a manner that does not result in runoff or excessive flooding on patios, driveways, walkways or streets.

2. Schedule regular irrigation of lawn and landscape between the hours of 6:00 p.m. and 9:00 a.m. the following day. Watering is permitted at any hour if a hand-held nozzle or drip irrigation is used. Special landscapes are exempted.

3. Limit the use of water for washing sidewalks, walkways, driveways, patios, or other hard-surfaced areas to prevent excessive runoff or waste.

4. Use water for mobile or machinery washing, preferably from a hose equipped with a shutoff nozzle, in a manner that does not result in excessive runoff or waste.

5. Repair potable water leaks from breaks within the customer's plumbing system within eight hours after customer is notified or discovers the break.

6. Reduce other interior or exterior uses of water to minimize or eliminate excessive runoff or waste.

7. Restaurants are requested to serve water to their customers only when specifically requested.

B. Level: Stage 1—Up to 20% Voluntary Reduction. There is sufficient uncertainty concerning water supplies for this year or in the next few years that it would be prudent to conserve local water supplies so that these supplies may be used to meet water demands in future years. The following restrictions shall be applicable during a Stage 1 activation of the water shortage contingency plan:

1. All of the normal supply level restrictions, in subsection A, shall continue to be mandatory during Stage 1.

2. There should be no hose washing of hard-surfaced areas. Use bucket and broom to wash down hard-surfaced areas if necessary for the benefit of public health and safety.

3. There should be no irrigation of landscaping on consecutive days or more frequently than one day per week October through March, or two days per week April through September. Additionally, running irrigation during periods of rain is discouraged.

4. Commercial customers should post water conservation messages on bathroom lavatory mirrors.

5. Swimming pools, spas, fountains, and ponds should be leak proof. Any leak should be repaired in a timely manner after notification by the city, but should not exceed 72 hours.

6. Cover pools when not in use to reduce evaporation.

7. Use of water in non-recirculating decorative ponds, fountains, and other water features is discouraged.

8. Using potable water for construction is discouraged if a feasible alternative source of water for construction exists.

C. Level: Stage 2—Up to 20% Mandatory Reduction. There are definable events that lead to a reasonable conclusion that in the current and/or upcoming water years, water supplies may not be adequate to meet all customer water demands. The following mandatory restrictions shall be applicable during a Stage 2 activation of the water shortage contingency plan:

1. All of the prohibitions and restrictions set forth during normal supply, as well as the voluntary

Stage 1 restrictions, shall all be in effect and shall all be mandatory.

2. Lawn watering and landscape irrigation, including construction meter irrigation, shall be reduced to no more than one day per week October through March, and two days per week April through September on an odd-even schedule; properties with odd street address numbers water on odd days of the month and properties with even street address numbers water on even days of the month (with no watering permitted on the 31st day of the month).

3. Washing of autos, trucks, trailers, and other types of mobile equipment may be done at any hour, but no more frequently than once per month with a bucket and a hose equipped with a positive shut-off nozzle for quick rinses. Washing is permitted at a commercial car wash. No wastewater from vehicle washing may enter the storm drain system.

4. Restaurant kitchens shall be equipped with low-flow rinse nozzles.

D. Level: Stage 3—Up to 35% Mandatory Reduction. There are definable events that lead to a firm conclusion that in the current water year, water supplies will not be adequate to meet customers' water demands. The following mandatory restrictions shall be applicable during a Stage 3 activation of the water shortage contingency plan:

1. All of the prohibitions and restrictions set forth during normal supply, as well as the voluntary Stage 1 restrictions, and the prohibitions and restrictions in Stage 2, shall all be in effect and shall all be mandatory.

2. All water customers, with the exception of commercial nurseries, golf courses, and other water dependent industries shall be limited in the use of all outdoor watering to hand-watering using a hose with a positive shut-off nozzle on Saturday and Sunday only.

3. Potable water use to clean sidewalks, walkways, driveways, parking areas, and other hard-surface areas, is prohibited, with the exception of public health and safety.

4. No person shall empty and refill a swimming pool except to prevent or repair structural damage or to comply with public health regulations.

5. Equip swimming pools with recirculating pump if not already equipped. Swimming pools may only be drained and refilled for health or structural needs.

6. Potable water shall not be used for decorative ponds, basins, lakes, waterways, and fountains.

7. Washing of autos, trucks, trailers, and other types of mobile equipment is permitted only at commercial car wash facilities that recycle all or part of the water.

8. No potable water may be used for compaction or dust control purposes for construction activities.

E. Level: Stage 4—35% or more Mandatory Reduction. Earlier stages have been in effect and the reduction goal is not being met, or new definable events require increasing the reduction goal. The following mandatory restrictions shall be applicable during a Stage 4 activation of the water shortage contingency plan:

1. All of the prohibitions and restrictions set forth during normal supply, as well as the voluntary Stage 1 restrictions, and the prohibitions and restrictions in Stages 2 and 3, shall all be in effect and shall all be mandatory.

2. The irrigation of turf or lawn using potable water is prohibited. All water customers, with the exception of commercial nurseries, golf courses, and other water dependent industries, shall be limited in the use of all other non-lawn area watering to hand-watering from a container of less than five-gallon capacity on Saturday and Sunday only.

3. No person shall drain and refill swimming pools and spas. Nor shall new pools be filled.

4. The use of potable water for washing autos, trucks, trailers, other mobile equipment, and the exterior of any building or structure through a hose, including pressure washing, is prohibited.

5. Laundromats are prohibited from using non-efficient washing machines.

6. Public Health and Safety. These regulations shall not be construed to limit water use which is immediately necessary to protect public health and/or safety. (Ord. 2092 § 1, 2014)

9.30.090 Emergency shutoff—Nonessential use.

A. It is the purpose of the city to protect the public health, safety and welfare, as well as property of customers within the city. Any time there is evidence that the fire storage water volume is threatened in any reservoir or that low water pressure may occur in any pressure zone, the city may, without notice, temporarily shut off by locking out any water service connection. The city shall restore such service as soon as an adequate water supply is assured. Efforts will be made to contact customers from the billing information on record if it appears that service will be interrupted for more than 24 hours.

B. Emergency public announcements may be made by electronic media, local radio and television whenever a shut off is found to be necessary. (Ord. 2092 § 1, 2014)

9.30.100 Excess use penalties.

Water usage in excess of the amount provided in Section 9.30.070 is subject to the following penalties:

	Exceed 1 time	Exceed 2 times	Exceed 3 times	Exceed 4 or more times
Stage 1 Up to 20% Voluntary	No penalty	No penalty	No penalty	No penalty
Stage 2 Up to 20% Mandatory	$2.50 per unit used in addition to the normal rate fees charged	$5 per unit used in addition to the normal rate fees charged + $25	$7.50 per unit used in addition to the normal rate fees charged + $50	$10 per unit used in addition to the normal rate fees charged + $100
Stage 3 Up to 35% Mandatory	$4 per unit used in addition to the normal rate fees charged + $50	$8 per unit used in addition to the normal rate fees charged + $100	$12 per unit used in addition to the normal rate fees charged + $250	$16 per unit used in addition to the normal rate fees charged + $500
Stage 4 35% or more Mandatory	$6 per unit used in addition to the normal rate fees charged + $100	$12 per unit used in addition to the normal rate fees charged + $250	$18 per unit used in addition to the normal rate fees charged + $500	$24 per unit used in addition to the normal rate fees charged + $750

Penalties are in addition to the normal rates and apply to all units used in the billing period.

Penalties may be added to water bill or billed separately, at the discretion of the director.

Additional penalties for multiple times exceeding water use amount are for the number of times within the prior 12 months. (Ord. 2092 § 1, 2014)

9.30.110 Prohibition of certain water uses.

During the time this chapter is in effect:

A. It is unlawful for any customer to use water obtained from the water system of the city of Pleasanton through fraud, including misrepresentation made to obtain a particular allocation.

B. It is unlawful for any customer to waste water. As used herein, the term "waste" means:

1. Use of potable water between 9:00 a.m. and 6:00 p.m. to irrigate grass, lawns, groundcover, shrubbery, crops, vegetation, and trees or the use of potable water in such a manner as to result in runoff for more than five minutes;

2. Use of water to irrigate outdoor landscaping when it is raining;

3. Use of potable water to wash down sidewalks, walkways, driveways, parking lots, open ground or other hard surface areas by the direct application of water thereto;

4. Allowing potable water to escape from breaks within the customer's plumbing system for more than eight hours after the customer is notified or discovers the break;

5. Use of potable water for any purpose in excess of the customer's allowed usage as provided in Section 9.30.070. (Ord. 2097 § 1, 2014; Ord. 2092 § 1, 2014)

9.30.120 Adjustments.

A. Any customer who believes that the application of the provisions of this chapter results in unfair treatment or causes undue hardship may seek an adjustment in the customer's allocation.

B. Such customer shall request the adjustment in writing and shall state with specificity the reasons why the adjustment is warranted, and provide any applicable supporting documentation.

C. The director shall consider all requests and make a written decision within 30 days of receiving all information supporting the adjustment request. In making a decision, the director shall give particular consideration to the following:

1. The reduction would cause conditions threatening to health, sanitation, fire protection or safety of the customer, the customer's dependents or the general public.

2. The reduction would cause unfair economic hardship including, but not limited to, loss of employment, loss of production, or loss of jobs or be unfair or result in the unnecessary loss of a business.

3. Medical requirements of the customer.

4. Household size of the residential customer.

D. The director's decision may be appealed in writing to the city manager for reconsideration on the written record. The city manager shall review written material submitted by the customer, written information from the director, and shall issue a decision within 30 days of receipt of the complete written materials. The city manager's decision as to the request shall be final. (Ord. 2092 § 1, 2014)

9.30.130 Notification to customers.

After the city council adopts a water shortage contingency plan stage, customers will be notified by publication in the newspaper and/or by mail. The failure of any customer to receive actual notice shall not invalidate any action taken by the city council as to a particular customer nor reduce the amount of the penalties provided herein. (Ord. 2092 § 1, 2014)

9.30.140 Calculation of allowable water use for new customers.

Where the current customer has no billing history, or only a partial billing history, the director shall determine the customer's allocation, based upon the allocation for similar customers. (Ord. 2092 § 1, 2014)

9.30.150 Severability.

If any provision of this chapter is held to be unconstitutional, it is the intent of the city council that such portion of such chapter be severable from the remainder and that the remainder be given full force and effect. (Ord. 2092 § 1, 2014)

2. From Embarcadero Court to Deodar Way the speed limit shall be 30 miles per hour.

3. From Deodar Way to Stoneridge Mall Road the speed limit shall be 30 miles per hour.

HH. Stoneridge Drive:

1. From Foothill Road to Stoneridge Mall Road the speed limit shall be 40 miles per hour.

2. From Stoneridge Mall Road to Johnson Drive the speed limit shall be 45 miles per hour.

3. From Johnson Drive to Hopyard Road the speed limit shall be 45 miles per hour.

4. From Hopyard Road to Willow Road the speed limit shall be 40 miles per hour.

5. From Willow Road to West Las Positas Boulevard the speed limit shall be 40 miles per hour.

6. From West Las Positas Boulevard to Santa Rita Road the speed limit shall be 40 miles per hour.

7. From Santa Rita Road to Kamp Drive the speed limit shall be 35 miles per hour.

8. From Kamp Drive to Newton Way the speed limit shall be 35 miles per hour.

9. From Newton Way to Trevor Parkway the speed limit shall be 35 miles per hour.

10. From Trevor Parkway to El Charro Road the speed limit shall be 40 miles per hour.

II. Sunol Boulevard:

1. From Bernal Avenue to Sonoma Drive the speed limit shall be 35 miles per hour.

2. From Sonoma Drive to I-680 the speed limit shall be 40 miles per hour.

JJ. Valley Avenue:

1. From Sunol Boulevard to Case Avenue the speed limit shall be 30 miles per hour.

2. From Case Avenue to Oak Vista Way the speed limit shall be 35 miles per hour.

3. From Oak Vista Way to Bernal Avenue the speed limit shall be 25 miles per hour.

4. From Bernal Avenue to South Paseo Santa Cruz the speed limit shall be 35 miles per hour.

5. From South Paseo Santa Cruz to Hopyard Road the speed limit shall be 35 miles per hour.

6. From Hopyard Road to Crestline Road the speed limit shall be 35 miles per hour.

7. From Crestline Road to Santa Rita Road the speed limit shall be 35 miles per hour.

8. From Santa Rita Road to Busch Road the speed limit shall be 35 miles per hour.

9. From Busch Road to Stanley Boulevard the speed limit shall be 40 miles per hour.

KK. Vineyard Avenue:

1. From Bernal Avenue to Montevino Drive the speed limit shall be 35 miles per hour.

2. From Montevino Drive to Vineyard Terrace the speed limit shall be 40 miles per hour.

3. From Vineyard Terrace to Machado Place the speed limit shall be 45 miles per hour.

4. From Machado Place to eastern city limits the speed limit shall be 50 miles per hour.

LL. West Las Positas Boulevard:

1. From Foothill Road to Hopyard Road the speed limit shall be 35 miles per hour.

2. From Hopyard Road to Hacienda Drive the speed limit shall be 40 miles per hour.

3. From Hacienda Drive to Stoneridge Drive the speed limit shall be 40 miles per hour.

4. From Stoneridge Drive to Santa Rita Road the speed limit shall be 40 miles per hour.

MM. Willow Road:

1. From Owens Drive to Stoneridge Drive the speed limit shall be 35 miles per hour.

2. From Stoneridge Drive to West Las Positas Boulevard the speed limit shall be 35 miles per hour. (Ord. 2087 § 1, 2014; Ord. 2063 § 1, 2013; Ord. 1959 § 1, 2007; Ord. 1882 § 2, 2003; Ord. 1875 § 3, 2003)

Chapter 11.24

STOPS AND YIELDS

Sections:

11.24.010 Stop signs.

Whenever any resolution of the city designates and describes any street or portion thereof as a through street, or any intersection at which vehicles are required to stop at one or more entrances thereto or any railroad grade crossing at which vehicles are required to stop, the city traffic engineer shall erect and maintain stop signs as follows:

A stop sign shall be erected on each and every street intersecting such through street or portion thereof so designated and at those entrances to other intersections where a stop is required and at any railroad grade crossing so designated; provided, however, stop signs shall not be erected or maintained at any entrance to an intersection when such entrance is controlled by an official traffic-control signal. Every such sign shall conform with and shall be placed as provided in the Vehicle Code. (Prior code § 5-2.30)

11.24.020 Authority to install.

The city traffic engineer is authorized to install and maintain yield signs at any intersection at which he or she deems it necessary that the right-of-way at one or more entrances thereto be yielded in a manner other than in accordance with the normal right-of-way rules established by the Vehicle Code for uncontrolled intersections as follows:

A yield sign shall be erected at those entrances to the intersection where a vehicle is required to yield the right-of-way; provided, however that such yield right-of-way signs shall not be erected upon the approaches to more than one of the intersecting streets. Every such sign shall conform with, and shall be placed as provided in the Vehicle Code. (Prior code § 5-2.40)

Augustin Bernal Park or within 100 feet thereof. (Ord. 1919 § 9, 2005)

13.08.090 Sale of goods or services—Exhibitions and private lessons and classes.

No person shall sell any goods or services; conduct or maintain any show, performance, concert, place of amusement or exhibition; or conduct private lessons or classes for compensation without the written permission of the director. (Ord. 2093 § 1, 2014; Ord. 2065 § 1, 2013; Ord. 1428 § 4, 1989)

13.08.100 Advertising.

No person shall place or affix any handbills, circulars, pamphlets, or advertisement to any tree, fence, shrub or structure. (Ord. 1428 § 4, 1989)

13.08.110 Vehicles.

No person shall operate a motor vehicle in or on any park and recreation facility except on designated streets and parking areas without the written authorization of the director of parks and community services. (Ord. 1796 § 1, 1999; Ord. 1428 § 4, 1989)

13.08.120 Camping—Sleeping.

A. No person shall camp or lodge in a tent or on the ground in any park and recreation facility, including the parking lot area of any such facility.

B. Except during daylight, or except for security purposes and with the written permission of the director, no person shall stay, remain or sleep in a motor home or other motor vehicle or otherwise, in any park and recreation facility, including the parking lot area of such facility. (Ord. 1428 § 4, 1989)

13.08.130 Alcoholic beverages.

No person shall drink any alcoholic beverage in any park and recreation facility, except in connection with an event or activity which has the written permission of the director. (Ord. 1659 § 1, 1995; Ord. 1428 § 4, 1989)

13.08.140 Hours of operation and access.

A. A park and recreation facility shall be available to the public during daylight except: (1) for the use of pathways/sidewalks within the facility; (2) when there is posted conspicuously a sign limiting the daytime hours when such facility is available to the public; and (3) after daylight if and when the facility is lighted.

B. No person shall refuse or fail to leave a park and recreation facility upon being directed to leave: (1) by the director or the director's designee; or (2) by a peace officer.

C. No person shall be or remain in a park and recreation facility other than during daylight except as follows:

1. When the person is only using the sidewalk or pathway within the facility;

2. When the facility is posted conspicuously that the daytime hours that the facility is open to the public are limited to hours other than during daylight;

3. When the facility is lighted and the person is a participant or spectator at the event taking place at the lighted facility; or

4. When the director has given written permission.

D. The director, police chief or fire chief, or the designees, may close any park and recreation facility to the public when it is determined that such closure will protect the public health, safety and/or welfare or is necessary to protect such facility from misuse or destruction. If possible, notice thereof shall be posted in conspicuous locations in the affected facility.

E. No person shall be in the Century House or within the fenced area within the Bicentennial Park without the written permission of the director.

F. No person, group or organization shall claim exclusive use of any or all of a park and recreation facility without the written permission of the director.

G. Group use (which means 25 or more persons affiliated in any way) of any park and recreational facility shall be permitted only as follows:

1. With the written permission of the director;

2. Only in those sections of any community park planned for such use; and

3. Only in neighborhood parks if by bona fide neighborhood groups and only for neighborhood related activities. (Ord. 1659 § 1, 1995; Ord. 1474 § 1, 1990; Ord. 1428 § 4, 1989)

13.08.145 Required riding equipment in in-line skateparks and skateboard parks.

It is unlawful for a person to ride a skateboard or a nonmotorized scooter, or to use in-line skates, in an in-line skatepark or skateboard park unless the person is wearing a helmet that meets the standards specified in Section 21212(a) of the California Vehicle Code, elbow pads and kneepads, all which shall be properly fitted and fastened, and where the skateboard park has a sign posted which provides that anyone in-line skating or riding a skateboard in the park must wear a helmet, elbow pads and kneepads or be subject to a citation. (Ord. 1924 § 1, 2005; Ord. 1654 § 2, 1995)

13.08.150 Motor driven cycles and model vehicles and planes.

A. No person shall operate, transport or maintain any motor driven cycle, motorcycle, motorized bicycle or moped as the same are defined in the Vehicle Code or determined in the reasonable discretion of the chief of police or designee, within any park and recreation facility except in those areas as may be specifically designated for such purpose or with the written permission of the director.

B. No person shall operate in any park and recreation facility any airborne, waterborne or landborne model plane, any rocket or missile, or any vessel or vehicle, whether such plane, rocket, missile, vessel or vehicle uses an internal combustion engine or is propelled/operated otherwise, without the written permission of the director. (Ord. 2065 § 1, 2013; Ord. 1428 § 4, 1989)

13.08.160 Horseback riding.

No person shall ride, walk or pasture a horse in any park and recreation facility except within areas specifically designated for that purpose. (Ord. 1428 § 4, 1989)

13.08.170 Golfing.

No person in a park and recreation facility shall golf, including, but not limited to, chipping, putting, driving or otherwise practicing golf, except within areas specifically designated for such use. (Ord. 1428 § 4, 1989)

13.08.180 Amplified sound or music.

A. No person in a park and recreation facility shall use amplifiers, amplifying equipment, microphones, boosters, electrified musical instruments or any other type of electronic or mechanical device used to increase the wattage and volume of electronically or otherwise produced sound, without the written permission of the director.

