

SUPPLEMENT NO. 9

INSERTION GUIDE

PLEASANTON PLANNING AND ZONING CODE

January 2013

(Covering Ordinances through 2055)

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

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

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PREFACE

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

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Chapter 17.36

GROWTH MANAGEMENT PROGRAM

Sections:

- 17.36.010 Purpose.**
- 17.36.020 Objectives.**
- 17.36.030 Building permit restriction.**
- 17.36.040 Exemptions.**
- 17.36.050 Administration of the growth management program.**
- 17.36.060 Establishment of annual new residential unit limits.**
- 17.36.080 Approval procedures.**
- 17.36.090 Use and loss of growth management approval.**
- 17.36.100 Modification to projects with growth management approval.**
- 17.36.110 Fees and exactions.**
- 17.36.120 Application to prior approved projects.**

17.36.010 Purpose.

- A. Since the mid-1960s, Pleasanton's transformation from a small, agricultural-based community to a suburban bedroom community and then to a suburban "edge city" has been marked by periods of rapid growth which stressed the city's ability to provide infrastructure and services, affecting the quality of life of both existing and new residents.
- B. In order to minimize the adverse effects of rapid uncontrolled residential growth, the city council adopted its first growth management ordinance in 1978, designed to regulate the location and rate of new residential growth in a period of sewage treatment capacity constraints brought about by air quality degradation concerns. Through the 1980s and 1990s, the city council modified the growth management ordinance in order to better achieve the evolving goals set for it, with the rate, location, and type of residential units regulated to achieve the general welfare of the city.
- C. In 1996, the city council adopted a comprehensive revision to its general plan. Key goals and policies reflect the city's continued commitment to developing in an efficient, orderly, and logical fashion, ensuring adequate infrastructure and services are present to ensure that the city's quality of life and level of services are maintained. The general plan calls for assuring its citizens of a predictable growth rate, while providing housing to meet the needs of all economic segments of the community, regional housing needs, and employment growth.
- D. Despite the controls established by past versions of the city's growth management program, residential development has continued to fluctuate over time, there has been little predictability of the actual number of new building permits issued and development under construction, and there is uncertainty over the city's ability to maintain its service levels and quality of life for its citizens due to regional influences and uncertain revenue sources for city and other local service-providing agencies.
- E. This revised growth management program has been designed to rectify the areas wherein the former programs did not totally succeed; to establish a predictable growth rate which reflects community sentiment and which alleviates the potential for strain on the ability of the city and other local service providers to keep pace with services with no reduction in their quality; to continue to relate new residential growth to housing needs (including regional needs and local employment growth) and the availability of infrastructure and services; to move toward build-out of the community in a logical manner while affording future development areas the ability to accommodate changing housing demands; and to be fair and equitable to the development community, developers large and small, who have either received past approvals under former growth management programs or who have undertaken or will undertake development plans consistent with current goals and policies.
- F. In 2012, the city council amended the growth management program to reflect current circumstances and changes in state law. (Ord. 2054 § 2, 2012)

17.36.020 Objectives.

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

- A. Regulate the timing, location, and type of residential growth in accordance with the goals and policies of the general plan.
- B. Achieve predictability in the rate of growth at levels which reflect community sentiment and the ability of the city and other local service-providing agencies to provide services without compromising quality of life issues.
- C. Retain flexibility to accommodate projects desiring and capable of actual development in the short-term in order to more closely meet annual development goals.
- D. Create certainty for larger project developers in the treatment of build-out of their projects which, for a variety of reasons, do not proceed to actual development in accordance with originally approved schedules.
- E. Facilitate and implement the general plan goals, including the goals of the housing element, which cannot be accomplished by zoning alone. (Ord. 2054 § 2, 2012)

17.36.030 Building permit restriction.

Except as otherwise provided in this chapter, no building permit for a new residential unit, including permits for installation of a mobilehome unit, shall be issued except pursuant to the regulations contained in this chapter. (Ord. 2054 § 2, 2012)

17.36.040 Exemptions.

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

- A. Second units approved in accordance with city zoning regulations.
- B. Mobilehomes and/or living quarters located on school sites, public and institutional properties, and commercial/industrial properties used for security purposes or other purposes ancillary to the primary use, the use of which has been approved in accordance with city zoning regulations, when such residential units do not exceed one dwelling per site.
- C. A condominium conversion or replacement unit of an existing unit demolished and/or destroyed. (Ord. 2054 § 2, 2012)