B. No person in a park and recreation facility, by use of a radio, tape, record or other electronic or mechanical device, shall produce or allow to be produced a noise level which disturbs a reasonable person's peace and quiet; in no event shall the noise level exceed the limits of Section 9.04.060 of this code. (Ord. 1428 § 4, 1989)

13.08.190 Smoking.

No person shall smoke in any enclosed building in a park and recreational facility except as provided in Chapter 9.24 of this code. (Ord. 1428 § 4, 1989)

13.08.200 Bicycles.

A. No person shall ride or operate a bicycle in any park and recreation facility in a negligent, unsafe or reckless manner or in any way that endangers the life, limb or property of any person.

B. It is unlawful for a person to ride a bicycle in a bicycle motocross park unless the person is wearing a properly fitted and fastened helmet that meets the standards specified in Section 21212(a) of the California Vehicle Code.

C. If a pathway or roadway is designated for bicycle use, a person shall use such pathway or roadway for such use. (Ord. 1924 § 1, 2005; Ord. 1428 § 4, 1989)

13.08.205 Hang gliding prohibited.

Hang gliding and hang gliders are prohibited in Augustin Bernal Park. (Ord. 1595 § 2, 1993)

13.08.210 Additional rules.

The director is authorized to promulgate from time to time such other and further rules and regulations as may be necessary for the purpose of regulating the use of any park and recreation facility. Upon adoption thereof by the city council by resolution, such rules and regulations shall have the same force and effect as the provisions of this chapter. (Ord. 1428 § 4, 1989)

14.04.030 Operation of water system.

A. The department of public works shall have jurisdiction, supervision and control of the water system and of the construction of all improvements, additions, extensions and betterments thereto hereafter constructed or acquired, and shall operate and maintain the water system and all improvements, additions, extensions and betterments thereto.

B. Subject to the general control of the council and the city manager of the city, the water system shall be under the direct supervision of the director.

C. The department, under the supervision of the director, shall supervise all connections to the water system, and the finance department shall collect or cause to be collected all water bills and charges and all connection and other fees provided for in this chapter, and the directors of both departments, respectively, are charged with the enforcement of the provisions of this chapter and the director of the finance department shall keep or cause to be kept an accurate accounting and records showing the source, amount and disposition of all funds received from the water system under this chapter.

D. The city shall cause to be issued and shall maintain in good standing a surety bond conditioned upon the full and prompt deposit by the director of the finance department and all other employees of the finance department of all revenues from the water system. (Prior code § 2-16.03)

14.04.040 Service area.

The territory served by the water system of the city shall be all territory now within the boundaries of the city and, at the discretion of the council, any other territory as the city may determine. (Prior code § 2-16.04)

14.04.050 Connections to water system.

A. Any person whose premises are not connected with the water system upon the date of the adoption of Ordinance 478, March 28, 1967, shall connect such premises or cause such premises to be connected with the water system only after first obtaining a permit to do so from the director and upon payment of the applicable connection charges provided in Chapter 14.08, Water Connections; provided, however, that there shall be no charge for connecting premises for which a service connection has already been installed to the water system, except as this chapter expressly otherwise provides.

Any consumer connecting to the water system on an intermittent or temporary basis, including, but not limited to, use of fire hydrants or blow-offs for construction water, flushing lines, or similar purposes, shall connect to the water system only after first obtaining a permit to do so from the director; there shall be no connection charge pursuant to Chapter 14.08, Water Connections, but there shall be a charge pursuant to Section 14.04.070.

B. Each applicant for water service may be required to sign, on a form provided by the department, an application which shall set forth:

1. Date and place of application;
2. Location of premises to be served;
3. Date applicant will be ready for service;
4. Whether the premises have been heretofore supplied with water from the water system;
5. Purpose for which service is to be used;
6. Address to which bills are to be mailed or delivered;
7. Whether applicant is owner or tenant of, or agent for, the premises;
8. Such other information as the department may reasonably require.

The application is only a written request for service and does not bind the applicant to take service for a period of time longer than that upon which the rates and minimum charges of the applicable rate schedule are based; neither does it bind the city to serve, except under reasonable conditions.

Two or more parties who join in one application for service shall be jointly and severally liable for payment of bills and shall be billed by means of single periodic bills.

C. Separate houses, buildings, dwelling units or business quarters on the same lot, piece or parcel of land or on adjoining lots, pieces or parcels of land under a single control or management shall be furnished water by either of the following methods, as the director shall elect:

1. Through separate service connections to each such house, building, dwelling unit or business quarter; or
2. Through a single service connection to supply all of such houses, buildings, dwelling units, and business quarters, and in which case one monthly minimum charge shall be applied for each such occupied house, building, dwelling unit or business quarter, and the responsibility for payment of charges for all water furnished shall be assumed by the consumer having such control or management. Credit for such vacant units which are not metered separately but together with the occupied units shall be computed by deducting one monthly minimum charge for each vacant unit from the original total monthly bill for all of the units.

D. In order to assist in monitoring sewage flows, all applicants for nonresidential service connections shall provide a separate meter and water system for irrigation purposes, and may provide separate meter and water systems for other water consumptive uses which do not have the potential to generate flows to the sewerage system. Any such meter shall be installed in a manner and location satisfactory to the director. Upon request by the applicant, the director may waive, at his or her sole discretion, this requirement if he or she finds that the volume of irrigation water would be minimal and the cost of a separate meter and water system would be disproportionately uneconomical relative to sewer user charges to be saved.

E. If, in the opinion of the city, it is doubtful if satisfactory water service can be given, due to location or elevation of the premises, then the city may require a written release from liability for any damage or inconvenience that may occur by reason of insufficient pressure or inadequate volume of water or intermittent supply. The release shall, without further notice from the city, remain in effect for all consumers taking water through the service, until changes, extensions, or betterments may be made to the distribution system by the city.

F. Failure by any person or any consumer to file his or her application containing the information required by this chapter shall constitute a violation of this chapter. No application shall be conclusive as to the matters therein set forth nor shall the filing of any application preclude the city from collecting from the consumer responsible for payment (as provided in this chapter) by appropriate action such sum as is actually due and payable for water service under the provisions of this chapter. Each application shall be subject to verification by the director. Any person who takes possession of and uses water from the water system without having made application for service pursuant to this chapter shall be held liable for the full amount of the service rendered.

G. The city may require a written contract with any consumer as a condition precedent to water service in any case where unusual quantities of water or construction of special facilities are or will be required; provided, however, that any such contract shall not modify the rate structure provided in this chapter.

H. No rent or other charge shall be paid by the city for any meter or other facilities located on a consumer's premises.

I. All service connections, meters, main extensions and installations paid for by applicants, and all other facilities furnished by the department or the city, whether located wholly or partially on public or private property, shall be and remain the property of the city, and the department shall have the right to repair, replace and maintain the same and the right to remove the same upon discontinuance of service.

J. The city shall not be responsible for the installation or maintenance of any water lines beyond the end of its service connection or meter. (Ord. 1175 § 2, 1985; Ord. 1073 § 1, 1983; prior code § 2-16.05)

14.04.060 Use of water service.

A. The director or other duly authorized agent of the department shall have at all reasonable times the right of ingress to and egress from any consumer's premises for any purpose properly relating to the furnishing of water to the consumer. Any inspection work or recommendation made by the department or its agents in connection with plumbing or appliances or any use of water on the consumer's premises, either as a result of a complaint or otherwise, will be made without charge. No agent or employee of the department or the city shall accept any personal compensation from a consumer or applicant for any services rendered.

B. Consumers making any material change in the size, character or extent of the utilizing equipment or operations for which the city is supplying water service shall immediately give the department written notice of the extent and nature of the change and, if necessary, amend their application.

C. When a consumer receiving service at the water system main or service connection must by means of a pump of any kind elevate or increase the pressure of the water received, the pump shall not be attached to any pipe directly connected to the main or service pipe. Such pumping or boosting of pressure shall be done from a sump, cistern, or storage tank which may be served by but not directly connected with the water system distribution facilities.

D. Quick closing or opening valves shall not be installed on any consumer's pipes which are directly attached to the water system mains or service pipes. A consumer whose operation requires the use of a quick opening or closing valve must operate such device from a tank, cistern, pump or other facility which may be served by but not directly connected with the water system distribution mains or service pipes.

E. The city will not be responsible for any loss or damage caused by any negligence or unlawful action of any consumer or any other person in installing, maintaining, supplying, or using any appliances, facilities or equipment for which water or water service is furnished by the city. Each consumer shall be held responsible for

damage to the city's meters and other property comprising any part of the water system resulting from use or operation of appliances or facilities on such consumer's premises including, without limiting the generality of the foregoing, damage caused by steam, hot water or chemicals.

F. It is a violation of this chapter for any person to tamper with any of the property comprising the water system.

G. It is a violation of this chapter for any person or consumer to waste water obtained from the water system. As used in this subsection, the term "waste" means:

1. Use of potable water between 9:00 a.m. and 4:00 p.m. to irrigate grass, lawns, groundcover, shrubbery, crops, vegetation, and trees or the use of potable water in such a manner as to result in runoff for more than five minutes;

2. Use of water to irrigate outdoor landscaping when it is raining;

3. Use of potable water to wash down sidewalks, walkways, driveways, parking lots, open ground or other hard surface areas by the direct application of water thereto, unless needed for health or safety reasons;

4. Allowing potable water to escape from breaks within the person or consumer's plumbing system for more than eight hours after the person or consumer is notified or discovers the break. (Ord. 2097 § 1, 2014; Ord. 2093 § 1, 2014; prior code § 2-16.06)

14.04.070 Water rates and charges.

There is levied and assessed upon all consumers and premises connected with the water system a service charge based upon the size of the water meter to the premises and a charge based upon the amount of water flow through the meter, both of which charges shall be paid. The amount of the service charge and the charge for water used shall be in accordance with the amount specified in the resolution establishing various fees and charges for municipal services of the city. (Ord. 1973 § 2, 1983; prior code § 2-16.07)

14.04.075 Security deposits.

A. For a new residential applicant, whether the applicant is the property owner or a tenant of a residential unit that is not master metered, the finance director may require from the applicant a security deposit in an amount not to exceed twice the average periodic (i.e., bimonthly) bill.

B. For a new residential applicant for a building that is master metered, the finance director may require from the property owner a security deposit in an amount not to exceed an estimated 12 months' average bills.

C. For a new nonresidential applicant, whether the applicant is the property owner or the tenant, the finance director may require from the applicant a security deposit in an amount not to exceed an estimated 12 months' average bills.

D. Where the new residential applicant is a tenant in a residence that is not master metered, the finance director shall not require, as a condition of the new applicant's establishing an account and receiving service, that the account be established in the property owner's name unless the property owner consents through a written agreement.

E. Where the new residential applicant is a tenant in a residence where the account for the previous tenant has outstanding charges and/or penalties, the finance director shall not require the new applicant to pay those charges/penalties as a condition of establishing an account and receiving service unless the new applicant was an adult living in the residence when the charges/penalties accrued.

F. If a portion or all of a bill is not paid, the security deposit shall be applied to satisfy the bill. Any charges/penalties not satisfied from the security deposit may be collected by the city as provided in Section 14.04.130 of this chapter. (Ord. 1703 § 1, 1997; Ord. 1127 § 1, 1984; prior code § 2-16.08)

14.04.080 Rates outside city limits.

The charges for water furnished or available to premises outside the boundaries of the city shall be in amounts equal to the charges which would be applicable if the premises were located within the city. (Unnumbered prior code section)

14.04.090 Collection of water charges.

A. All water charges shall be billed to the owner of the premises upon which charges herein fixed are levied and assessed or to the person who requested connection to the water system, or his or her successor in interest, or to any person requesting that such bill be charged to him or her.

B. All water charges shall become due and payable at the office of the finance department on the date of payment specified thereon and shall become delinquent on the first day of the calendar month following the date of payment, except that closing bills, where service is discontinued, will be due and payable on date of presentation, and collection will be made at time of presentation. All bills for water charges will be rendered by the city monthly or bimonthly and will be issued by

the finance department. Meters will be read at regular intervals for the preparation of regular metered service bills and as required for the preparation of opening bills, closing bills and special bills. Each meter will be read separately. It may not always be possible to read meters regularly on the same day of each period. Should a monthly billing period contain less than 27 days or more than 33 days, a pro rata correction in the bill will be made. Proportionate adjustments will be made when other billing periods are used.

C. Opening bills, closing bills, monthly bills rendered for a period of less than 27 days or more than 33 days, and other bills requiring proration, will be computed in accordance with the applicable schedule, but the amount of the fixed charge or minimum charge specified therein will be prorated on the basis of the ratio of the number of days in the period to the number of days in the average billing period, based on an average month of 30.4 days. Should the total period of service be less than one month, no proration will be made, and no bill shall be less than the specified monthly fixed charge or minimum charge.

D. On each bill for water service rendered by the city to its consumers will be printed substantially the following language:

> This bill is due upon receipt and becomes delinquent if not paid on the first day of the calendar month after its due date. Upon delinquency of this bill, service may be discontinued and a basic penalty of 10% of the amount of this bill will be added for the first month delinquent and an additional penalty of 1/2 of 1% of the amount of the bill and basic penalty will be added for each month during the time the bill remains unpaid after its delinquent date. A cash deposit and a reconnection charge may be required to reestablish service.

(Prior code § 2-16.09)

14.04.100 Temporary service.

A. The city will, if no undue hardship to its existing consumers will result therefrom, furnish temporary service under the following conditions:

1. The applicant will be required to pay to the city, in advance, the estimated net cost of installing and removing the facilities necessary to furnish the service; and

2. Where duration of service is to be less than one month, the applicant may also be required to deposit cash equal to the estimated bill, subject to adjustment and refund or repayment in accordance with actual bill rendered upon discontinuance of service; or

3. Where the duration of service is to exceed one month, the applicant may also be required to establish his or her credit in the manner prescribed for permanent service in Section 14.04.070.

B. In the event a temporary service becomes permanent, the city will refund to the temporary consumer the amount paid for a temporary service installation upon payment of the applicable connection fee provided for in Chapter 14.08. (Prior code § 2-16.10)

14.04.110 Refusal to serve.

A. The city may refuse an application for service under the following conditions:

1. If the applicant fails to comply with the provisions of this chapter; or

2. If in the judgment of the director the intended use of the service is of such a nature that it would be detrimental or injurious to the water service furnished by the city to other consumers; or

3. If in the judgment of the director the intended use of the service is dangerous or unsafe or of such a nature that satisfactory service cannot be rendered; or

4. If in the judgment of the director the intended use of the service would result in a negligent or wasteful use of water which would affect the city's water service.

B. The city shall have the right to refuse water service to any premises if necessary to protect itself against fraud or abuse.

C. If service has theretofore been discontinued for fraudulent use, service will not be rendered until the director has determined that all conditions of fraudulent use or practice have been corrected.

D. When an applicant is refused service under the provisions of this section, the director shall inform him of the reason for the refusal to serve him or her and of his or her right of appeal under this chapter. (Prior code § 2-16.11)

14.04.120 Discontinuance of service.

Any consumer may have his or her water service discontinued by giving notice to the department requesting discontinuance not less than two days prior to the requested date of discontinuance. Each such consumer shall pay all water charges up to and including the date of discontinuance stated in such notice. In any case where such notice is not given, the consumer shall be required to pay for water service until two days after the department has knowledge that the consumer has va-

cated the premises or otherwise discontinued water service. The city shall make a reconnection charge for restoring water service to any consumer whose water service has been discontinued at his or her request. Such charge shall be as set forth in the master fee schedule. (Ord. 2019 § 1, 2011; prior code § 2-16.12)

14.04.130 Enforcement measures.

A. A consumer's water service may be discontinued for nonpayment of a bill for water service furnished if the bill is not paid within 30 days after it has become delinquent. A consumer's water service may also be discontinued for nonpayment of a bill for water service furnished at a previous or different location served by the city, if such bill is not paid within 30 days after it has become delinquent. No service will be discontinued under this subsection until at least five days after deposit by written notice from the director to such consumer in the United States Post Office of Pleasanton, Alameda County, California, addressed to the person to whom notice is given and stating the city's intention to discontinue service. The city may also provide additional notice about discontinuance of water service by telephone contact, and/or a door hanger with written notice on the main entrance of the building where water service is furnished.

B. The city may discontinue service without notice to any premises where a consumer's installation for utilizing the service is found by the director to be dangerous or unsafe or where the use of water on such premises is found by the director to be detrimental or injurious to the water service furnished by the city to other consumers, or where the director finds that negligent or wasteful use of water exists on any premises which affects the city's water service. The city shall have the right to discontinue water service to any premises if necessary to protect itself against fraud or abuse.

C. In the event of violation of any terms of this chapter (except subsections A and B of this section), the department may disconnect the premises to which such violation relates from the water system after first notifying in writing the person causing, allowing or committing such violation, specifying the violation and, if applicable, the time after which (upon the failure of such person to prevent or rectify the violation) the director will exercise his or her authority to disconnect the premises from the water system; provided, that such time shall not be less than five days after the deposit of such notice in the United States Post Office at Pleasanton, Alameda County, California, addressed to the person to whom notice is given; provided, however, that in the event such violation results in a public hazard or menace, then the director may enter upon the premises without notice and do such things and expend such sums as may be necessary to abate such hazard, and the reasonable value of the things done and the amounts expended in so doing shall be a charge upon the person so in violation.

D. Upon failure of any consumer billed or the owner of any premises to pay any water service charge subsequent to delinquency, the following action shall be taken by the city or the director to enforce such payment:

In each case where any bill for water service remains unpaid after such bill becomes delinquent, and remains unpaid for 30 days thereafter the director shall: (1) disconnect the premises from the water system for nonpayment of water bills; and (2) cause an action at law to be brought on behalf of the city against the person responsible for payment of such bill to recover the amount of such bill and the costs of such action.

For situations involving significant unpaid amounts which have been delinquent for a long period of time involving accounts where service was requested by the property owner, the director may impose a lien on the property for the unpaid amount plus penalties as provided in California Government Code Section 43008.

E. Whenever any premises have been disconnected from the water system for any violation of this chapter, such premises shall not be reconnected to the water system until all delinquent charges have been paid, together with applicable charges as provided in the master fee schedule, and until a security deposit is established pursuant to Section 14.04.075. When any person's premises have been disconnected from the water system under the provisions of this subsection, the director shall inform him or her of the reason for the disconnection and of his or her right of appeal under this chapter. (Ord. 2093 § 1, 2014; Ord. 2019 § 1, 2011; prior code § 2-16.13)

14.04.140 Meter tests and adjustment of bills.

A. Tests.

1. Prior to Installation. Every meter will be tested prior to being installed, and no meter will be placed in service if found to register more than two percent fast or slow.