17.36.050 Administration of the growth management program.

- A. Review of Growth Management Report.
 - 1. Periodically, a growth management report shall be prepared which shall include:
 - a. Historical building permit activity;
 - b. Projections of likely building activity within the city by category of project;
 - c. Estimates of new projects which may seek approval in the following year or years;
 - d. Analysis of the capability of infrastructure and services to meet the demands of new residential development, including any changes to established conditions and/or measures designed to mitigate the adverse effects of new residential development; and
 - e. Progress toward meeting city general plan goals and policies.
 - 2. The growth management report shall be presented to the planning commission for its review. The planning commission shall make recommendations to the city council regarding the growth management report, including, but not limited to, annual allocation issues.
 - 3. The city council shall receive and review the growth management report, and the recommendations of the planning commission. The city council's review of the growth management report should coincide with the council's review of requests for modifications of allocations and should occur at the council's second meet-

ing in September. The city council may schedule such review at any time during the year should changed circumstances relating to the provision of planned infrastructure and/or services require a review and possible modification to the growth management program.

B. Program Review.

1. The city council, as necessary to administer the growth management program, including following review of the growth management report, shall have the following duties and powers:
 - a. Determine whether the annual new residential unit limits, including those pertaining to trades or reallocation, require adjustment due to infrastructure/service constraints;
 - b. Determine whether to adjust for the future allocations established for new residential units;
 - c. Coordinate the requested trades of units among developers;
 - d. Determine the disposition of reallocation requests;
 - e. Take other action determined by the council to be necessary to implement the provisions of this chapter.
2. The city council shall act on the following in administering the growth management program on an ongoing basis:
 - a. Grant initial growth management allocations;
 - b. Review and act on requests for reinstatement of lapsed growth management approvals and building permits;
 - c. Adjust annual limits as it deems necessary pursuant to subsection A of this section;
 - d. Coordinate between January 1st and September 1st, in response to developers' requests, any requested reallocation requests and/or trades of units among major project developers;
 - e. Take any other action determined by the council to be necessary to implement this chapter. (Ord. 2054 § 2, 2012)

17.36.060 Establishment of annual new residential unit limits.

- A. Except as provided herein, effective July 1, 2014, the number of building permits issued annually for new residential units subject to this chapter shall not exceed the regional housing needs allocation assigned to the city as provided in the Association of Bay Area Government Regional Housing Needs Allocation Plan divided by the number of years in the regional housing needs allocation cycle.

Except as provided in subsection C of this section and except when necessary to increase the annual housing allocations in order to grant approvals to projects so that the city is able to meet its total regional housing needs goals, the maximum limitations established in this section are nondiscretionary and shall not be modified by the city council in implementing this chapter.

- B. For the fifth regional housing needs allocation cycle that ends June 30, 2014, the annual unit allocation shall be equal to the number of units required to meet the city's regional housing needs allocation for the fifth cycle.
- C. Within 90 days of the Association of Bay Area Governments issuing its regional housing needs allocation plan, the city manager shall provide the city council with a report identifying the annual unit allocation.
- D. The limitations established in subsection A of this section may be reduced by the city council if, upon reviewing the annual growth management report, it determines that infrastructure and/or services will not be available to satisfy the demands of the new residential units allowed for a given year. The limitation reduction mentioned in the previous sentence may be citywide or localized, depending on the scope of the infrastructure and/or service shortfalls. The city council shall exercise its discretion pursuant to this subsection if the planned, phased infrastructure expansions which form the basis for establishing the managed growth to build-out of the general plan are not completed in a timely manner. "Infrastructure" as used herein includes new school construction pursuant to the school financing agreement, sewage treatment/export facility expansions, treated water availability, traffic

network expansions consistent to implement city LOS policies, park procurement/development, and other measures of infrastructure/services as described in the growth management reports.

- E. No reduction in future annual new residential unit limits shall affect any project which has received growth management approval granting future years' allocations so long as the conditions in effect at the time of the initial approval remain unchanged and the approved project continues to meet all project requirements. Nothing herein, however, limits the city's ability to impose a development moratorium under state law. (Ord. 2054 § 2, 2012)