2. On Consumer's Request.

a. A consumer may, on not less than one week's notice, require the city to test the meter serving his or her premises.

b. No charge will be made for such a test, except where a consumer requests a test within six months after installation of the meter or more often than once a

year, in which case he or she will be required to deposit with the city the following amount to cover the cost of the test:

Size of Meter	Amount of Deposit
One inch or smaller	$5.00
Larger than one inch	7.50

c. This deposit will be returned if the average meter error is found to be more than two percent fast. The consumer will be notified not less than five days in advance of the time and place of the test.

d. A consumer shall have the right to require the city to conduct the test in his or her presence or in the presence of his or her representative. Where the city has no proper meter testing facilities available locally, the meter may be tested by an outside meter manufacturer or its agency, or by any other reliable organization equipped for water meter testing, in which latter case the consumer may demand a duly notarized statement, certifying as to the method used in making the test and as to the accuracy thereof.

e. A report showing the results of the test will be furnished to the consumer within 15 days after completion of the test.

B. Adjustment of Bills for Meter Error.

1. Fast Meters. When, upon test, the average meter error is found to be more than two percent fast, the city will refund to the consumer the amount of the overcharge based on corrected meter readings for the period the meter was in use but not exceeding six months.

2. Slow Meters. When, upon test, a meter is found to be registering more than five percent slow, the city may bill the consumer for the amount of the undercharge based upon corrected meter readings for the period the meter was in service but not exceeding three months.

3. Nonregistering Meters. The city may bill the consumer for water consumed while the meter was nonregistering but for a period not exceeding three months at the minimum monthly meter rate, or upon an estimate of the consumption based upon the consumer's prior use during the same season of the year if conditions were unchanged, or upon an estimate based upon a reasonable comparison with the use of other consumers during the same period, receiving the same class of service under similar circumstances and conditions.

4. General. When it is found that the error in a meter is due to some cause, the date of which can be fixed, the overcharge or the undercharge will be computed back to, but not beyond, such date. (Prior code § 2-16.14)

14.04.150 Notices.

A. Notices from the city to any consumer will be given in writing, either delivered to the consumer or mailed to his or her last known address, except that where conditions warrant or in any emergency the city may give verbal notice by telephone or in person.

B. Notices from a consumer to the city may be given by the consumer or his or her authorized representative verbally or in writing at the office of the department or to an employee or agent of the department who is authorized to receive notices or complaints, or may be sent by mail to the department office. (Prior code § 2-16.15)

14.04.160 Appeals.

A. Any person who shall have a right to appeal as provided in any section of this chapter or who shall be dissatisfied with any determination hereinafter made under this chapter by the department or the director may, at any time within 30 days after such determination, appeal to the city manager by giving written notice to the director and to the city manager, setting forth the determination with which such person is dissatisfied. After review and determination by the city manager, any person who shall then be dissatisfied with such determination may, at any time within 30 days after such determination, appeal to the council by giving written notice to the city manager and to the city clerk, setting forth the determination with which such person is dissatisfied. The council may, at any time, upon its own motion appeal from any determination made by the director or the city manager under this chapter. In the event of any such appeal to the council, the city manager shall transmit to the council a report upon the matter appealed. The council shall cause notice to be given, at least 10 days prior to the time fixed for such hearing, to all persons affected by such appeal, of the time and place fixed by the council for hearing such appeal. The council shall direct the city clerk to mail a written notice, postage prepaid, to all such persons whose addresses are known to the council.

B. Pending decision upon any appeal relative to the amount of any charge under this chapter, the person making such appeal shall pay such charge. After the appeal is heard, the council shall order refunded to the person making such appeal such amount, if any, as the council shall determine should be refunded. (Prior code § 2-16.16)

14.04.170 Disposition of revenues.

All revenues received by the finance department or the city under this chapter, excepting all connection charges provided for in Chapter 14.08, and all refundable deposits made to establish credit, shall be deposited within a reasonable time after receipt thereof in a depository bank of the city, and said sums, together with any interest earned thereon, shall on or before the first business day of each calendar month next succeeding the calendar month in which such revenues shall have been collected, be deposited by the city in the manner and for the purposes provided and with the fiscal agent designated, in or pursuant to that certain resolution adopted by the council on March 27, 1967, entitled:

> Resolution Providing for the Issuance of $750,000 Principal Amount of City of Pleasanton 1967 Water Revenue Bonds and of $400,000 Principal Amount of Series A Bonds of Said Issue, and Prescribing the Terms, Conditions and Form of Said Series A Bonds.

(Prior code § 2-16.17)

15.12.060 Termination of service.

The city may terminate or cause to be terminated water services and/or sewerage services to any premises upon a showing that: (1) any provision of this title, any applicable permit, or any other regulation has been violated or threatens to be violated; or (2) user fees have not been paid.

A. Use of Capacity in Excess of Allocation. For purposes of termination of service, a user's use of capacity in excess of the user's allocation of capacity shall exist if the volume of the user's wastewater exceeds the aggregate volume of permitted discharge for a period of time equal to two billing periods for water service to the premises or four months if there is no water service to such premises.

B. Disconnection of Service. In the event of a violation culminating in the termination of sewerage service pursuant to this section, the director is authorized, and it shall be the director's duty, to disconnect the water services to the premises so designated for termination. In the event there is no city water service provided to the premises, or if such disconnection would not preclude discharges to the sewerage system, the director is authorized to disconnect all sewer connections to the city sewers.

C. Procedure for Termination of Service. Prior to termination of service, the user shall be provided with 17 days' notice of the city's intention to terminate service to the user, except in the case of emergencies, in which cases no prior notice shall be necessary so long as the user is promptly given a hearing after such service is terminated, as otherwise provided in this chapter. The user may request a hearing prior to termination. Such hearing shall be scheduled in front of the director and a representative of the city manager's office on a date not more than 30 days nor less than 15 days after the mailing of said notice to the user in order to present the user with an opportunity to explain the user's failure to comply with the terms of this title. Absent a showing of good cause by the user, the city may terminate service.

D. Reconnection—Fee. When water service has been disconnected, as provided by this chapter, the director shall require the person requesting reestablishment of the service to pay a fee of $25.00 before granting permission to reconnect to the water system. In the event sewerage service has been disconnected, the person requesting reestablishment shall pay all expenses incurred by the city related to such disconnection and for reestablishing such connection. Before water or sewerage services are reestablished, the person making said application shall take all steps required by the director to assure correction of any violation. (Ord. 1082 § 2, 1983; prior code § 2-15.60.06)

15.12.070 Falsification of information.

It is unlawful for any user to knowingly make or submit any false statement, representation, record, report, plan or other document or knowingly tamper with or render inaccurate any monitoring device or equipment installed or operated pursuant to this title or of any permit issued under this title. Any such falsification or tampering shall be grounds for revocation of any permit issued in addition to any punishment or remedy provided by this chapter or other applicable law. (Ord. 1082 § 2, 1983; prior code § 2-15.60.07)

15.12.080 Recovery of delinquent fees and charges.

An action may be brought in the name of the city in any court of competent jurisdiction against the person who occupied the property when the service was rendered or the deposit became due, or against any person guaranteeing payment of bills at the time the service becomes delinquent for the collection of any delinquent charges and all penalties thereon provided for in this chapter. For situations involving significant delinquent charges which have been unpaid for a long period of time involving accounts where sewer service was requested by the property owner, the director may impose a lien on the property for the delinquent charges plus penalties as provided in California Government Code Section 43008. (Ord. 2093 § 1, 2014; Ord. 1082 § 2, 1983; prior code § 2-15.60.08)

15.12.090 Public nuisance.

Any discharge of waste or other condition or act in violation of any of the provisions of this title or any permit issued pursuant to this title or other directive of the director authorized by the provisions of this chapter is declared to be a public nuisance. Such nuisance may be abated, removed or enjoined and damages assessed therefor, in any manner provided by law. (Ord. 1082 § 2, 1983; prior code § 2-15.60.09)

15.12.100 Violation—Civil penalties.

Any person who intentionally or negligently violates, or causes the violation of, any provision of this title or of any permit issued pursuant to this title, or who intentionally or negligently discharges waste or wastewater which causes pollution, or who violates any cease and desist order issued pursuant to this chapter, or other effluent limitation, national standard of performance or national pretreatment or toxicity standard, shall be civ-

illy liable to the city in a sum not to exceed $6,000.00 for each day in which such violation occurs. The city is authorized to enforce the provisions hereof in any court of competent jurisdiction. (Ord. 1082 § 2, 1983; prior code § 2-15.60.10)

15.12.110 Violation—Misdemeanor.

Any person violating any provision of this title, knowingly making any false statement, representation, record or report required under this title or knowingly tampering with and/or rendering inaccurate any meter reading or violating the terms of any permit issued pursuant to this title shall be guilty of a misdemeanor and conviction thereof shall be punishable by imprisonment in the county jail for a term not to exceed six months, or by a fine not to exceed $500.00, or by both such imprisonment and fine. Each day such violation continues shall constitute a separate offense. (Ord. 1082 § 2, 1983; prior code § 2-15.60.11)

15.12.120 Remedies cumulative.

The remedies provided for in this chapter shall be cumulative and not exclusive and shall be in addition to any and all other remedies available to the city. (Ord. 1082 § 2, 1983; prior code § 2-15.60.12)

15.12.130 Appeals.

A. Any user, permit holder, applicant or other person aggrieved by any decision, action, finding, determination, order or directive of the director made or authorized pursuant to the provisions of this chapter, or relating to any permit issued, or interpreting or implementing the same, may file a written request with the director for reconsideration thereof within 10 days of such a decision, action, finding, determination or order, setting forth in detail the facts supporting such user's or person's request for reconsideration. The director shall render a final decision within 10 days of receipt of such request for reconsideration. There shall be no right to appeal such final decision to the director a second time.

B. Any user, permit holder, applicant or other person aggrieved by the final determination of the director may appeal such determination to the city council within 10 days after notification of the final determination of the director, and shall set forth in detail the facts and reasons supporting the appeal. The appeal shall be heard by the city council within 30 days from the date of filing a notice of appeal. The appellant, the director and the city council shall be heard at the hearing on such appeal. Upon conclusion of the hearing, the city council may affirm, reverse or modify the final determination of the director as the city council deems just and equitable and in furtherance of the provisions, purposes and intent of this title. During the pendency of such appeal, the final determination of the director shall remain in full force and effect. The city council's determination on the appeal shall be final. (Ord. 1082 § 2, 1983; prior code § 2-15.60.13)

Title 17

PLANNING AND RELATED MATTERS

Chapters:

Chapter 17.26

TRANSIT INCENTIVE

Sections:

17.26.010 Purpose.

To implement the Climate Action Plan, reduce vehicle trips, and encourage the use of mass transit, transit incentives shall be provided incidental to new multi-family uses and major alterations and enlargements of existing multi-family uses near Bay Area Rapid Transit (BART). (Ord. 2094 § 2, 2014)

17.26.020 Requirement.

Transit Incentive. The following shall apply to new multi-family dwellings of 20 units or more, including rental apartments, condominiums and the residential portion of mixed use projects, located on sites where any portion of the site is within one-half mile of a BART station as measured from the center of the platform.

The property owner shall provide a transit benefit for each unit at no cost to the resident. The benefit shall be, at a minimum, one pass or tickets for local bus transit service for unlimited local travel for one person in each unit for a period of six months.

For rental apartment projects a notice describing this transit benefit shall be included in the lease or rental agreement and also shall be posted in a location or locations visible to residents. The property owner shall continue to provide this benefit for each unit for a period of 15 years each time a unit is leased or rented by new residents, starting at the date of certificate of occupancy.

For residential condominiums the project owner at the time of initial sale shall provide the transit benefit at the initial sale of each unit.

The transit incentive required by this section may be fulfilled if the qualified new resident or initial buyer receives equivalent transit services through a transit assessment district, business owners association, or other resource, as determined by the director. (Ord. 2094 § 2, 2014)

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 a new or modified use or structure shall not be visible from any public street or area held open to the public. (Ord. 2093 § 1, 2014; 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 welfare. 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), (B)(12), and (B)(13) 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)(14) of this chapter, the zoning administrator shall send notice of the application to surrounding property owners within 1,000 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.

E. If determined to be necessary by the zoning administrator or planning commission, an applicant for a new house within the Downtown Specific Plan Area or a two-story addition to an existing house within the Downtown Specific Plan Area shall install story poles depicting the height and mass of the proposed house or addition subject to the satisfaction of the zoning administrator or planning commission. Unless otherwise directed by the zoning administrator or planning commission, the story poles shall be installed by the applicant prior to public noticing and shall remain in place until the project has been acted upon. (Ord. 2088 § 2, 2014; Ord. 2019 § 1, 2011; 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)

J. Employee housing (agricultural) that complies with California Health and Safety Code Section 17008, 17021.5 or 17021.6 (depending on the number of employees accommodated) and the other applicable provisions of the Employees Housing Act at California Health and Safety Code Section 17000 et seq., and to include a residential safety management plan;

K. Supportive housing that provides shelter for six or fewer persons in a dwelling unit, subject to the provisions of Chapter 18.107;

L. Transitional housing that provides shelter for six or fewer persons in a dwelling unit, subject to the provisions of Chapter 18.107. (Ord. 2062 § 2, 2013; Ord. 2061 § 2, 2013; Ord. 1885 § 2, 2003; Ord. 1880, 2003; Ord. 1126 § 3, 1984; prior code § 2-6.02)

18.28.040 Conditional uses.

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

A. Accessory structures and uses located on the same site as a conditional use and the following accessory structures and uses located on the same site as a permitted use or a conditional use that has been granted a use permit:

1. Medium electricity generator facilities that meet the applicable standards of Section 18.124.290 of this title.

2. Medium fuel cell facilities that meet the applicable standards of Section 18.124.290 of this title.

3. Wind energy facilities that meet the following criteria:

a. The facilities shall not exceed a noise level of 45 dBA at any point on any residentially zoned property outside of the property plane where the facilities are located;

b. The design of the facilities shall be streamlined (without ladders and extra appurtenances) to discourage birds from roosting on the facilities;

c. Facilities on hillsides or ridges shall not be visible from a public right-of-way.

B. Agriculture processing plants.

C. Airports and heliports.

D. Animal sales yards.

E. Apiaries.

F. Automobile and motorcycle racing stadiums and drag strips.

G. Cemeteries, crematories, and columbariums.

H. Charitable institutions and social service and social welfare centers.

I. Churches, convents, monasteries, parish houses, parsonages, and other religious institutions.

J. Commercial kennels.

K. Commercial and private recreation facilities.

L. Dairies and processing of dairy products.

M. Drive-in theaters.

N. Fertilizer plants and yards.

O. Firearm sales at a rifle or pistol range.

P. Garbage and refuse incineration.

Q. Gas and oil wells.

R. Golf courses and golf driving ranges.

S. Guest ranches.

T. Hog and livestock raising, not including feedlots where more than 50 percent of the feed is imported.

U. Hospitals.

V. Large family daycare homes in accordance with the provisions of Chapter 18.124, Article II of this title.

W. Nursery schools.

X. Nursing homes, senior care/assisted living facilities, and sanitariums.

Y. Poultry raising, egg processing, and hatcheries.

Z. Private schools.

AA. Public utility and public service facilities including pumping stations, power transmission stations, power distribution stations, equipment buildings, service yards, drainageways and structures, water reservoirs, percolation basins, well fields, storage tanks, and railroad facilities. These facilities must be found by the planning commission to be necessary for the public health, safety, or welfare.

BB. Rabbit raising.

CC. Recreational vehicle storage facilities.

DD. Riding academies and stables.

EE. Rifle and pistol ranges.

FF. Roadside stands for the sale of agricultural produce grown on the site.

GG. Sanitary landfill operations.

HH. Veterinarians' offices.

II. Wineries, winery sales and tasting rooms.

JJ. Wood sales and storage yards for unmilled lumber. (Ord. 2086 § 2, 2014; Ord. 2062 § 2, 2013; Ord. 1880, 2003; Ord. 1743, 1998; Ord. 1738 § 1, 1998; Ord. 1157 § 1, 1984; Ord. 1126 § 4, 1984; prior code § 2-6.03)

18.28.045 Prohibited uses.

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

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

18.28.050 Off-street parking.

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

18.28.060 Off-street loading.

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

18.28.070 Signs.

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

18.28.080 Design review.

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

Chapter 18.32

R-1 ONE-FAMILY RESIDENTIAL DISTRICTS

Sections:

18.32.010 Purpose.

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

A. To reserve appropriately located areas for family living at reasonable population densities consistent with sound standards of public health and safety;

B. To ensure adequate light, air, privacy and open space for each dwelling;

C. To protect one-family dwellings from the lack of privacy associated with multi-family dwellings;

D. To provide space for semipublic facilities needed to complement urban residential areas and for institutions that require a residential environment;

E. To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the land around them;

F. To preserve the natural beauty of hillsides and avoid slide and drainage problems by encouraging retention of natural vegetation and discouraging improperly controlled mass grading;

G. To provide necessary space for off-street parking of automobiles and, where appropriate, for off-street loading of trucks;

H. To protect residential properties from the hazards, noise and congestion created by commercial and industrial traffic;

I. To protect residential properties from noise, illumination, unsightliness, odors, dust, dirt, smoke, vibration, heat, glare, and other objectionable influences;

J. To protect residential properties from fire, explosion, noxious fumes and other hazards. (Prior code § 2-6.11)

18.32.020 Required conditions.

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

18.32.030 Permitted uses.

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

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

B. Raising of fruits, nuts, vegetables and horticultural specialties for private, noncommercial consumption.

C. Temporary subdivision sales offices conducted in accord with the regulations prescribed in Chapter 18.116 of this title.

D. Accessory structures located on the same site with a permitted use, including private garages and carports, one guesthouse or accessory living quarters without a kitchen, storehouse, garden structures, greenhouses, recreation rooms and hobby areas within an enclosed structure and the following accessory structures and uses located on the same site with a permitted use or with a conditional use which has been granted a use permit in accord with the provisions of Chapter 18.124 of this title:

1. Emergency standby electricity generator, fuel cell, and/or battery facilities provided that the facilities shall be tested from 8:00 a.m. to 5:00 p.m. Monday through Friday or from 10:00 a.m. to 12:00 noon on Saturday or Sunday only; the facilities shall not be tested for more than one hour during any day and no testing shall be on federal holidays or on "Spare The Air Days" in Alameda County;
2. Portable, temporary electricity generator, fuel cell, or battery facilities in the R-1-40,000 district;
3. Photovoltaic facilities.

E. Private stable for the keeping of two horses on a site not less than 40,000 square feet in area, except that one additional horse may be kept for each additional 40,000 square feet of site areas, provided that no stable shall be located closer than 50 feet to any property line, closer than 50 feet to any dwelling on the site, or closer than 100 feet to any other dwelling.

F. Household pets including up to six female chickens.

G. Small family daycare homes.

H. Second units meeting the requirements in Chapter 18.106 of this title.

I. Employee housing (agricultural) that complies with California Health and Safety Code Sections 17008, 17021.5 and the other applicable provisions of the Employee Housing Act at California Health and Safety Code Sections 17000 et seq., and to include a residential safety management plan.

J. Supportive housing that provides shelter for six or fewer persons in a dwelling unit, subject to the provisions of Chapter 18.107.

K. Transitional housing that provides shelter for six or fewer persons in a dwelling unit, subject to the provisions of Chapter 18.107. (Ord. 2062 § 2, 2013; Ord. 2061 § 2, 2013; Ord. 1930 § 1, 2006; Ord. 1885 § 2, 2003; Ord. 1880, 2003; Ord. 1636 § 3, 1994; Ord. 1126 § 5, 1984; prior code § 2-6.13)

18.32.040 Conditional uses.

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

A. Agriculture for commercial purposes limited to the raising of fruits, nuts, vegetables, horticultural specialties, and related facilities and structures.