17.36.080 Approval procedures.

- A. A project developer must receive a specific allocation for the number of units and years in accordance with the process below.
1. Prior Discretionary Project Approval Necessary.
 - a. A project developer may request a growth management allocation at the time of, or after, any of the following: PUD plan approval, design review approval, or a tentative map approval. The planning division shall provide the necessary application forms, and a project developer must file the application with the planning division. The application shall be accompanied by a fee established by the resolution establishing fees and the charges for various municipal services. The request shall indicate the desired phasing of the project.
 - b. No application for a project allocation will be accepted for processing by the planning division if unit allocation capacity is not available for a reasonable project phase within at least the second calendar year after the year the application is tendered.
 2. Growth Management Approval.
 - a. The city council may grant a specific growth management allocation to a project for one or more years so long as the total units allocated do not exceed the allocation for that year.
 - b. In reviewing a project developer's request for allocation, the city council shall use its discretion in establishing a phasing schedule, giving consideration to the number of projects which are pending or are likely to seek approval in the near term, the economic feasibility of phasing the project, and other factors. The approval shall be in the form of a growth management agreement.
- B. Proration of Project Permits. Generally, the approval is intended to be made available to developers in chronological order as building permits are ready to be issued. However, in certain instances when the demand for permits is known to exceed the number of permits available, the city shall prorate the available permits. Should the proration yield units in excess of those available due to rounding, the city shall reduce the total to equal the units available in any manner it finds equitable, except that the city council may reallocate unassigned units from previous years in a current regional housing needs allocation cycle to future years in the same cycle.
1. Prior to the Beginning of Any Calendar Year. If, prior to January 1st of any year, the city has processed building permit applications seeking the next year's allocation which, in the aggregate, exceed the annual allocation the city shall prorate the permits to developers seeking permits.
 - a. First Priority. Permits shall be issued first to projects which were under construction in the prior year and secured permits for, or attempted to secure permits for, all units it was qualified to be issued permits for during that year.
 - b. Second Priority. Permits shall be issued second to all projects eligible to apply for the available permits. Each project's pro rata share of the available suballocation shall be the percentage derived by the permits sought by the project (subject to the project limitations established herein) divided by all permits sought (subject to the same size limitations). (Ord. 2054 § 2, 2012)

17.36.090 Use and loss of growth management approval.

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

- B. Should a project developer wish to revise its annual allocation, the following regulations shall apply:
1. For project developers seeking to move units into a later year or years:
 - a. Prior to September 1st of a given calendar year, a project's developer may request a reallocation to a later year of some or all of its allocation. The planning division shall provide the necessary application forms, and a project developer must file the application with the planning division. The application shall be accompanied by a fee established by the resolution establishing fees and the charges for various municipal services.
 - b. The city shall coordinate the "trade" of units for developers seeking to move to later years with those of developers seeking more permits in the current year. If an agreeable "trade" is established by the city, the units shall be moved to later years and shall be placed in the project's annual allocation in the year in which the "traded" unit originally occupied before the trade. If units moving forward come from a year later than the last allocation year of the project moving units to a future year, the units may be moved to the project's last allocation year, if available, rather than to the later year of the "trading" project. The city shall not refuse to make any trade which otherwise follows the provisions of this section. The traded units shall be approved by the city council and shall take the form of amended growth management agreements.
 - c. If no "trade" is available for a unit or units, those units shall be reallocated to the last year for which the project has an allocation. (Subsequent year unused allocations shall also be added to the last year for which the project has an allocation.) This automatic reallocation shall occur only if the year to which the units are moving has available capacity. If no capacity is available, the reallocation shall be made to the first available year following the last year of the project's allocation. This reallocation shall be nondiscretionary on the part of the council and shall be documented in a revised schedule in a project's growth management agreement.
 2. For project developers seeking to move units from later years into the current year:
 - a. Prior to September 1st of a given calendar year, a project's developer may request a reallocation to the current year of some or all of its future years' allocations by filing an application with the planning division, together with any fee which may be established.
 - b. The city shall coordinate the transfer of units for developers seeking to move forward to the current year with the requested transfer of units to later years. To the extent not all requests to move units forward can be accommodated, the city shall seek to prorate and/or coordinate the "trades" in a manner satisfactory to all parties seeking to move forward and to future years. Transfers shall be approved by the city council and shall take the form of amended growth management agreements.
 - c. Units successfully transferred to the current year shall be treated in all ways as current year allocations. Building permits may be secured from the date of approval until December 31st of that calendar year and at any rate.
- C. Developers who have current year units and do not request the units to be reallocated as of September 1st and who subsequently do not obtain a building permit prior to January 1st of the following year, or where building permits lapse pursuant to the provisions of the Uniform Building Code after December 31st of the year of their allocation, shall lose their growth management approval for those units. No building permit shall be issued for such units until a new application for growth management approval has been made and a new approval granted by the city council following the procedures for initial approvals.
- D. The city council shall have the discretion to approve rules or procedures concerning the use, loss, trade, reallocation, and assignment of growth management approvals which vary from subsections A, B, or C of this section if it occurs as part of a project developer's development agreement or other legislative act so as long as the overall number of allowed permits do not exceed the total number assigned to the city for the current regional housing needs allocation cycle. (Ord. 2054 § 2, 2012)