B. Charitable institutions.

C. Churches, convents, monasteries, parish houses, parsonages and other religious institutions.

D. Golf courses.

E. Nursery schools.

F. Nursing homes and senior care/assisted living facilities for not more than three patients.

G. Private recreation parks and swim clubs.

H. Private nonprofit schools.

I. Public utility and public service facilities including pumping stations, power transmission stations, power distribution stations, equipment buildings, service yards, drainageways and structures, water reservoirs, percolation basins, well fields, and storage tanks. These facilities must be found by the planning commission to be necessary for the public health, safety, or welfare.

J. Accessory structures and uses located on the same site as a conditional use and the following accessory structures and uses located on the same site as a permitted use or a conditional use that has been granted a use permit:

1. Small electricity generator facilities located on the same site as a charitable institution, religious institution, golf course, nursery school, nursing home, senior care/assisted living facility, private recreation facility, private recreation park, private swim club, private nonprofit school, or public facility and that meet the following criteria:
    a. The fuel source for the generators shall be natural gas, biodiesel, or the byproduct of an approved cogeneration or combined cycle facility;
    b. The facilities shall use the best available control technology to reduce air pollution;
    c. The facilities shall not create any objectionable odors at any point outside of the property plane where the facilities are located;
    d. The facilities shall not exceed a noise level of 45 dBA at any point on any residentially zoned property outside of the property plane where the facilities are located;
    e. On a site with fuel cell facilities, small electricity generator facilities shall not be permitted unless the aggregate wattage of the two facilities is less than one megawatt. If the aggregate wattage of the two facilities is one megawatt or greater, the small electricity generator facilities shall be subject to all requirements and processes prescribed in this title for medium or large electricity generator facilities, whichever is the most applicable, in the subject zoning district; and
    f. The facilities shall be cogeneration or combined cycle facilities, if feasible.
2. Small fuel cell facilities that meet the following criteria:
    a. The facilities shall not create any objectionable odors at any point outside of the property place where the facilities are located;
    b. The fuel cell facilities shall not exceed a noise level of 45 dBA at any point on any residentially zoned property outside of the property plane where the facilities are located; and
    c. On a site with electricity generator facilities, small fuel cell facilities shall not be permitted unless the aggregate wattage of the two facilities is less than one megawatt. If the aggregate wattage of the two facilities is one megawatt or greater, the small fuel cell facilities shall be subject to all requirements and processes prescribed in this title for medium or large fuel cell facilities, whichever is the most applicable, in the subject zoning district.

    Small fuel cell facilities are encouraged to be cogeneration or combined cycle facilities.

K. Home occupations conducted in accord with the regulations prescribed in Chapter 18.104 of this title.

L. Rabbit or fowl raising (including more than six female chickens) consistent with the provisions of Section 7.36.010 of this code.

M. Any grading requiring a permit by Section 7006 of the building code of the city on property having a "weighted incremental slope," as defined in Chapter 18.76 of this title, of 10 percent or greater. This subsection shall not apply to any recorded lot or to any property on which an approved tentative map exists at the effective date hereof.

N. Large family daycare homes in accordance with Chapter 18.124, Article II of this title.

O. Skateboard ramps.

P. Small bed and breakfasts in accordance with Chapter 18.124, Article III of this title.

Q. Employee housing (agricultural) that complies with California Health and Safety Code Sections 17008, 17021.6 and the other applicable provisions of the Employee Housing Act at California Health and Safety Code Section 17000 et seq., and to include a residential safety management plan. (Ord. 2086 § 2, 2014; Ord. 2062 § 2, 2013; Ord. 1930 § 1, 2006; Ord. 1885 § 2, 2003; Ord. 1880, 2003; Ord. 1812, 2000; Ord. 1743, 1998; Ord. 1690 § 3, 1996; Ord. 1636 § 4, 1994; Ord. 1238 § 3, 1986; Ord. 1126 § 6, 1984; prior code § 2-6.14)

18.32.045 Temporary conditional uses.

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

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

18.32.050 Prohibited uses.

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

A. Any use not specifically or conditionally permitted by this chapter, unless a determination is made under Chapter 18.128 of this title.

B. Barbed wire fences or any fence which has attached to it, for purposes of prohibiting people or animals from climbing the same, barbed wire regardless of type, with the following exceptions:

1. Where this title specifically allows for the keeping of horses,

2. Where property, although zoned for residential use, has not yet developed pursuant to that zoning and, thus, a great deal of open acreage still remains and is used for the keeping of horses and other animals included in the agricultural district, such usage becoming nonconforming as a result in change in zoning.

C. Gunsmiths.

D. Firearm sales.

E. Any process, equipment or material which has been determined by the planning commission to be detrimental or harmful to the public health, safety or welfare or injurious to property. This determination shall be made at a public hearing set and noticed pursuant to Section 18.12.040 of this title and shall be subject to review by or appeal to the city council as set forth in Section 18.124.090 of this title. (Ord. 1880, 2003; Ord. 1738 § 1, 1998; prior code § 2-6.12(a))

18.32.060 Off-street parking.

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

18.32.070 Off-street loading.

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

18.32.080 Signs.

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

18.32.090 Design review.

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

Chapter 18.36

RM MULTI-FAMILY RESIDENTIAL DISTRICTS

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.

E. Accessory structures and uses located on the same site as a permitted use and the following accessory structures and uses located on the same site with a permitted use or with a conditional use which has been granted a use permit in accord with the provisions of Chapter 18.124 of this title:

1. Emergency standby electricity generator, fuel cell, and/or battery facilities provided that the facilities shall be tested from 8:00 a.m. to 5:00 p.m. Monday through Friday or from 10:00 a.m. to 12:00 noon on Saturday or Sunday only; the facilities shall not be tested for more than one hour during any day, and no testing shall be on federal holidays or on "Spare the Air Days" in Alameda County;

2. Photovoltaic facilities.

F. Not more than two weaned household pets, excepting fish and caged birds.

G. Small family daycare homes.

H. Second units meeting the requirements in Chapter 18.106 of this title.

I. Employee housing (agricultural) that complies with California Health and Safety Code Sections 17008, 17021.5 and the other applicable provisions of the Employee Housing Act at California Health and Safety Code Section 17000 et seq., and to include a residential safety management plan.

J. Supportive housing, subject to the provisions of Chapter 18.107.

K. Transitional housing, subject to the provisions of Chapter 18.107. (Ord. 2086 § 2, 2014; Ord. 2062 § 2, 2013; Ord. 2061 § 2, 2013; Ord. 1885 § 2, 2003; Ord. 1880, 2003; Ord. 1743, 1998; Ord. 1636 § 5, 1994; Ord. 1126 § 7, 1984; prior code § 2-6.24)

18.36.040 Conditional uses.

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

A. Charitable institutions.

B. Churches, convents, monasteries, parish houses, parsonages and other religious institutions.

C. Golf courses.

D. Hospitals and sanitariums, not including hospitals and sanitariums for mental, drug addict or liquor addict cases.

E. Lodging houses.

F. In the RM-1,500 district only, motels.

G. Nursery schools.

H. Private recreation parks and swim clubs.

I. Private schools, 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, biodiesel, 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. 2086 § 2, 2014; Ord. 1885 § 2, 2003; Ord. 1880, 2003; Ord. 1812, 2000; Ord. 1743, 1998; Ord. 1690 § 4, 1996; Ord. 1636 § 6, 1994; Ord. 1153 §§ 1, 2, 1984; Ord. 1126 § 8, 1984; prior code § 2-6.25)

18.36.045 Temporary conditional uses.

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

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

18.36.050 Prohibited uses.

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

A. Any use not specifically or conditionally permitted by this chapter, unless a determination is made under Chapter 18.128 of this title.

B. Barbed wire fences or any fence which has attached to it, for purposes of prohibiting people or animals from climbing the same, barbed wire regardless of type, with the following exceptions:

1. Where this title specifically allows for the keeping of horses,
2. Where property, although zoned for residential use, has not yet developed pursuant to that zoning and, thus, a great deal of open acreage still remains and is used for the keeping of horses and other animals included in the agricultural district, such usage becoming nonconforming as a result of the change in zoning.

C. Gunsmiths.

D. Firearm sales.

E. Any process, equipment or material which has been determined by the planning commission to be detrimental or harmful to the public health, safety or welfare or injurious to property. This determination shall be made at a public hearing set and noticed pursuant to Section 18.12.040 of this title and shall be subject to review by or appeal to the city council as set forth in Section 18.124.090 of this title. (Ord. 1880, 2003; Ord. 1738 § 1, 1998; prior code § 2-6.25(a))

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

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

18.36.070 Underground utilities.

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

18.36.080 Off-street parking.

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

18.36.090 Off-street loading.

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

18.36.095 Transit incentive.

For new multi-family dwellings of 20 units or more that are on sites located within one-half mile of a BART station platform, a transit benefit shall be required as provided in Chapter 17.26. (Ord. 2094 § 2, 2014)

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 where three or fewer massage technicians provide massage services at any one time. Massage establishments shall meet the requirements of Chapter 6.24.
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.

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, biodiesel, 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, 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. 2086 § 2, 2014; Ord. 1995 § 2, 2009; 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, 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 where four or more massage technicians provide massage services at any one time. Massage establishments shall meet the requirements of Chapter 6.24. (Ord. 2086 § 2, 2014; Ord. 1995 § 2, 2009; 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 city engineer finds, upon application by the property owner, that compliance is not feasible or economically justifiable, he or she shall permit different service arrangements. The property owner shall comply with the requirements of this section without expense to the city and shall make the necessary arrangements with the public utility involved. (Ord. 2000 § 1, 2009; 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)

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.
    t. Special downtown accessory entertainment uses. The uses listed in subsections (B)(1)(a) through (s) shall require design review and/or use permit approval pursuant to the procedures of this title. Special downtown accessory entertainment uses may require use permit approval pursuant to the procedures of this title, and/or design review approval if exterior changes are proposed.
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. 2055 § 2, 2012; 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 Cdistrict 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, biodiesel, 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							
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							
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 applicable subject district							
Small fuel cell facilities are encouraged to be cogeneration or combined cycle facilities	P	P	P	P	P	P	P
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 accordance with the provision of Chapter 18.124 of this title:							
5. Special downtown accessory entertainment uses, as defined in Chapter 18.08 of this title:				P			

	CR*(m)	CR**(p)	CN	CC	CS	CF	CA
a. Indoor special downtown accessory entertainment uses with non-amplified or amplified sound in the downtown hospitality central core area and non-amplified sound in the downtown hospitality transition area (hours: 8:00 a.m.—11:00 p.m.)							
b. Indoor special downtown accessory entertainment uses with amplified sound in the downtown hospitality transition area (hours: 8:00 a.m.—9:00 p.m.)							
c. Outdoor special downtown accessory entertainment uses (hours: 8:00 a.m.—9:00 p.m.)							
d. The above accessory uses (5)(a)—(5)(c) shall meet all four of the following parameters:							
i. The use is in compliance with all applicable requirements of Chapter 9.04 (Noise Regulations). The applicant may be required to install noise mitigating measures to ensure compliance with the noise regulations							
ii. For indoor music and entertainment, the exterior doors of the establishment shall remain closed when not being used for ingress/egress and self-closing mechanisms shall be installed on all exterior doors							
iii. For indoor music and entertainment, the establishment's windows shall remain closed when music/entertainment activities are taking place							
iv. The use is in compliance with all applicable requirements of the Pleasanton Municipal Code and all other applicable laws, particularly pertaining to noise, public disturbance, littering, and parking							
6. Special downtown accessory entertainment uses, as defined in Chapter 18.08 of this title, and the use does not comply with the hour restrictions for the use to be a permitted use. Temporary special downtown accessory entertainment uses shall be subject to the requirements of Section 18.116.060 of this title				TC			
7. Special downtown accessory entertainment uses, as defined in Chapter 18.08 of this title, and the use does not comply with the hour restrictions and/or conditions required for the use to be a permitted use or a temporary conditional use				C			
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:							

	CR*(m)	CR**(p)	CN	CC	CS	CF	CA
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
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	
Basement storage, as defined in Section 18.08.057, that meet all of the following criteria:				P			
1. Basement storage shall be limited to the central commercial (C-C) zoning district within the downtown specific plan area and limited to commercial buildings only							
2. Basement storage shall be limited to nontoxic, nonhazardous materials only. It is the responsibility of the storage space operator to prepare a list of prohibited storage items, to have the list approved by the Livermore-Pleasanton fire department, and to require all storage space users to agree in writing that no items on the list or other hazardous materials will be stored. The storage space shall be used for storage only and no other activities and/or uses are allowed							
3. Prior to allowing basement storage, the building owner shall contact the building and safety division and fire department to ensure that the basement meets applicable building and fire codes. If required, the building owner and/or responsible party shall secure all applicable permits and/or make any required changes to the							

	CR*(m)	CR**(p)	CN	CC	CS	CF	CA
basement space to ensure the space meets current code standards for fire, safety, and accessibility							
4. The hours of access for basement storage use shall be: Monday through Friday from 6:00 a.m. to 10:00 p.m. and Saturday and Sunday from 10:00 a.m. to 6:00 p.m. only							
5. One parking space per on-site storage employee and one parking space for storage customers. This parking requirement is in addition to the parking required for other uses on-site							
6. Prior to allowing and/or renting space for basement storage, the property owner and/or responsible party shall submit a zoning certificate application and secure a business license. The zoning certificate application shall be accompanied by a narrative that describes the type of storage proposed, where parking will be allowed, and the use(s) of the building and shall include a site plan and basement storage floor plan that clearly defines, but is not limited to, the following:							
a. The defined area(s) and square-footage in which storage will take place							
b. How the individual storage areas will be delineated (e.g., cages, walls, etc.)							
c. Access and ADA accessibility							
Beauty shops including massage services of four or more massage technicians at any one time. Massage establishments within a beauty shop shall meet the requirements of Chapter 6.24	C	C	C	C			
Beauty shops or beauty shops including massage services of three or fewer massage technicians at any one time. Massage establishments within a beauty shop shall meet the requirements of Chapter 6.24	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		
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			

	CR*(m)	CR**(p)	CN	CC	CS	CF	CA
Carpet, drapery and floor-covering stores	P	P	C	P	P		
Carpet and rug cleaning and dyeing					C		
Catalog stores, no firearm sales	P	P		P			
Catalog stores with firearm sales	C	C		C	C		
Catering establishments	P	P	P	P	P		
Charitable institutions and operations, including, but not limited to, lodging houses or dormitories providing temporary quarters for transient persons, organizations devoted to collecting or salvaging new or used materials, or organizations devoted principally to distributing food, clothing and other similar charitable operations				C	C		
Childcare centers 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		
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							

	CR*(m)	CR**(p)	CN	CC	CS	CF	CA
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 chief building official							

	CR*(m)	CR**(p)	CN	CC	CS	CF	CA
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							
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		
*** Conditionally permitted use if the subject location:							
1. Is zoned Central-Commercial (C-C) or is zoned planned unit development (PUD) that references uses of the C-C district; AND							
2. Is located within the Downtown Revitalization District; AND							
3. Has ground floor frontage on Main Street							
Financial institutions that propose to locate on properties that do not meet all three of the above parameters shall be permitted uses and shall not be subject to the following additional considerations:							
When reviewing an application for a conditional use permit for a financial institution that meets the above three parameters, the							

	CR*(m)	CR**(p)	CN	CC	CS	CF	CA
planning commission shall discourage more than one financial institution within any block of Main Street (including both sides of the street as defined by address, e.g., 100 block, 200 block, etc.) and encourage retail businesses on corners that add to the vitality and pedestrian interest in downtown							
Existing financial institutions may remain as nonconforming uses. Notwithstanding Chapter 18.120 of this code, if an existing financial institution has been abandoned, discontinued, or changed to a conforming use for a continuous period of 180 days or more, the nonconforming use shall not be reestablished without securing a conditional use permit. Abandonment or discontinuance shall include cessation of a use regardless of intent to resume the use							
Firearm sales	C	C		C			
Firearm sales in which no more than 10 firearms are stored on-site at any one time and the majority of firearms are sold through catalogs, mail order, or at trade shows	C	C		C	C		
Florists	P	P	P	P			
Food lockers	P			C	P		
Food market including supermarkets, convenience markets and specialty stores	P	P	C	C			
Freight forwarding terminals					C		
Full-service, self-service and quick-service stations not less than 60 feet from residentially planned or zoned property, provided all operations except the sale of gasoline and oil shall be conducted within a building enclosed on at least three sides, and provided that the minimum site area shall be 20,000 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	
Furniture stores	P	P		P	P	P	
Furniture upholstery shops					C	C	
Game arcades as defined by Section 18.08.207 of this title	C	C	C	C			
Garden centers, including plant nurseries	P	C			C	C	
Gift shops	P	P	P	P			
Glass replacement and repair shops					C	P	
Guards' living quarters					C		
Gunsmiths	P	P		P	P		
Gymnasiums and health clubs	P	C	C	C	P		
Gymnasiums and health clubs including massage services of four or more massage technicians at any one time. Massage establishments within gymnasiums and health clubs shall meet the requirements of Chapter 6.24	C	C	C	C	C		
Gymnasiums and health clubs including massage services of three or fewer massage technicians at any one time. Massage establishments within	P	C	C	C	P		

	CR*(m)	CR**(p)	CN	CC	CS	CF	CA
gymnasiums and health clubs shall meet the requirements of Chapter 6.24							
Hardware stores	P	P	P	P	P		
Heating and air conditioning shops					C		
Hobby shops	P	P	P	P			
Homeless shelters shall be conditionally permitted in CS except that within the SF service facilities overlay district homeless shelters that meet the requirements set forth in Chapter 18.82 shall be a permitted use					C		
Hospital equipment, sales and rental	P	P		C	P		
Hotels and motels		C		P		P	
Household repair shops					C		
Ice cream sales	P	P	P	P			
Ice vending stations		C	C	C	C	C	
Interior decorating shops	P	P	P	P			
Janitorial services and supplies	P			C	P		
Jewelry stores	P	P	P	P			
Kennels, and other boarding facilities for small animals not less than 300 feet from an R or O district					C		
Laboratories		P		P	P		
Laundries and dry cleaners where service is provided	P	P	P	P	P		
Laundries, self-service		P	P	P			
Laundry plants				C			
Leather goods and luggage stores	P	P	P	P			
Linen supply services					P		
Liquor stores	P	P	C	C			
Locksmiths	P	P	P	P			
Lumberyards, not including planing mills or sawmills not less than 300 feet from an R or O district					C		
Machinery sales					P		
Massage establishments where four or more massage technicians provide massage services at any one time. Massage establishments shall meet the requirements of Chapter 6.24	C	C		C			
Massage establishments where three or fewer massage technicians provide massage services at any one time. Massage establishments shall meet the requirements of Chapter 6.24	P	P		P			
Medical and orthopedic appliance stores	P	P		P			
Meeting halls	P	C		C	C	C	
Microbrewery	P****	P****		P****	P****		
**** Permitted use subject to the following conditions:							
1. The zoning administrator finds that adequate parking is available for said use							
2. If the zoning administrator determines that the use will be or is creating odor problems, an odor abatement device determined to be appropriate by the zoning administrator shall be installed within the exhaust ventilation system to mitigate brewery odors							
3. The applicant is in compliance with all applicable requirements of Chapter 9.04 of this code							
4. If operation of the use results in conflicts pertaining to parking, noise, odors, traffic, or other factors, the zoning administrator may modify or add conditions to mitigate such impacts, or may revoke the zoning certificate for the use							
Miniature golf	P	C					

	CR*(m)	CR**(p)	CN	CC	CS	CF	CA
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		
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	

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

	CR*(m)	CR**(p)	CN	CC	CS	CF	CA
Scientific instrument shops	P	P		P	P		
Secondhand stores and pawnshops				C			
Self-service car wash				C			
Sheet metal shops				C			
Shoe repair shops	P	P	P	P			
Shoe stores	P	P	P	P			
Shooting galleries, indoor	P			C	P		
Shooting galleries, indoor, with firearm sales	C			C	C		
Sign painting shops	P			C	P		
Skating rinks, indoor	P	P			P	C	
Specialty stores selling those items normally sold in department stores	P	P		P			
Sporting goods stores, no firearm sales	P	P	P	P			
Sporting goods stores with firearm sales	C	C		C			
Sports arenas or stadiums					C	C	
Stamp and coin stores	P	P	P	P			
Stationery stores	P	P	P	P			
Stone and monument yards					P		
Storage buildings for household goods						P	
Storage yards for commercial goods, supplies and equipment including fuel storage, no less than 300 feet from any R or O district					C		
Supportive housing that provides shelter for six or fewer persons in a dwelling unit, and that meets the standards of Chapter 18.107				P			
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	
Transitional housing that provides shelter for six or fewer persons in a dwelling unit, and that meets the standards of Chapter 18.107				P			
Truck, trailer and/or RVs, sales and service					C	C	P
Truck scales					P	C	
Trucking terminals, not less than 150 feet from an R or O district					C		
Tutoring which cannot meet the criteria for tutoring as written in the use category below	C	C	C	C	C	C	
Tutoring with no more than 20 students at the facility at any one time are permitted uses subject to the following conditions:	P	P	P	P	P	P	
1. The facility shall adhere to all occupancy, ADA, California Building Code, and exiting requirements							
2. The zoning administrator finds that adequate parking is available for the said use							

	CR*(m)	CR**(p)	CN	CC	CS	CF	CA
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 chief building official			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 chief building official				C	P		
Veterinarians' offices and small animal hospitals including operations not conducted within an entirely enclosed building, not less than 300 feet from an R or O district					C		
Warehouses except for the storage of fuel or flammable liquids					C		
Watch and clock repair shops	P	P	P	P			
Waterbed shops including the sale of small incidentals, such as linens, wall hangings, and other similar items	P	P	P	P			
Wholesale establishments					C		
Wholesale establishments without stocks		P		P			

(Ord. 2086 § 2, 2014; Ord. 2061 § 2, 2013; Ord. 2055 § 2, 2012; Ord. 2039 § 2, 2012; Ord. 2017 § 2, 2011; Ord. 2000 § 1, 2009; Ord. 1995 § 2, 2009; Ord. 1950 § 2 (Exh. A), 2007; Ord. 1880, 2003; Ord. 1850 § 1, 2002; Ord. 1821 § 1, 2001; Ord. 1810 § 1, 2000; Ord. 1743, 1998; Ord. 1738 § 1, 1998; Ord. 1726 § 1, 1997; Ord. 1725 § 1, 1997; Ord. 1668 § 2, 1995; Ord. 1665 § 2, 1995; Ord. 1604 § 1, 1993; Ord. 1603 § 3, 1993; Ord. 1394 § 1, 1989; Ord. 1390 § 1, 1988; Ord. 1379 § 1, 1988; Ord. 1354 § 4, 1988; Ord. 1346 § 2, 1987; Ord. 1340 § 1, 1987; Ord. 1216 § 1, 1985; Ord. 1071 § 2, 1983; prior code § 2-7.08)

18.44.095 Prohibited uses.

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

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

18.44.100 Underground utilities.

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

18.44.110 Off-street parking.

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

18.44.120 Off-street loading.

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

18.44.130 Signs.

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

18.44.140 Design review.

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

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 chief building official.

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. 2000 § 1, 2009; 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 which cannot meet the criteria for public or private recreation facilities 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. 2093 § 1, 2014; 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:

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, biodiesel, or the byproduct of an approved co-generation or combined cycle facility;

b. The facilities shall use the best available control technology to reduce air pollution;

c. The facilities shall not create any objectionable odors at any point outside of the property plane where the facilities are located;

d. The facilities shall not exceed a noise level of 45 dBA at any point on any residentially zoned property outside of the property plane where the facilities are located;

e. On a site with fuel cell facilities, small electricity generator facilities shall not be permitted unless the aggregate wattage of the two facilities is less than one megawatt. If the aggregate wattage of the two facilities is one megawatt or greater, the small electricity generator facilities shall be subject to all requirements and processes prescribed in this title for medium or large electricity generator facilities, whichever is the most applicable, in the subject zoning district; and

f. The facilities shall be cogeneration or combined cycle facilities, if feasible.

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, 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, private nursery schools, 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. (Ord. 2086 § 2, 2014; 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 city engineer 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. 2000 § 1, 2009; 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 18.88

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. (Ord. 2089 § 2, 2014; 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. Eligible parcels within the downtown revitalization district, as shown in Figure 18.88.020, can provide an on-site amenity open to the general public subject to the approval of the city council per Section 18.88.120(B) in lieu of providing required off-street parking when in furtherance of the Downtown Specific Plan.

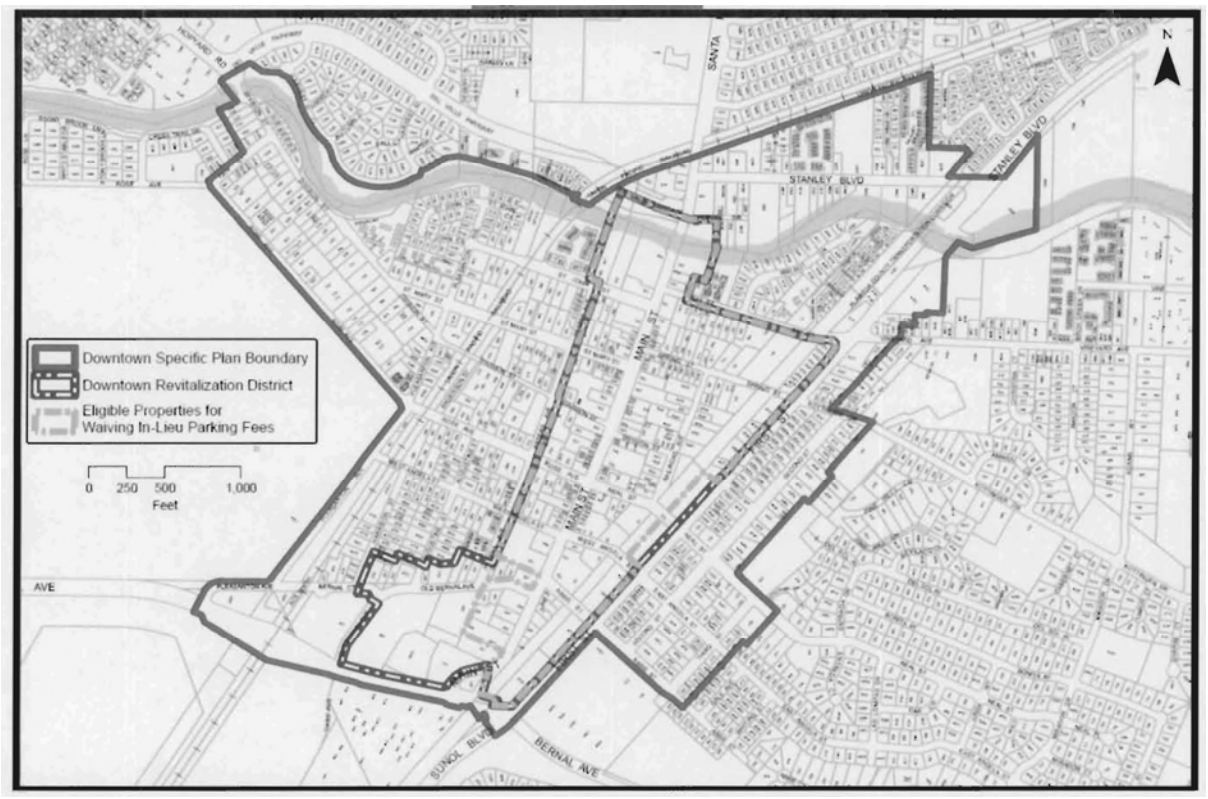

Figure 18.88.020

F. 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 (F)(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. 2089 § 2, 2014; Ord. 1898 § 1, 2003; Ord. 1586 § 10, 1993; Ord. 1156 § 1, 1984; prior code § 2-9.15)

18.88.030 Schedule of off-street parking space requirements.

A. Dwellings and Lodgings.

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

2. Condominiums, community apartments and separately owned townhouses shall have at least two parking spaces per unit.

3. Apartment house parking requirements shall be computed as follows:
    a. For apartments with two bedrooms or less, a minimum of two spaces shall be required for each of the first four units; one and one-half spaces for each additional unit.
    b. For apartments with three or more bedrooms (or two bedrooms and a den convertible to a third bedroom), a minimum of two spaces per unit shall be required. Parking requirements for units having less than three bedrooms shall be computed separately from the requirements for units having three bedrooms or more and then added together.
    c. Visitor parking, in a ratio of one parking space for each seven (1:7) units, shall be provided. All visitor parking spaces shall be clearly marked for this use. Visitor parking may be open or covered and does not count as part of the covered parking requirement described in subsection A4 of this section.
4. At least one space per dwelling unit of the off-street parking required in subsections (A)(1), (A)(2) and (A)(3) of this section shall be located in a garage or carport.
5. Motels, hotels, lodging houses and private clubs providing guest sleeping accommodations shall have at least one space for each guest sleeping room or for each two beds, whichever is greater, plus at least one space for each two employees.
6. Trailer parks shall have a minimum of one space for each unit, plus at least one additional space for each three units, none of which shall occupy area designated for access drives.
7. Small bed and breakfasts and bed and breakfast inns shall have at least one space for each guest sleeping room plus at least one space for each employee on maximum shift. In addition, at least two parking spaces, one of which must be covered, shall be provided for residents of small bed and breakfasts and bed and breakfast inns; the zoning administrator may require only one parking space, which may be uncovered, for a resident manager of a bed and breakfast inn.

B. Offices, Commercial Uses and Places of Public Assembly in the C-N and C-R Districts.
1. C-N District. One space for each 180 square feet of gross floor area, plus 10 spaces in addition to spaces occupied by cars being serviced on the site of each service station, plus additional spaces for each open use as prescribed by the zoning administrator. For banks and other financial institutions (commercial banks, credit unions, and savings and loans)—one space for each 300 square feet of gross floor area, except for floor area used for storage.
2. C-R District. Parking requirements shall be established by the zoning administrator and/or planning commission on a case by case basis in accordance with the purposes of Chapter 18.20 of this title.

C. Office, Commercial and Industrial Uses not in the C-N or C-R District.
1. Food stores—one space for each 150 square feet of gross floor area.
2. Banks and other financial institutions (commercial banks, credit unions, and savings and loans)—one space for each 300 square feet of gross floor area, except floor area used for storage.
3. Massage establishments—two spaces for each massage technician, plus the requirements for supplementary uses.
4. Retail stores except food stores and stores handling only bulky merchandise; personal service establishments including barbershops and beauty shops, cleaning and laundry agencies, and similar enterprises—one space for each 300 square feet of gross floor area, except for floor area used exclusively for storage or truck loading.
5. Commercial service enterprises, repair shops, wholesale establishments, and retail stores which handle only bulky merchandise such as furniture, household appliances, machinery, and motor vehicles—one space for each 500 square feet of gross floor area, except for floor area used exclusively for storage or truck loading.
6. Public and private business and administrative offices, and technical services offices (including, but not limited to, accountants, architects, attorneys, engineers, insurance, real estate and similar professions)—one space for each 300 square feet of gross floor area.

7. Medical and dental offices (including, but not limited to, chiropractors, dentists, optometrists, physicians and similar professions)—one space for each 150 square feet of gross floor area, or six spaces for each doctor, whichever is greater.
8. Restaurants, bars, brew pubs, soda fountains, cafés and other establishments for the sale and consumption on the premises of food or beverages—one space for each three seats or each 200 square feet of gross floor area, whichever is greater.
9. Full service stations—10 spaces exclusive of work bays.
10. Self-service stations—one parking space and an additional parking space for each employee on the maximum shift.
11. Quick service stations—one parking space for each 500 square feet of gross floor area.
12. Full service car washes—two parking spaces for every three employees on the maximum shift.

    Self-service car washes—one parking space for each employee on the maximum shift.

    Drive-through car washes located and operated with a full service or self-service service station or self-service car wash—no additional parking spaces are required.
13. Manufacturing plants and other industrial uses, warehouses, storage buildings, and storage facilities combined with commercial or industrial uses—one space for each employee on the maximum shift, or one space for each 300 square feet of gross floor area.
14. Open uses and commercial and industrial uses conducted primarily outside of buildings—one space for each employee on the maximum shift, plus the number of additional spaces prescribed by the zoning administrator.
15. Liquor stores—one space for each 150 square feet of gross floor area except for floor area used exclusively for storage and/or truck loading. For the purposes of this section, "liquor store" shall mean a business establishment the main function of which is the off-sale of liquor, wine and/or beer.
16. Veterinarians' offices and small animal hospitals—one space for each 250 square feet of gross floor area.
17. Convenience markets—one parking space for each 150 square feet of gross floor area. If less than 1,300 square feet in size and operated as an incidental use to a full service or self-service station, then one parking space shall be provided for each 400 feet of gross floor area.
18. Microbreweries—one parking space for each 300 square feet of gross floor area, plus one space for each person in tours greater than five persons.
19. Commercial basement storage for the public—one parking space per on-site storage employee and one parking space for storage customers. This parking requirement is in addition to the parking required for other uses on site.

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

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

5. Hospitals, sanitariums, nursing homes and charitable and religious institutions providing sleeping accommodations—two spaces for each three beds, one space for each two employees, and one space for each staff doctor.
6. Libraries, museums, art galleries and similar uses—one space for each 600 square feet of gross floor area and one space for each employee.
7. Post offices—one space for each 600 square feet of gross floor area and one space for each employee.
8. Cemeteries, columbariums and crematories—one space for each employee, plus the number of additional spaces prescribed by the zoning administrator.
9. Public buildings and grounds other than schools and administrative offices—one space for each employee, plus the number of additional spaces prescribed by the zoning administrator.
10. Public utility structures and installations—one space for each employee on the maximum shift, plus the number of additional spaces prescribed by the zoning administrator.
11. Bus depots, railroad stations and yards, airports and heliports, and other transportation and terminal facilities—one space for each employee, plus the number of additional spaces prescribed by the zoning administrator.

E. Educational Facilities.

1. Schools and colleges, including public, parochial and private elementary and high schools, kindergartens and nursery schools—one space for each employee, including teachers and administrators and one space for each four students in grade 10 or above. Where subsection (D)(1) of this section requires a greater number of spaces on the site of a school or college, subsection (D)(1) of this section shall apply and the requirements of this subsection (E)(1) shall be waived.
2. Business, professional trade, art, craft, music and dancing schools and colleges—one space for each employee, including teachers and administrators and one additional space for each two students 16 years or older.

F. Property Zoned C-C or O and in the Downtown Revitalization District.

1. All uses, with the exception of office uses on the ground floor of new buildings on sites with frontage on Main Street, shall provide parking or pay equivalent in lieu parking fees at the rate of one space for each 300 square feet of gross floor area. However, uses which have lower parking requirements as stated elsewhere in this section may provide parking or pay equivalent in lieu fees according to that lower standard.
2. Office uses on the ground floor of new buildings with frontage on Main Street shall provide parking or pay equivalent in lieu parking fees at the rate of one space for each 250 square feet of gross floor area. Such office uses which are established anytime within the first five years of the building's occupancy, including tenant spaces which convert from nonoffice to office use within the first five years of building occupancy, shall provide the additional parking or pay the in lieu fee based on the additional parking required for office use. (Ord. 2061 § 2, 2013; Ord. 2017 § 2, 2011; Ord. 1898 § 1, 2003; Ord. 1812, 2000; Ord. 1767 § 1, 1998; Ord. 1726 § 1, 1997; Ord. 1665 § 5, 1995; Ord. 1656 § 1, 1995; Ord. 1636 § 7, 1994; Ord. 1494 § 4, 1990; prior code § 2-9.16)

18.88.035 Requirements for alternative vehicle parking.

A. Alternative Vehicle Parking Requirements—Carpool/Vanpool, Car-Share, and Alternative-Fuel Vehicles.

1. Office and Industrial Development. All new construction, major alteration or enlargement of office and industrial facilities meeting the building size thresholds defined by subsection (A)(1)(a), shall designate at least 10 percent of the off-street parking spaces required by Section 18.88.030 of this chapter as stalls for carpool, vanpool, car-share, and alternative-fuel vehicles, as further specified below:
   a. Building Size Thresholds. The thresholds listed below shall be used to determine if a project is subject to the provisions of this subsection. Alternative thresholds may be proposed and will be subject to approval by the community development director.

i. Office. All new construction, major alteration or enlargement of office facilities resulting in 30,000 square feet or more of gross floor area at one site shall be subject to the provisions of this subsection;

ii. Industrial. All new construction, or major alteration or enlargement of industrial facility with 40,000 square feet of gross floor area or more at one site shall be subject to the provisions of this subsection.

The applicability of projects having a mixture of office and industrial uses shall be determined by assuming one employee for each 300 square feet of gross floor area of office use, and one employee for each 400 square feet of gross floor area of industrial use. Projects totaling 100 or more employees shall be subject to the provisions of this chapter.

b. For each 10 spaces of alternative vehicle parking required by this subsection, a minimum of one space shall be designated as a carpool stall and a minimum of one space as a vanpool stall. A minimum of two spaces shall be provided as electric vehicle charging stations, one of which shall be an accessible van stall meeting the California Building Code requirements for accessibility. The remaining six spaces shall be designated for additional carpool/vanpool vehicles, car-share vehicles, additional space(s) for charging electric vehicles, or alternative-fuel vehicles (including, but not limited to ethanol, biodiesel, fuel cell (hydrogen), natural gas vehicles) but not including hybrid or bi-fuel vehicles where one of the fuels is gasoline or diesel. Each of the remaining six spaces that are not configured as electric vehicle charging stations shall also be provided with electrical conduit and service capacity so that when demand warrants, as determined by the community development director, these spaces may be used for electric vehicle charging.

c. All of the alternative vehicle parking spaces required under this subsection shall be preferentially located as close to the employee entrance as practical without displacing accessible parking and any designated customer or client parking.

2. Multi-Family Dwelling Projects and Electric Vehicles. All multi-family dwelling projects of 100 or more new dwelling units, including projects with ownership units and projects with rental units, shall provide infrastructure for charging electric vehicles, as follows:

a. For the first 100 new dwelling units, two off-street parking spaces shall be provided exclusively as electric vehicle charging stations for use by residents and employees, and one of those two spaces shall be marked as a van accessible stall meeting the California Building Code requirements for accessibility. One additional off-street space with electric vehicle charging shall be provided for each additional 50 new dwelling units, and at least one additional van accessible stall shall be provided for every six additional electric vehicle spaces. The spaces required in this subsection shall be located near a sales or management office, within a parking structure, at an accessible entrance, or other convenient location; and

b. Multi-family dwelling projects that include parking garage structures that provided interior parking spaces for multiple units, at least 10 percent of the interior parking spaces shall be provided as electrical vehicle charging stations. For the purpose of this provision covered parking and carport parking are not considered interior parking; and

c. For each new multi-family dwelling unit that is a townhouse-style unit which includes an attached private garage dedicated to the unit, infrastructure shall be provided for electric vehicle charging including an outlet, service capacity, and electrical conduit or permanently installed wiring. The equipment must only be accessible inside the private garage.