17.36.100 Modification to projects with growth management approval.

Once a project has secured a growth management agreement, the project may be modified without affecting its growth management approval, subject to city council review and approval, so long as no additional units are added. Such a modified project retains its original growth management allocation. Project modifications as used in this section shall mean significant changes to a project's design, density, product type, affordability component, amenities, and other aspects which bear on its original approval. Architectural modifications, site plan changes, and other project adjustments which are characterized as "minor modifications" in the city's PUD ordinance shall not need city council review and approval to retain growth management approval. Should the modification reduce the number of units, the units eliminated shall be deducted from the project's final year's allocation. (Ord. 2054 § 2, 2012)

17.36.110 Fees and exactions.

- A. A project developer will pay normal city development fees in effect at the time building permits are issued or at the time otherwise provided by the city ordinances or resolutions, or by agreement.
- B. A project developer shall pay a growth management fee in conjunction with the issuance of a building permit. Growth management fees shall be placed in a special fund applied to public projects made necessary by the cumulative effects of ongoing residential development.
- C. The city council may approve an increase or decrease in the growth management fees or permit a developer to provide finished public works in lieu of paying growth management or other city fees in order to achieve the purposes of this chapter and the general plan. The fee or public work may be implemented by resolution or by agreement with the developer. (Ord. 2054 § 2, 2012)

17.36.120 Application to prior approved projects.

A residential unit in projects which were approved prior to the effective date of the ordinance codified in this chapter and which have been determined by the city attorney to have a vested right to the issuance of a building permit at the time such a permit is sought shall be issued such permit notwithstanding the annual limitation on building permits contained in Section 17.36.060 of this chapter. (Ord. 2054 § 2, 2012)

Chapter 17.40

LOWER-INCOME HOUSING FEES

Sections:

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

17.40.010 Purpose.

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

17.40.020 Definitions.

As used in this chapter:

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

17.40.030 Lower-income housing fee required.

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

18.08.435	Portable, temporary electricity generator, fuel cell, or battery facility.
18.08.437	Preexisting.
18.08.440	Private school.
18.08.445	Radioactive materials uses.
18.08.450	Railroad right-of-way.
18.08.455	Recycling collection facility, large.
18.08.460	Recycling collection facility, small.
18.08.465	Recycling processing facility, large.
18.08.470	Recycling processing facility, small.
18.08.475	Second units.
18.08.480	Senior care/assisted living facility.
18.08.485	Service station.
18.08.490	Sign.
18.08.495	Sign area.
18.08.500	Sign, subdivision.
18.08.505	Single ownership.
18.08.510	Site area.
18.08.515	Site or lot.
18.08.520	Skateboard ramp.
18.08.523	Special downtown accessory entertainment use.
18.08.525	Stealth techniques.
18.08.530	Street.
18.08.535	Structure.
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18.08.545	Structure, accessory Class II.
18.08.550	Structure, main.
18.08.555	Swimming pool.
18.08.560	Trailer.
18.08.565	Trailer park.
18.08.570	Transmission lines.
18.08.575	Unlicensed wireless services.
18.08.580	Unreinforced masonry (URM) building.
18.08.585	Usable open space.
18.08.590	Use.
18.08.595	Use, accessory.
18.08.600	Width.
18.08.605	Wind energy facility.
18.08.607	Yard.
18.08.610	Yard, front.
18.08.615	Yard, rear.
18.08.620	Yard, side.

18.08.005 Generally.

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

18.08.010 City boards, commissions and officials.

A. City Boards and Commissions.

1. "City" means the city of Pleasanton, Alameda County, California.
2. "City council" and "council" mean the city council of the city of Pleasanton.

3. “City planning commission,” “planning commission” and “the commission” mean the planning commission duly appointed by the city council of the city of Pleasanton.