3. All of the alternative vehicle parking spaces required under this section, including electric vehicle charging stations, shall be counted toward the off-street parking required by Section 18.88.030 of this chapter and the accessible parking spaces shall be as required by the current California Building Code.

4. All of the alternative vehicle parking spaces required under this section, including electric vehicle charging stations, shall be clearly marked with both signage and pavement stencils, except that in private garages as

described in subsection (A)(2)(c) above, only interior signage shall be required to indicate the availability of electric vehicle charging equipment.

5. Parking spaces required under this section shall meet the dimensional standards of Section 18.88.040 of this chapter. Electric vehicle charging equipment shall not reduce the size of the parking space.

6. Electric vehicle charging stations shall be equipped with electrical outlets, and may also be equipped with card readers, controls, connector devices and other equipment as necessary for use. Electric cords shall not cross a pathway. All such equipment shall be in compliance with the Building Regulations in Title 24, including all applicable provisions of the California Green Building Standards Code pertaining to electric vehicle charging. (Ord. 2094 § 2, 2014)

18.88.040 Standards.

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

A. The minimum off-street parking dimensions shall be as follows:

1. Parking spaces required to be located in a garage or carport shall not be less than 20 feet in length and 10 feet in width and otherwise meeting the requirements for full sized parking spaces.

2. Full sized parking spaces shall meet the minimum dimensions prescribed in Table 18.88.040 of this section.

3. Compact car parking spaces may be allowed in off-street parking facilities subject to approval by the city. Up to 40 percent of the total parking spaces required may be compact car spaces, based upon the size, shape and design of the off-street parking facility. Compact car spaces shall have minimum dimensions of eight feet by 16 feet and may be angled as is allowed for full sized parking spaces. Aisle width for compact car spaces shall be a minimum of 21 feet for a 90 degree parking angle. For different angles, aisle width and other relevant dimensions shall be reduced proportionately from those shown in Table 18.88.040 of this section for full sized parking spaces, subject to the approval of the city. Each compact car space shall be marked clearly with bold lettering no less than eight inches in height “Compact Car Only.”

B. Sufficient aisle space for readily turning and maneuvering vehicles shall be provided on the site, except that no more than two parking spaces on the site of a dwelling or lodging house may be located so as to necessitate backing a vehicle across a property line abutting a street. Alleys may be used for maneuvering.

C. Each parking space shall have unobstructed access from a street or alley or from an aisle or drive connecting with a street or alley without moving another vehicle.

D. Entrances from and exits to streets and alleys shall be provided at locations approved by the community development director.

E. In an R district, a drive providing access to off-street parking spaces shall not exceed 24 feet in width, and there shall be not more than one drive for each 70 feet of frontage except on corner lots. If more than one drive is proposed on a corner lot, the superintendent of streets may approve an encroachment permit if he or she finds that the proposal is consistent with the objectives of this chapter and will not create an unsafe condition for pedestrians and drivers.

F. In an RM district, a pedestrian walk separated from a parking space, aisle, or access drive by at least four feet of landscaped space shall extend from the front lot line to each dwelling unit, and no parking space, aisle, or access drive shall be closer than six feet to an entrance to a dwelling unit or to a window opening into a habitable room having a floor level less than eight feet above the parking space, aisle or access drive.

G. No off-street parking space provided in compliance with Section 18.88.030 of this chapter shall be located in a required front yard or in a required side yard on the street side of a corner lot and not more than two spaces per site shall be located so as to necessitate use of a required front yard or a required side yard on the street side of a corner lot for backing.

H. The parking spaces, aisles and access drives shall be paved so as to provide a durable, dustless surface and shall be so graded and drained as to dispose of surface water without damage to private or public properties, streets or alleys.

I. Bumper rails shall be provided at locations prescribed by the zoning administrator where needed for safety or to protect property.

J. If the parking area is illuminated, lighting shall be deflected away from residential sites so as to cause no annoying glare.

K. No repair work or servicing of vehicles shall be conducted on a parking area.

L. In R districts, parking of vehicles other than automobiles shall be regulated by Section 18.84.270 of this title.

M. No off-street parking space shall be located on a portion of a site required to be landscaped with plant materials.

Table 18.88.040

MINIMUM PARKING SPACE DIMENSIONS

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

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

18.88.050 Location.

A. In all districts except the C-C and P districts, off-street parking facilities prescribed in Section 18.88.030 of this chapter shall be located on the same site as the use for which the spaces are required or on an adjoining site or a site separated only by an alley from the use for which the spaces are required.

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

18.88.060 More than one use on site or adjoining site.

If more than one use is located on a site, on adjoining sites, or sites separated only by an alley, and in the C-C and P districts within 300 feet of the site, the number of parking spaces provided shall be equal to the sum of the requirements prescribed in this chapter for each use except that the total number of spa ces 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.

1. The procedures to be followed for payment of in-lieu parking fees through an in lieu parking agreement shall be as follows:

a. 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 community development director upon finding that the criteria of this section are met.

b. 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 division. 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.

2. 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.

3. 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.

4. 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.

5. 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.

6. 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: (a) constraints due to the size, configuration, or features of the site; or (b) constraints related to building placement or design; and (c) the availability of off-street parking.

7. 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.

B. The owner of an eligible parcel or parcels, as shown in Figure 18.88.020, who is unable to provide all of the off-street parking required by this code may apply to the city to provide a specific on-site amenity open to the general public which equals, exceeds or is less than the value of the in-lieu parking fee that would otherwise be required for parking that cannot be provided on-site. The procedure and criteria to be followed for consideration of an on-site amenity open to the general public instead of providing parking shall be as follows:

1. Requests for provision of an on-site amenity open to the general public in place of providing off-street parking shall be made in writing as part of a development or pre-development application and shall be filed with the planning division. Such requests shall include a conceptual design for the amenity. Subsequent to receipt of such a request, and prior to project approval, 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 city council shall consider whether or not the proposed amenity would meet the objectives of the Downtown Specific Plan and whether or not to enter into an agreement with the applicant to reduce parking requirements in exchange for the development of an on-site amenity open to the general public on an eligible parcel, as shown in Figure 18.88.020.

2. The on-site amenity shall be open and accessible to the general public at all times, and no portion of the amenity shall be restricted to the exclusive use of on-site business customers only.

3. The on-site amenity should typically consist of a mini-plaza with seating, shade, landscaping, lighting, and other pedestrian facilities. Other forms of amenities may be considered by the city council if consistent with the objectives of the Downtown Specific Plan.

4. The value of the on-site amenity shall be equal to, exceed or be less than, if approved by council, the amount of in-lieu parking fees otherwise required by this chapter, and as set forth in the master fee schedule, for parking not otherwise provided on-site or off-site on private property. The value of the on-site amenity shall be based on opportunity costs. Opportunity costs shall be calculated by using a standard method approved by the community development director. Documentation of the calculation shall be provided to the planning division.

5. In the event the proposed on-site amenity is determined to be of lesser value than the amount of in lieu parking fees otherwise required by this chapter, the developer shall enter into an in lieu parking agreement that pays the difference between the provided amenity and the required fees into the in-lieu parking fund.

6. The on-site amenity shall be installed prior to the issuance of a certificate of occupancy by the chief building official.

7. The on-site amenity does not create any legal public easement or public property interest, and the owner of the property remains responsible for all maintenance and repair of the on-site amenity.

8. The on-site amenity, its requirement to be available to the general public as provided in subsection (B)(2), and the parking waived by provision of the on-site amenity shall be memorialized in a restrictive covenant recorded against the property. Such restrictive covenant shall include remedies for the city in the event the owner of the property, or any successor, fails to comply with its requirements. (Ord. 2089 § 2, 2014; Ord. 2000 § 1, 2009; 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:

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. 2086 § 2, 2014; 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 Section 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 community development director and operations services director;
   d. Amateur radio facilities are prohibited on public property in any zoning district unless the facility meets the requirements of this section.
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. 2086 § 2, 2014; Ord. 2000 § 1, 2009; 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 300 feet of a property on which a personal wireless service facility is proposed shall be notified of the personal wireless service facility application by mail. Notice is not required where a facility's antennas will be concealed within the architecture of a building. Public hearings can be requested as provided in Section 18.20.040(B)(2) of this title. (Ord. 2086 § 2, 2014; 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 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 18.110.250 of this chapter. (Ord. 2086 § 2, 2014; 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 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. The zoning administrator is authorized at his or her discretion to employ on behalf of the city an independent technical expert to review any materials submitted by the applicant and to provide an analysis of issues including but not limited to, whether the wireless facility meets the emission standards set forth by the Federal Communications Commission, whether a a significant gap in coverage exists, whether there are alternative sites and the feasibility of those sites, whether there are ways to mitigate aesthetic impacts. The applicant shall pay all costs of the peer review consultant and shall submit a deposit for peer and staff review.
3. 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.
4. Cross-sections and floor plans, drawn to scale, if an antenna is proposed to be façade- or roof-mounted.
5. Before and after photo-simulations and elevation drawings showing the height, design, color, and location of the proposed facility as viewed from public places and if requested by the zoning administrator, from private properties.
6. Proposed means of establishing and maintaining maximum visual screening of facilities which includes submitting sample exterior materials and colors of towers, antennas, and accessory structures (such as equipment cabinets and structures), landscaping, and security fences.
7. The number, type, and dimensions of antennas, equipment cabinets, and related facilities proposed for use by the personal wireless service provider. If an applicant is proposing an emergency standby generator, include the unit's dimensions and specifications including noise emission levels.
8. 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.
9. Justification of why the proposed height and visual impact of the personal wireless service facility cannot be reduced on the proposed site.
10. A letter, including service area maps and other information demonstrating that the proposed location is essential for the personal wireless service provider to fulfill a significant gap in coverage needs. 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.
11. 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 provider's use in the coverage area.
12. A letter demonstrating whether the facility could be co-located, where that co-located antennas and equipment could be placed, and how that future facility may look.
13. A letter which states the personal wireless service provider's commitment to allow other personal wireless service providers to co-locate 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 co-locate on/near their facilities if approved.
14. A letter certifying that the proposed facility will at all times comply with all applicable health requirements and standards pertaining to radio frequency (RF) emissions as required by the FCC. The letter must include

documentation showing the specific frequency range that the facility will use and a certification by a licensed engineer-expert in the field of wireless communication systems that the facility will comply with FCC radio frequency emission standards and will not interfere with the city communication operations and the communication systems of emergency service providers. An application for a co-located facility must also include certification showing the cumulative radio frequency emissions from both the existing and proposed facilities comply with FCC emission standards and will not cause interference.

15. Reference to any easements necessary.

16. 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 obtained all applicable operating licenses or other approvals required by the Federal Communications Commission and California Public Utilities Commission.

2. A USGS topographic map or survey, to scale, with existing topographic contours showing the proposed antennas and accessory structures.

3. Title reports.

4. Installation of "story poles" to show the height or overall size of the proposed antennas or accessory structures.

5. A letter stating specifically the reasons for not co-locating on any existing personal wireless service facility tower or at any site with existing antennas within the city. The reasons for not co-locating may include evidence that the existing facilities will not meet the provider's coverage needs, letters from personal wireless service providers with existing facilities stating reasons for not permitting co-location, or evidence that personal wireless service providers have not responded, or, if the reasons for refusal to co-locate are structural, the structural calculations for review by the planning division.

6. Noise impact analysis.

7. A letter to the zoning administrator which describes in detail the maintenance program for the facility as well as a security plan to prevent unauthorized access and vandalism.

8. 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. 2086 § 2, 2014; Ord. 2000 § 1, 2009; Ord. 1743 § 1, 1998)

18.110.050 Locational standards.

A. Locational Priorities. For the purposes of this section, when a parcel is zoned PUD (planned unit development), planning staff shall look to the zoning districts listed under the particular PUD and apply those zoning districts to this section.

1. Properties Zoned Commercial, Office, or Industrial (C, O, I, or M-U). Where feasible, personal wireless facilities shall be located on properties with a commercial, office, industrial, or mixed use zoning designation.

a. Concealed Facility. Where feasible, personal wireless service facilities shall be concealed from view and shall not be visible by persons at ground level. By way of example, a facility will be considered "concealed" if the antennas are contained within new or existing architectural details of a building, e.g., real or faux clock or bell tower, or on the roof of a building and concealed by parapets or screenwalls, or concealed by any other means, so long as the project does not substantially compromise the aesthetics of the building.

b. Camouflaged Facility. If it is not feasible to conceal a facility, personal wireless facilities shall be camouflaged in a manner that the facility is designed to be compatible with the surroundings. By way

of example, antennas may be camouflaged in a faux tree, faux bush, flagpole, or otherwise designed in a manner to be compatible with the appurtenant architecture, building, or natural surroundings.

c. If a facility is concealed, the antennas and accessory equipment may be placed anywhere on the property without regard to separation from other uses.

d. If a facility is camouflaged (and not concealed), the facility must be located a minimum of 200 feet away from the following: existing dwelling units (but not accessory structures, detached garages, sheds, poolhouses, etc.); senior care or nursing homes and assisted living facilities; public or private schools for children (including nursery schools); and neighborhood parks, community parks, or regional parks, as designated in the general plan. Notwithstanding the above, if a dwelling unit is located within a commercial (C), office (O), or industrial (I) zone, the 200-foot separation requirement does not apply since the primary purpose of the C, O, or I zones is for non-residential uses.

2. Properties Zoned Agriculture, Public, Public and Institutional (A, P, P&I). If it is not feasible to locate a personal wireless service facility on a parcel zoned C, O, I or M-U, a facility may be located on properties zoned A, P, or P&I.

a. Concealed Preferred Over Camouflaged. Facilities are encouraged to be concealed but, at a minimum, shall be camouflaged. If a facility is concealed, the antennas and accessory equipment may be placed anywhere on the property without regard to separation from other uses.

b. Facilities in these zoning designations may not be located within 200 feet of the following: existing dwelling units (but not accessory structures, detached garages, sheds, poolhouses, etc.); senior care or nursing homes and assisted living facilities; public or private schools for children (including nursery schools); and neighborhood parks, community parks, or regional parks, as designated in the general plan.

3. Iron Horse Trail Between Santa Rita Road and Mohr Avenue. The Iron Horse Trail between Santa Rita Road and Mohr Avenue has no zoning designation and is primarily bordered by property zoned industrial. There are two approved camouflaged personal wireless service facilities located in the Iron Horse Trail between Santa Rita Road and Mohr Avenue. Future personal wireless service facilities may be placed in this section of the Iron Horse Trail, so long as the facilities are either concealed or camouflaged. If a facility is concealed, then the antennas and accessory equipment may be placed anywhere on the property without regard to separation from other uses. If a facility is camouflaged, it may not be located within 200 feet of any existing dwelling units (but not accessory structures, detached garages, sheds, poolhouses, etc.).

4. All Other Zoning Classifications. Unless specifically identified in subsection (A)(1) or (2), personal wireless service facilities shall be prohibited in all other zoning districts with one exception. Regardless of the underlying zoning designation, personal wireless service facilities may be located on any parcel that contains a city water tank or on any parcel that is adjacent to a city water tank, so long as the following conditions are satisfied:

a. Facilities are encouraged to be concealed but, at a minimum, shall be camouflaged; and

b. The personal wireless service facility (antennas and equipment cabinets) must be located within 200 feet of a city water tank; and

c. Personal wireless facilities are encouraged to locate as far away from existing dwelling units as is feasible but in no event shall a personal wireless service facility (antennas or equipment cabinets) be located within 200 feet of an existing dwelling unit (but not detached garages, sheds, poolhouses, etc.).

5. Feasibility. An applicant may demonstrate feasibility by providing evidence demonstrating that there are no other locations that: meet the applicant's coverage needs; are structurally or technically feasible; or are available to lease or otherwise economically feasible. At the applicant's expense, the city may hire an expert to review the provider's evidence and determine whether other locations may be feasible.

6. Visibility from Freeways. Personal wireless service facilities shall be prohibited at locations that are readily visible from the I-580 and I-680 freeways unless the provider can demonstrate that there are no other feasible sites and that every effort has been made to conceal or camouflage the facility.

7. Exception Required to Meet State or Federal Law. The decision-making body may grant an exception to any requirement of this chapter, including the locational priorities in this section, if the applicant can show that strict compliance with the code would violate federal or state law. (Ord. 2086 § 2, 2014; Ord. 2038 § 1, 2012; Ord. 1743 § 1, 1998)

18.110.060 Co-location.

The zoning administrator may require a personal wireless service provider to co-locate its personal wireless service facilities with other existing or proposed facilities if the proposed antennas would comply with the provisions of this chapter and it would be structurally and technically feasible that the co-location site can service the same or a similar coverage area as proposed; 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 nonco-located personal wireless service facilities. (Ord. 2086 § 2, 2014; 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 concealed 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. 2086 § 2, 2014; 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, and on an engineering analysis justifying the height of the proposed personal wireless service facility and demonstrating that a lower height is not feasible. (Ord. 2086 § 2, 2014; 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. 2086 § 2, 2014; 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. 2086 § 2, 2014; 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 division.

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. 2086 § 2, 2014; Ord. 2000 § 1, 2009; 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 city engineer 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. 2000 § 1, 2009; 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 co-locate on a single building, tower, monopole, or other supporting structure, unless the zoning administrator determines that having additional facilities at that location is desirable and will not create aesthetic impacts. (Ord. 2086 § 2, 2014; 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 and to comply with the noise standards of the municipal code. 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. 2086 § 2, 2014; Ord. 1743 § 1, 1998)

18.110.150 Interference.

All personal wireless service facilities shall be operated in a manner which complies with the Federal Communications Commission's regulations regarding signal interference. (Ord. 2086 § 2, 2014; 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 division 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. Within 45 days of initial operation or modification of a personal wireless service facility, the personal wireless service provider shall submit to the planning division 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.

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. 2086 § 2, 2014; Ord. 2000 § 1, 2009; 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. 2086 § 2, 2014; 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. 2086 § 2, 2014; Ord. 1743 § 1, 1998)

18.110.190 Advertising.

No advertising shall be placed on personal wireless service facilities. (Ord. 2086 § 2, 2014; 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. 2086 § 2, 2014; 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. 2086 § 2, 2014; Ord. 1743 § 1, 1998)

18.110.220 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. 2086 § 2, 2014; Ord. 1743 § 1, 1998)

18.110.230 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 18.110.240(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. 2086 § 2, 2014; Ord. 1743 § 1, 1998)

18.110.240 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. 2086 § 2, 2014; Ord. 1743 § 1, 1998)

18.110.250 Preexisting and nonconforming personal wireless service facilities.

A. As of the effective date of the ordinance codified in this chapter, there are four legal nonconforming personal wireless facilities in the city. These facilities 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.

B. A facility that meets the requirements of this chapter shall not later be deemed nonconforming in the event that one of the following uses locates near the existing facility in a manner that would make the facility noncompliant with the locational standards of Section 18.110.050: dwelling units (but not accessory structures, detached garages, sheds, poolhouses, etc.); senior care or nursing homes and assisted living facilities; public or private schools for children (including nursery schools); and neighborhood parks, community parks, or regional parks, as designated in the general plan. (Ord. 2086 § 2, 2014; Ord. 1743 § 1, 1998)

18.110.260 Length of approvals.

A. Length of Permit. A design review approval for a wireless communication facility shall be valid for an initial maximum period of 10 years.

B. Extensions. The permit may be administratively extended by the zoning administrator for a period of time to be determined by the zoning administrator upon verification of continued compliance with the findings and conditions of approval under which the application was originally approved, as well as any other provisions provided for in this chapter or in the municipal code which are in effect at the time of permit renewal. Additionally, the zoning administrator shall look at whether the personal wireless service provider has agreed in writing to upgrade the existing facility to minimize the facility's adverse visual impact to the extent permitted by the technology that exists at the time of the renewal.

C. 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: (1) the nature of the deficiency or violation; (2) a reasonably ascertainable means to correct such deficiency or violation; and (3) 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.

D. A nonconforming personal wireless service facility shall not receive an extension or be altered or modified unless approved by the zoning administrator subject to a determination that the extension, alteration, or modification will cause the personal wireless service facility to be in greater conformance with this chapter.

E. The zoning administrator's decision to deny a renewal may be appealed as described in Section 18.144.050 of this title.

F. 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.

G. 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. (Ord. 2086 § 2, 2014; Ord. 2000 § 1, 2009; Ord. 1743 § 1, 1998)

18.110.270 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. 2086 § 2, 2014; Ord. 1743 § 1, 1998)

18.110.280 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 Communications Commission's standards. (Ord. 2086 § 2, 2014; Ord. 1743 § 1, 1998)

18.110.290 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. 2086 § 2, 2014; Ord. 1743 § 1, 1998)

Chapter 19.04

GENERAL PROVISIONS

Sections:

19.04.010 Purpose.

A. The purpose of this title is to control and regulate the division of any land for any purpose whatever within the city and such land as may be annexed to the city. It includes resubdivision, the process of subdividing, or the land or territory subdivided, including planned unit developments. The status of proposed planned unit developments shall be determined by the city planning commission in accordance with the provisions of Title 18 of this code.

B. The application of the provisions of this title shall be deemed supplemental to the provisions of the Subdivision Map Act of the state of California (Government Code Sections 66410, et seq.), and to the extent that the Map Act preempts local ordinances as contained in this title, the provisions of state law shall apply. In cases where the local jurisdiction may adopt more flexible standards and procedures and less restrictive time limits, the provisions of the local ordinances as contained in this title shall apply. (Ord. 1222 § 23, 1985; prior code § 2-2.01)

19.04.020 Considerations—General plan and zoning ordinance.

The general plan shall guide the use of all land within the corporate boundaries of the city. The type and intensity of land use as shown on the general plan shall determine the types of streets, roads, highways and other utilities and public facilities that shall be provided by the subdivider. No land shall be subdivided and developed for any purpose not contemplated or specifically authorized by the precise zoning ordinance of the city. (Prior code § 2-2.02)

19.04.030 Considerations—Existing conditions.

Consideration shall be given to provision for uniformity of street widths and for proper alignments and street names. Preservation of the privacy and safety of streets in residential areas shall be encouraged by control of through traffic in such areas. The amount of street required shall be directly related to the traffic generating uses of abutting land. Intersections on streets, highways and other trafficways shall be reduced to a minimum consistent with the basic needs of ingress and egress. Intersections shall be so designed to provide for the greatest safety both for pedestrians and motorists. Provisions shall be made for assuring adequate light, air and privacy on all parcels of property, regardless of the land use. The topography of the land shall be respected, and where cutting and filling is necessary, the quality of development shall be maintained. Streets shall be designed to minimize excessive grading and scarring of the landscape. Problems of drainage shall be resolved in such manner as to permit the occupants of the subdivision reasonable security against flooding. (Prior code § 2-2.03)

19.04.040 Considerations—Community facilities.

Community facilities shall be provided for in the subdivision process. This chapter establishes procedures for the referral of proposed subdivision maps to pertinent governmental agencies and utility companies, both public and private, so that the extension of community facilities and utilities may be accomplished in an orderly manner concurrent with a subdivision of land. In order to facilitate the acquisition of public land area required, the planning commission may require the subdivider to reserve land for schools, parks, playgrounds and other public purposes. Donation and dedication of land area consistent with the standards of the general plan and in such locations as will implement the general plan may be accepted by the city council. (Prior code § 2-2.04)

Chapter 19.08

DEFINITIONS

Sections:

19.08.010 Generally.

Words or phrases not defined in this chapter, but defined in the Government Code of California, or in Title 18 of this code, shall be used as though defined in this chapter in full, unless the context clearly indicates a contrary intention. (Prior code § 2-2.15)

19.08.020 Block.

"Block" means an area of land within a subdivision, which area is entirely bounded by streets, highways or ways, except alleys, or the exterior boundary or boundaries of the subdivision. (Prior code § 2-2.16)

19.08.030 Collector street.

"Collector street" means a street intermediate in importance between minor residential street and a major or secondary thoroughfare which has the purpose of collecting local traffic and carrying it to a thoroughfare. (Prior code § 2-2.17)

19.08.040 Cul-de-sac.

"Cul-de-sac" means a street open at one end only for motor vehicle traffic, and providing at the other end special facilities for the turning around of motor vehicles. The turning end may also abut an access way for pedestrians, bicycles, and/or emergency vehicles to connect with other streets, paths or activity centers. (Ord. 2095 § 2, 2014; prior code § 2-2.18)

19.08.050 Frontage road.

"Frontage road" means a street adjacent to a thoroughfare, freeway or parkway, separated therefrom by a dividing strip and providing ingress and egress from abutting property. (Prior code § 2-2.26)

19.08.060 General plan.

"General plan" means the general plan of the city, adopted by Ordinance No. 309, effective July 1, 1960, and any amendment thereto, or any general plan adopted subsequent to the adoption of the ordinance codified in this title and superseding the plan adopted July 1, 1960. (Prior code § 2-2.19)

19.08.070 Improvements (public).

"Improvements," as used in this title, means those public works improvements normally constructed within street rights-of-way or public easements, as a part of the subdivision improvements, including, but not limited to, curb, gutter, sidewalk, street paving, sewers, water lines, storm drain facilities, trees, fire hydrants and street lights. It shall also include rough grading the building sites to provide a buildable site with proper drainage. (Prior code § 2-2.31)

19.08.080 Lot.

"Lot" means a parcel or portion of land separated from other parcels or portions by description as on a subdivision or record of survey map or metes and bounds for purposes of sale, lease or separate use. (Prior code § 2-2.20)

19.08.090 Major thoroughfare, secondary thoroughfare, freeway and parkway.

"Major thoroughfare," "secondary thoroughfare," "freeway" and "parkway" mean a vehicular route so designated on the general plan or any other vehicular route so designated by the city council, on recommendation of the planning commission. (Prior code § 2-2.21)

19.08.100 Map Act.

"Map Act" means the Subdivision Map Act of the state of California. (Prior code § 2-2.22)

19.08.110 Minor residential street or industrial service street.

"Minor residential street" or "industrial service street" means a street intended wholly or principally for

local traffic, or service to abutting property. (Prior code § 2-2.23)

19.08.120 Minor subdivision.

"Minor subdivision" means a subdivision so designated by the review board as specified in Chapter 19.16 of this title. (Prior code § 2-2.24)

19.08.130 Public utility.

"Public utility" means private corporations or governmental jurisdictions authorized by law to establish and maintain any such works or facilities in, under or over any public street, and any such works or facilities themselves. This chapter shall not be construed to limit the powers and duties vested by law in the Public Utilities Commission of the state, and in the event of any complaint, the Public Utilities Commission's orders, rules and regulations shall govern. (Prior code § 2-2.30)

19.08.140 Service alley or alley.

"Service alley" or "alley" means a street providing only secondary access to abutting property. (Prior code § 2-2.25)

19.08.150 Standard specifications.

"Standard specifications" means such standard subdivision improvement details and specification as prepared by the city engineer and approved by the planning commission, and by resolution of the city council. (Prior code § 2-2.27)

19.08.160 Subdivider.

"Subdivider" means any individual, firm, association, syndicate, copartnership, corporation, trust or any other legal entity commencing proceedings under this chapter, to effect a subdivision of land hereunder for him or herself or for another, and while used in this chapter in masculine gender and singular number, it shall be deemed to mean and include the feminine or neuter gender and the plural number whenever required. (Prior code § 2-2.28)

19.08.170 Subdivision.

"Subdivision" means any real property, improved or unimproved, or portion thereof, shown on the latest adopted Alameda County tax roll as a unit or contiguous units, which is divided, for the purpose of sale, lease or separate use, whether immediate or future, by any subdivider, into two or more lots, plats, sites or other divisions of land for the sale, lease or separate use. (Prior code § 2-2.29)

Chapter 19.12

ADMINISTRATIVE PROVISIONS

Sections:

19.12.010 Responsibilities—Subdivider.

The subdivider shall prepare maps consistent with the design standards and accomplish improvements consistent with the improvement standards contained in this chapter and shall process the maps through the planning commission in accordance with the regulations set forth in this title. (Prior code § 2-2.05)

19.12.020 Responsibilities—Director of community development.

The director of community development or designee shall stamp the date and time received and be responsible for the expeditious processing of such maps and prompt referral thereof to the pertinent governmental agencies and affected utility companies, both public and private. The director shall coordinate the dissemination of information regarding the proposed subdivision of land. The planning commission shall consider the written reports of the public agencies in recommending approval, conditional approval or disapproval of the proposed subdivision. Distribution may include, but is not limited to, the following:

A. The county planning commission;

B. The planning commission of any other city within three miles of the subdivision;

C. The district engineer of the Division of Highways of the state;

D. The affected school district or districts;

E. The fire department;

F. The county health officer;

G. The city engineer;

H. The county surveyor;

I. The county flood control and water conservation district;

J. The sewer district;

K. Utility providers. (Ord. 2019 § 1, 2011; prior code § 2-2.06)

19.12.030 Responsibilities—City engineer.

The city engineer shall be responsible for reporting to the planning commission and the city council as to whether the proposed improvements are consistent with the regulations contained in this title and shall be responsible further for the supervision and ultimate approval of all such improvements. (Prior code § 2-2.07)

19.12.040 Responsibilities—Planning commission.

The planning commission shall act as the advisory agency to the city council and is charged with the duty of making investigations and reports on the design and improvement of proposed subdivisions and the conformance of such subdivisions with the general plan and this chapter. The planning commission shall report its actions and recommendations concerning the tentative map direct to the subdivider. (Prior code § 2-2.08)

19.12.050 Responsibilities—City council.

The city council, being the legislative body, has final jurisdiction over all final subdivision maps. Reports to the city council regarding subdivisions within or contiguous to the city for their information and action shall be made in writing as an integral part of the subdivision process. (Prior code § 2-2.09)

19.12.060 Review board—Established.

There is established a review board composed of the community development director, the director of recreation, the city engineer, the city attorney, and such other city personnel as may be called upon from time to time by the community development director. (Ord. 2000 § 1, 2009; prior code § 2-2.35)

19.12.070 Review board—Preliminary map review.

Prior to the filing of a tentative map, the subdivider shall submit to the community development director 25 copies of the plans, together with the fee set forth in the master fee schedule which will not be refundable and such other information concerning a proposed or contemplated development as is deemed desirable. The community development director will then, within 14 days, schedule a conference of the review board with the subdivider on such plans and other data, and the review board will make such general recommendations to the subdivider as shall seem proper regarding such plans or data, and shall recommend consultations by the subdi-

B. Streets shall be extended to the boundary lines of the land to be subdivided, unless prevented by topography, cul-de-sac street pattern, or other physical conditions.

C. In the case of stub-end streets extending to the boundary of the property, a one-foot strip the width of the street right-of-way shall be deeded to the city at the end of the stub-end street, and improvements of the strip shall be suspended, pending the extension of the street into adjacent property. A temporary turnaround or a temporary connection to another street may be required of the subdivider, if considered necessary by the planning commission.

D. Streets shall intersect one another as nearly at right angles as good design permits.

E. Excessively long straight residential streets, conducive to high speed traffic shall be prohibited. Minor residential streets and alleys, as defined in Section 19.36.050, shall not be utilized unless recommended by the review board and approved by the planning commission.

F. Alleys shall not be permitted in residential subdivisions, but may be required in nonresidential subdivisions.

G. Where cul-de-sacs are planned, pedestrian and bicycle paths connecting the end of the cul-de-sac to other streets, paths, school routes, or neighborhood activity centers shall be provided unless infeasible in the determination of the community development director or designee. (Ord. 2095 § 2, 2014; prior code § 2-3.43)

19.36.070 Design adjacent to thoroughfares.

Subdivision design adjacent to thoroughfares shall conform to the general plan, as determined by the planning commission. The following principles shall be observed:

A. Street design shall make adjacent residential lots desirable by cushioning the impact of heavy traffic and shall minimize cross traffic on thoroughfares.

B. Intersecting streets along thoroughfares shall be restricted. Wherever practicable, such intersections shall be spaced not less than 1,320 feet on center. The planning commission may, at the time of approval of the tentative map, require sufficient flaring of the rights-of-way of thoroughfares at intersections to allow the construction of traffic stacking lanes as designated by the city engineer.

C. Public service easements when required in front yards in residential developments may be used for either landscaping or utility purposes, or both, upon approval of the planning commission.

D. Frontage roads shall enter thoroughfares by bulb-type intersections capable of stacking at least four cars between the frontage road and the thoroughfare.

E. Where frontage roads are not required, residential lots adjacent to the thoroughfares normally will be required to be served by a residential collector street paralleling the thoroughfare at a lot depth of not less than 120 feet therefrom, or by a series of cul-de-sacs or loop streets extending towards the thoroughfare from a collector street no more than 600 feet therefrom. In such cases a wall or fence of a design approved by the planning commission shall be required within the right-of-way at the rear of properties adjacent to the thoroughfare. Permanent landscaping subject to the approval of the planning commission shall be installed between the fence and the thoroughfare curb.

F. When the rear of any lot borders any thoroughfare, the city may require the subdivider to execute and deliver to the city an instrument, deemed sufficient by the city attorney, prohibiting the right of ingress and egress from the thoroughfare to the lot. (Prior code § 2-3.44)

19.36.080 Grades, curves and sight distances.

Grades, curves and sight distances shall be subject to approval by the city engineer, to insure proper drainage or safety for vehicles and pedestrians. The following principles and minimum standards shall be observed:

A. Grades of streets shall not be less than three-tenths of one percent, nor greater than 15 percent, except as modified by Section 19.36.140 of this chapter.

B. At street intersections, property line and curb corners shall be rounded by arcs, such that the curb radius shall be not less than 20 feet for streets up to collector in capacity. For intersections with arterials, the radius shall be required by the city engineer.

C. The radii of curvature shall not normally be less than 400 feet on the centerline of thoroughfares and less than 100 feet on the centerline of collector or minor residential streets. (Prior code § 2-3.45)

19.36.090 Curbs, sidewalks and pedestrian ways.

The following principles and standards shall apply to the design and installation of curbs, sidewalks and pedestrian ways:

A. Vertical curbs and gutters shall be required in all subdivisions.

B. Sidewalks shall be required on both sides of the street in any subdivision or portion thereof having any lot with an area of less than one-half acre.

C. The requirement for sidewalks may be omitted, at the discretion of the planning commission, in a subdivision or section thereof in which all lots have an area of one-half acre or more.

D. When required for access to schools, playgrounds, shopping centers, transportation facilities, other community facilities, or for unusually long blocks, the planning commission may require pedestrian ways not less than 10 feet in width.

E. Sidewalks shall be located within the street right-of-way at the dedicated boundary of the street. (Prior code § 2-3.46)

19.36.100 Street trees.

Street trees, in an amount as determined by the city engineer, shall be provided by the subdivider in all subdivisions on both sides of the street, either within the street right-of-way or within a dedicated public service easement, not less than eight feet wide adjacent to the street. Street trees shall be selected, installed and maintained in accordance with city ordinances or regulations. (Prior code § 2-3.47)

19.36.110 Easements.

Public service easements, not less than 10 feet in width, shall be provided within the subdivision where required for public utility purposes. Modification of the easement width requirement may be made only when approved by both the planning commission and public utility concerned. (Prior code § 2-3.49)

19.36.120 Residential lot and block design.

Blocks shall have sufficient width for an ultimate layout of two tiers of lots therein of the size required by the provisions of this chapter or Title 18 of this code, unless the surrounding layout or lines of ownership justify or require a variation from this requirement. (Prior code § 2-3.50)

19.36.130 Block standards.

Blocks shall not normally exceed 2,000 feet in length between street lines, except in hillside developments or where subdivisions containing parcels of one-half acre or larger justify or require a variation from this requirement. In any block over 900 feet in length, the planning commission may require that a paved and adequately identified crosswalk or pedestrian way, not less than 10 feet in width, be provided near the center and entirely across such block. (Prior code § 2-4.00)

19.36.140 Lot standards.

The size, shape and orientation of lots shall be appropriate to the location of the proposed subdivision and to the type of development contemplated. The following principles and standards shall be observed:

A. The minimum area and dimensions of all lots shall conform to the requirements of Title 18 of this code for the district in which the subdivision of land is located.

B. The side line of all lots, so far as possible, shall be at right angles to the street which the lot faces, or approximately radial to the center of curvature, if such street is curved. Side lines of lots shall be approximately radial to the center of curvature of a cul-de-sac on which the lot faces.

C. No lot shall have a street frontage less than 35 feet.

D. No lot shall have a width less than 45 feet at the building setback line.

E. Corner lots for residential use shall be platted wider than interior lots in order to permit conformance with the required street side yard requirements of Title 18 of this code.

F. No lot shall have a depth of less than 100 feet. Where the rear of a lot is adjacent to a playground, shopping center, industrial tract or other similar nonresidential use, or to the right-of-way of a freeway, railroad or thoroughfare, the depth shall be increased to a minimum of 120 feet.

G. No lot shall be divided by a city boundary line.

H. A lot depth in excess of twice the width shall be avoided whenever possible, and a lot depth in excess of three times the width shall not be permitted.

I. No remnants of property shall be left in the subdivision which do not conform to lot requirements or are not required for a private, public utility or other public purpose. (Prior code § 2-4.01)

19.36.150 Neighborhood facilities—Reservation of sites.

The subdivider shall reserve sites, appropriate in area and location, for necessary and desirable residential facilities such as public schools, parks and playgrounds and shopping centers. Such sites shall be located in accordance with the principles and standards of this chapter, Title 18, the general plan, and annexation policies of the city. If not dedicated to the public by the subdivider, such sites shall be reserved by the

subdivider for a period of not less than one year pending purchase. (Prior code § 2-4.03)

19.36.160 Neighborhood facilities—Determination of need.

The neighborhood facilities needed shall be determined on the basis of the estimated number of families in the area to be served by the facilities. (Prior code § 2-4.04)

19.36.170 Neighborhood facilities—Service area.

Service areas determining the need for residential facilities at the district or community level are subject to special determination, based on the general plan. The planning neighborhood will normally provide the basis for estimating the number of families to be served by facilities at the local level. A planning neighborhood may be identified by the following characteristics:

A. It is bounded by major thoroughfares or other substantial land use or natural barriers to pedestrian traffic.

B. It is usually not over a mile in extent in any direction.

C. It contains a minimum of 500 families. (Prior code § 2-4.05)

19.36.180 Neighborhood facilities—Principles and standards.

The following principles and standards are intended to serve as a general guide in determining the residential facilities for which sites normally will be required:

A. An elementary school site of approximately 10 acres will be required for each 600 families, more or less. Such school site shall be central to the population to be served and shall not be located on a major thoroughfare.

B. Whenever possible, playground and neighborhood recreation areas shall be developed in conjunction with elementary school sites. A park site, if required, shall not normally be less than five acres in area, and such sites shall specifically include areas with natural advantages for park development.

C. A site of approximately four to six acres including off-street parking and landscaping will normally be required for a local shopping center to serve a population of about 1,500 to 2,000 families. (Prior code § 2-4.06)

19.36.190 Nonresidential subdivisions—Conformance to general plan.

The street and lot layout of a nonresidential subdivision shall be appropriate to the land use for which the subdivision is proposed, and shall conform to the proposed land use and standards established in the general plan and required in Title 18 of this code. (Prior code § 2-4.07)

19.36.200 Nonresidential subdivisions—Types.

Nonresidential subdivisions shall include industrial tracts, and may include neighborhood, community and central business district commercial tracts. (Prior code § 2-4.08)

19.36.210 Nonresidential subdivisions—Principles and standards.

The subdivider shall demonstrate to the satisfaction of the planning commission that the street parcel and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

A. Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.

B. Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereon.

C. Special requirements may be imposed by the city with respect to street, curb, gutter and sidewalk design and construction.

D. Special requirements may be imposed by the city with respect to the installation of public utilities, including water, sewer and stormwater drainage.

E. Residential areas shall be protected from potential nuisance by including extra depth in parcels backing up on existing or potential residential development and providing a permanently landscaped buffer strip when necessary.

F. Streets carrying nonresidential traffic shall not normally be extended to the boundaries of adjacent existing or potential residential areas or connected to streets intended for predominantly residential traffic.

G. Subdivisions for proposed commercial development shall specifically designate all areas proposed for vehicular circulation and parking, for pedestrian circulation, and for buffer strips and other landscaping. (Prior code § 2-4.09)

19.36.220 Planned unit developments.

A. Nothing contained in this chapter shall be construed as precluding the approval of planned unit developments as provided in Title 18 of this code. A tentative map, which may also constitute the exhibit that must accompany any necessary zoning action, shall be prepared in the form specified in this title, with the additions or revisions to the normal form which may be deemed necessary by the review board. Each tentative map shall designate the type of planned unit which is contemplated in accordance with one of the following designations:

1. Planned Unit Development—Type I. A Type I planned unit development is one which may be considered a planned unit in keeping with the spirit and intent of the zoning ordinance, but one wherein the outstanding characteristic, when compared to a conventional subdivision, is merely the mixture of various land uses and densities within the boundaries of the subdivision. It is not intended that a Type I planned unit development will be in conflict with this title, and consideration of any departure from the conventional must include adherence to the applicable provisions of Title 18 and Chapter 19.32 of this title.

2. Planned Unit Development—Type II. It is intended that a Type II planned unit development be a more radical departure from the conventional subdivision. While the burden of the proposal for a Type II planned unit development is placed upon the subdivider in terms of establishing new concepts, it is suggested that he or she make every effort to coordinate closely the development of a proposal with the city staff and the review board prior to the filing of a tentative map, in order that such map may be basically in agreement with the views of the city prior to the preparation of a tentative map to the detail required in this title. In order to provide examples of, but not limit the possible methods of varying from the norm in a Type II development, the following list is intended to represent items which may vary in context from the requirements regarding these items as stated in this chapter:

a. Lot dimensions and areas;
b. Street widths;
c. Sidewalk requirements;
d. Block lengths;
e. Front, side and rear yard requirements;
f. Access to public streets;
g. Basic concepts of street pattern and design.

B. The basic criteria which will govern the applicability of the Type I and Type II unit development provisions of this chapter in residential areas is that of average population density. The average population density of a planned unit development will be no higher than that which could be obtained under the general plan and the specific zoning of the property. However, this density may be increased in certain portions of a subdivision, provided there are sufficient areas utilized for parks and other open spaces, large lots and other amenities, in order to allow the total development to conform to the average density requirement. Consideration of any departure from the requirements of this chapter regarding Type II planned unit developments must include adherence to the applicable provisions of Title 18 and Chapter 19.32 of this title. (Prior code § 2-4.10)

Statutory References for California Cities

These references direct the code user to those portions of the state statutes relevant to California cities. This reference list is current through April 2014, and will be periodically updated by Quality Code Publishing as statutes are revised.

Contents:

General Provisions

Administrative fines and penalties
Gov. Code § 53069.4

Alternative forms of government
*Gov. Code § 34851 et seq.***

Authority to adopt, amend, revise or repeal city charters
*Cal. Const. Art. XI §§ 3 and 5**

Citations for infractions and misdemeanors
Penal Code §§ 853.5—853.85

Classifications of cities
Gov. Code §§ 34100—34102

Code adoption
Gov. Code §§ 50022.1—50022.10

Conflict of interest code
Gov. Code § 87100 et seq.

Elections
Gov. Code §§ 34050 and 36503
Elections Code §§ 1301, 9200 et seq., and 10100 et seq.

Expedited judicial review of First Amendment cases
Code of Civil Procedure § 1094.8

False petitions
Gov. Code § 34093

General powers
Gov. Code § 37100 et seq.
Cal. Const. Art. XI § 7

Imprisonment
Gov. Code §§ 36901, 36903—36904

Initiative and referendum
Cal. Const. Art. XI § 7.5
Elections Code §§ 9200 et seq., and 9235 et seq.

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* Applicable solely to chartered cities.

** May not be applicable to chartered cities.

Judicial review of city decisions
Code of Civil Procedure § 1094.6

Ordinances
Gov. Code § 36900 et seq.

Penalties for ordinance violations
Gov. Code §§ 36900 and 36901

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Cal. Const. Art. XI § 7

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*Gov. Code § 34450 et seq.**

Administration and Personnel

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*Gov. Code § 41201 et seq.***

City attorney
*Gov. Code § 41801 et seq.***

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*Gov. Code § 40801 et seq.***

City manager
*Gov. Code §§ 34851—34859***

City officers generally
*Gov. Code § 36501***

City records
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Gov. Code § 34870 et seq.

Elective mayor
*Gov. Code §§ 34900—34905***

The California Emergency Services Act
Gov. Code § 8550 et seq.

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Gov. Code § 38611

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Gov. Code § 36801 et seq.

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Gov. Code §§ 8630—8634

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Gov. Code § 65100 et seq.

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*Gov. Code §§ 36801—36803 and 40601 et seq.***

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Gov. Code § 54950 et seq.

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Penal Code § 13500 et seq.

Personnel system
Gov. Code § 45000 et seq.

Retirement systems
Gov. Code § 45300 et seq.

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Chartered city special assessment procedure
*Gov. Code § 43240**

Claims against public entities
Gov. Code § 900 et seq.

Contracting by local agencies ("Local Agency Public Construction Act")
Pub. Contract Code § 20100 et seq.

Development fees
Gov. Code § 66000 et seq.

Financial powers
Gov. Code § 37200 et seq.

Fiscal year in chartered cities
*Gov. Code § 43120**

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* Applicable solely to chartered cities.

** May not be applicable to chartered cities.

Graffiti prevention tax
Rev. and Tax. Code §§ 7287—7287.10

Local agency service fees and charges
Gov. Code § 66012 et seq.

Property tax assessment, levy and collection
Gov. Code § 43000 et seq.

Public works and public purchases
Gov. Code § 4000 et seq.

Sales and use tax
Rev. and Tax. Code § 7200 et seq.
Gov. Code § 37101

Special gas tax street improvement fund
Str. and Hwys. Code § 2113

The Documentary Transfer Tax Act
Rev. and Tax. Code § 11901 et seq.

Transfer of tax function to county
Gov. Code § 51500 et seq.

Transient occupancy tax
Rev. and Tax. Code §§ 7280—7283.51

Unclaimed property
Civil Code § 2080 et seq.

Uniform public construction cost accounting act
Pub. Contract Code § 22000 et seq.

Business Licenses, Taxes and Regulations

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Civil Code § 7100 et seq.

Bingo
Penal Code § 326.5

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Bus. and Prof. Code § 17510 et seq.

Commercial filming
Gov. Code § 65850.1

Community antenna television systems
Gov. Code § 53066 et seq.

Gambling Control Act
Bus. and Prof. Code § 19800 et seq.

Massage parlors
Gov. Code § 51030 et seq.

Private Investigator Act
Bus. and Prof. Code § 7512 et seq.

Taxicabs and vehicles for hire
Vehicle Code §§ 16500 et seq., 21100(b) and 21112
Gov. Code § 53075.5

Animals

Animals generally
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Cruelty to animals
Penal Code § 597 et seq.

Dangerous and vicious dogs
Food and Agric. Code § 31601 et seq.

Dogs and dog licenses
Gov. Code § 38792
Food and Agric. Code § 30501 et seq.

Rabies control
Health and Saf. Code § 121575 et seq.

Health and Safety

Delinquent garbage fees
Gov. Code § 38790.1

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Health and Saf. Code § 13000 et seq.

Fireworks
Health and Saf. Code §§ 12500 et seq. (State Fireworks Law) and 12640 et seq. (Permits)

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* Applicable solely to chartered cities.

** May not be applicable to chartered cities.

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Gov. Code § 38790

Graffiti abatement
Gov. Code §§ 38772 and 53069.3

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Gov. Code § 37600 et seq.

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Gov. Code § 65302(f)

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Gov. Code § 38771 et seq.
Penal Code §§ 370, 372 and 373a

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Gov. Code §§ 39501—39502

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Vehicle Code § 40000.1 et seq.

Speed limits
Vehicle Code § 22348 et seq.

Stopping, standing, and parking
Vehicle Code § 22500 et seq.

Through highways
Vehicle Code §§ 21101(b), 21353 and 21354

Traffic control devices
Vehicle Code § 21350 et seq.

Traffic signs, signals and markings
Vehicle Code § 21350 et seq.

Turning movements
Vehicle Code § 22100 et seq.

Vehicle weight limits
Vehicle Code § 35700 et seq.

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** May not be applicable to chartered cities.

Streets, Sidewalks and Public Places

Advertising displays
Bus. and Prof. Code §§ 5230, 5231 and 5440 et seq.

Constructions of sidewalks and curbs
Str. and Hwys. Code § 5870 et seq.

Improvement Act of 1911
Str. and Hwys. Code § 5000 et seq.

Landscaping and Lighting Act of 1972
Str. and Hwys. Code § 22500 et seq.

Municipal parks
Public Resources Code § 5181 et seq.

Obstructions and encroachments of public ways
Gov. Code § 38775

Tree Planting Act of 1931
Str. and Hwys. Code § 22000 et seq.

Underground utility districts
Str. and Hwys. Code § 5896.1 et seq.
Gov. Code § 38793

Public Services

Connection fees
Gov. Code § 66013

Municipal sewers
Gov. Code § 38900 et seq.
Health and Saf. Code § 5470 et seq.

Municipal water systems
Gov. Code § 38730 et seq.

Water wells
Water Code § 13700 et seq.

Buildings and Construction

Adoption of construction codes
Health and Saf. Code §§ 17922, 17958 and 17958.5

Authority to regulate buildings and construction
Gov. Code §§ 38601(b) and 38660

Inspection warrants
Code of Civil Procedure § 1822.50 et seq.

Mobilehomes
Health and Saf. Code § 18200 et seq.

Signs
Gov. Code §§ 38774 and 65850(b)
Bus. and Prof. Code § 5229 et seq.

State Housing Law
Health and Saf. Code § 17910 et seq.

Subdivisions

Subdivision Map Act
Gov. Code § 66410 et seq.

Zoning

Family day care homes
Health and Saf. Code § 1597.30 et seq.

Local authority to regulate land use
Gov. Code § 65850

Local planning generally ("Planning and Zoning Law")
Gov. Code § 65000 et seq.

Local zoning administration
Gov. Code § 65900 et seq.

Open-space zoning
Gov. Code § 65910 et seq.

Zoning fees and charges
Gov. Code § 66014

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Environmental Protection

The California Environmental Quality Act
Public Resources Code § 21000 et seq.

The California Noise Control Act of 1973
Health and Saf. Code § 46000 et seq.
Gov. Code § 65302(f)

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** May not be applicable to chartered cities.

Ordinance Number	
2014	Approves application for PUD (Special)
2015	Adds Ch. 20.10; amends § 20.36.050; repeals Chs. 20.34, 20.40, 20.48, 20.52, 20.58 and 20.60; repeals and replaces Chs. 20.04, 20.08, 20.12, 20.16, 20.20, 20.24, 20.32, 20.55 and 20.65, buildings and construction (20.04, 20.32, 20.36)
2016	Rezone (Special)
2017	Adds § 18.08.057; amends §§ 18.08.055, 18.08.060, 18.44.090 and 18.88.030(C), zoning (18.08, 18.44, 18.88)
2018	Approves amendment to PUD (Special)
2019	Adds §§ 1.04.100, 9.14.125 and 9.20.085; amends Ch. 11.64, §§ 1.04.090, 2.24.010, 2.24.020, 9.08.120, 9.14.030—9.14.060, 9.14.080—9.14.100, 9.20.010, 14.04.120, 14.04.130, 17.16.006, 17.16.010, 17.16.040, 17.16.046, 17.16.080, 18.20.040, 19.12.020 and 19.12.070; deletes Traffic Appendix from Title 11, updates to multiple provisions of the Municipal Code (1.04, 2.24, 9.08, 9.14, 9.20, 11.64, 14.04, 17.16, 18.20, 19.12)
2020	Rezone (Special)
2021	Rezone (Special)
2022	Adds § 1.04.110; amends § 1.16.010, attorney fees and injunctive relief (1.04, 1.16)
2023	Approves application for PUD (Special)
2024	Approves application for PUD (Special)
2025	Approves modification to an approved PUD (Special)
2026	Rezone (Special)
2027	Rezone (Special)
2028	Rezone (Special)
2029	Rezone (Special)
2030	Rezone (Special)
2031	Rezone (Special)
2032	Rezone (Special)
2033	Rezone (Special)
2034	Rezone (Special)
2035	Approves application for PUD (Special)
2036	Approves application for PUD (Special)
2037	Approves amendment to a development agreement (Special)
2038	Adds §§ 9.04.078 and 9.20.045; amends §§ 2.32.070, 5.04.010, 5.12.030, 9.24.020(D), 9.24.070(C), 9.28.020(G), 15.44.040, 15.44.070, 18.08.420, 18.84.100, 18.84.140, 18.84.160(H), 18.110.050(B) and (C), 19.24.020, 19.24.030, 19.24.050, 19.24.060 and 19.24.140; repeals Ch. 6.16, various updates to the code (2.32, 5.04, 5.12, 9.04, 9.20, 9.24, 9.28, 15.44, 18.08, 18.84, 18.110, 19.24)
2039	Amends § 18.44.090, commercial districts (18.44)
2040	Amends contract with the Public Employees' Retirement System (Special)
2041	Approves application for PUD (Special)
2042	Approves application for PUD (Special)
2043	Approves application for PUD (Special)
2044	Approves amendment to PUD (Special)
2045	Approves amendment to PUD (Special)
2046	Approves amendment to PUD (Special)
2047	Approves amendment to PUD (Special)
2048	Approves amendment to PUD (Special)
2049	Approves amendment to PUD (Special)
2050	Approves amendment to PUD (Special)
2051	Approves application for PUD (Special)
2052	Approves amendment to PUD (Special)
2053	Amends contract with the California Public Employees' Retirement System (Special)

Ordinance Number	
2054	Repeals and replaces Ch. 17.36, growth management program (17.36)
2055	Adds §§ 9.04.043, 18.08.523 and 18.116.060; amends §§ 9.04.035, 9.04.040, 18.08.055, 18.44.080(B), 18.44.090, 18.74.010, 18.74.020 and 18.124.120, noise and zoning (9.04, 18.08, 18.44, 18.74, 18.116, 18.124)
2056	Adds § 18.08.117 and Ch. 18.105, cottage food operations (18.08, 18.105)
2057	Approves application for PUD (Special)
2058	Approves application for PUD (Special)
2059	Amends §§ 2.28.030, 2.28.040, 2.28.080(D), 2.32.030, 2.32.040, 2.32.080(D), 2.34.030, 2.34.040, 2.34.080(D), 2.39.030, 2.39.040 and 2.39.080(D), commissions (2.28, 2.32, 2.34, 2.39)
2060	Adds Ch. 18.86, reasonable accommodation (18.86)
2061	Adds §§ 18.08.237, 18.08.552, 18.08.568, Chs. 18.82 and 18.107; amends §§ 18.08.100, 18.28.030, 18.32.030, 18.36.030, 18.44.070, 18.76.020 and 18.88.030(D), zoning (18.08, 18.28, 18.32, 18.36, 18.44, 18.76, 18.82, 18.88, 18.107)
2062	Adds §§ 18.08.017 and 18.08.166; amends §§ 18.08.155, 18.08.167, 18.28.030, 18.28.040, 18.32.030, 18.32.040, 18.36.030 and 18.76.020, zoning (18.08, 18.28, 18.32, 18.36, 18.76)
2063	Amends § 11.20.010, speed limits in certain zones (11.20)
2064	Adds Ch. 9.10, disposable food service ware (9.10)
2065	Adds § 19.40.060; amends §§ 1.12.020, 1.20.030, 2.29.030, 2.29.080, 5.08.040, 5.08.110, 13.08.020, 13.08.090, 13.08.150, 18.116.040, 18.124.130 and 18.124.170, clarification of violations and penalties (1.12, 1.20, 2.29, 5.08, 13.08, 18.116, 18.124, 19.40)
2066	(Pending)
2067	Approves application for PUD (Special)
2068	Approves development agreement (Special)
2069	Approves application for PUD (Special)
2070	Adds §§ 7.36.060—7.36.080, animals (7.36)
2071	Approves application for PUD (Special)
2072	Approves application for PUD (Special)
2073	Approves development agreement (Special)
2074	Approves development agreement (Special)
2075	Approves application for PUD (Special)
2076	Approves development agreement (Special)
2077	Rezone and approves application for PUD (Special)
2078	Approves application for PUD (Special)
2079	Approves development agreement (Special)
2080	Amends § 18.84.150 and Ch. 18.106, zoning (18.84, 18.106)
2081	Approves application for PUD (Special)
2082	Adds Ch. 17.38, density bonus (17.38)
2083	Adds Ch. 20.26; amends § 20.04.010; repeals and replaces Chs. 20.08—20.24, 20.55, 20.65, building and construction (20.04, 20.08, 20.10, 20.12, 20.16, 20.20, 20.24, 20.26, 20.55, 20.65)
2084	Approves development agreement (Special)
2085	Amends § 5.24.020, delinquent taxes—penalties (5.24)
2086	Amends §§ 18.28.040, 18.32.040, 18.36.030, 18.36.040, 18.40.030, 18.40.040, 18.44.090, 18.56.040 and Ch. 18.110, zoning (18.28, 18.32, 18.36, 18.40, 18.44, 18.56, 18.110)
2087	Amends § 11.20.010, speed limits in certain zones (11.20)
2088	Adds § 9.28.025; amends §§ 9.28.030, 9.28.040 and 18.20.040(E), property maintenance (9.28, 18.20)
2089	Amends §§ 18.88.010, 18.88.020 and 18.88.120, off-street parking facilities (18.88)
2090	Approves application for PUD (Special)
2091	Approves development agreement (Special)
2092	Urgency ordinance amending Ch. 9.30, water conservation plan (9.30)

Ordinance Number	
2093	Amends §§ 2.29.030, 2.38.080, 2.48.050, 5.08.020, 9.24.020, 13.08.090, 14.04.060, 14.04.130, 15.12.080, 18.20.010 and 18.48.180, various updates to the code (2.29, 2.38, 2.48, 5.08, 9.24, 13.08, 14.04, 15.12, 18.20, 18.48)
2094	Adds Ch. 17.26 and §§ 18.36.095 and 18.88.035, transit incentive (17.26, 18.36, 18.88)
2095	Amends §§ 19.08.040 and 19.36.060, street design improvements (19.08, 19.36)
2096	Approves application for PUD (Special)
2097	Amends §§ 9.30.110 and 14.04.060, water conservation (9.30, 14.04)
2098	Approves application for PUD (Special)

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