B. City Officials.

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

18.08.015 Access corridor.

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

18.08.020 Alley.

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

18.08.025 Alter.

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

18.08.030 Amateur radio facility.

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

18.08.035 Antenna.

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

18.08.040 Antenna, façade mounted.

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

18.08.045 Antenna, ground mounted.

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

18.08.050 Antenna, roof mounted.

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

18.08.055 Bar.

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

18.08.057 Basement commercial storage, public.

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

18.08.060 Small bed and breakfast.

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

18.08.065 Bed and breakfast inn.

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

18.08.068 Birthing center.

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

18.08.070 Best available control technology.

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

18.08.072 Block.

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

18.08.075 Bio diesel.

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

18.08.077 Brew pub.

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

18.08.080 Brewery and distillery.

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

18.08.085 Building.

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

18.08.090 Business sign.

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

18.08.095 Car wash.

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

18.08.100 Charitable institution.

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

18.08.105 Cogeneration facility.

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

18.08.505 Single ownership.

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

18.08.510 Site area.

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

18.08.515 Site or lot.

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

18.08.520 Skateboard ramp.

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

18.08.523 Special downtown accessory entertainment use.

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

18.08.525 Stealth techniques.

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

18.08.530 Street.

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

18.08.535 Structure.

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

18.08.540 Structure, accessory Class I.

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

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

18.08.545 Structure, accessory Class II.

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

18.08.550 Structure, main.

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

18.08.555 Swimming pool.

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

18.08.560 Trailer.

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

18.08.565 Trailer park.

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

18.08.570 Transmission lines.

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

18.08.575 Unlicensed wireless services.

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

18.08.580 Unreinforced masonry (URM) building.

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

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

18.08.585 Usable open space.

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

18.08.590 Use.

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

18.08.595 Use, accessory.

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

18.08.600 Width.

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

18.08.605 Wind energy facility.

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

18.08.607 Yard.

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

18.08.610 Yard, front.

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

18.08.615 Yard, rear.

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

18.08.620 Yard, side.

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

Chapter 18.12

ADMINISTRATIVE PROVISIONS

Sections:

Article I. Generally

- 18.12.010** Permits, certificates and licenses.
- 18.12.020** Duties of city officials.
- 18.12.030** Administrative extension of approvals.
- 18.12.040** Public hearing—Time and notice.

Article II. Zoning Certificate and Certificate of Occupancy

- 18.12.050** Zoning certificate—Purpose.
- 18.12.060** Zoning certificate—Application and issuance.
- 18.12.070** Issuance of building permit.
- 18.12.080** Certificate of occupancy—Issuance.
- 18.12.090** Determination of compliance with required conditions.

Article III. Moratorium

- 18.12.100** Designated.
- 18.12.110** Applicability of article.
- 18.12.120** Specific provisions.
- 18.12.130** Controlling provisions.

Article I. Generally

18.12.010 Permits, certificates and licenses.

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

18.12.020 Duties of city officials.

The chief building official and zoning administrator shall be the officials responsible for the enforcement of this title. The chief building official and zoning administrator, or their deputies, shall have the right to enter on any site or to enter any structure for the purpose of investigation and inspection related to any provision of this title; provided, that the right of entry shall be exercised only at reasonable hours and that in no case shall any structure be entered in the absence of the owner or tenant without the written order of a court of competent jurisdiction. The chief building official or zoning administrator may serve notice requiring the removal of any structure or use in violation of the regulations on the owner or his or her authorized agent, on a tenant, or on an architect, builder, contractor, or other person who commits or participates in any violation. The chief building official or the zoning administrator may call upon the city attorney to institute necessary legal proceedings to enforce the provisions of this title, and the city attorney is authorized to institute appropriate actions to that end. The chief building official or the zoning administrator may call upon the chief of police and his or her authorized agents to assist in the enforcement of this title. (Ord. 2000 § 1, 2009; Ord. 1425 § 1, 1989; prior code § 2-12.21)

18.12.030 Administrative extension of approvals.

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

Chapter 18.44

C COMMERCIAL DISTRICTS

Sections:

18.44.010	Purpose.
18.44.020	Special purpose—C-N neighborhood commercial district.
18.44.030	Special purpose—C-C central commercial district.
18.44.040	Special purpose—C-R regional commercial district.
18.44.050	Special purpose—C-S service commercial district.
18.44.060	Special purpose—C-F freeway interchange commercial district.
18.44.070	Special purpose—C-A automobile commercial district.
18.44.080	Required conditions.
18.44.090	Permitted and conditional uses.
18.44.095	Prohibited uses.
18.44.100	Underground utilities.
18.44.110	Off-street parking.
18.44.120	Off-street loading.
18.44.130	Signs.
18.44.140	Design review.

18.44.010 Purpose.

In addition to the objectives prescribed in Section 18.04.010 of this title, the C commercial districts are included in this title to achieve the following purposes:

- A. To provide appropriately located areas for retail stores, offices, service establishments, amusement establishments, and wholesale businesses, offering commodities and services required by residents of the city and its surrounding market area;
- B. To provide opportunities for retail stores, offices, service establishments, amusement establishments, and wholesale businesses to concentrate for the convenience of the public and in mutually beneficial relationship to each other;
- C. To provide space for community facilities and institutions that appropriately may be located in commercial areas;
- D. To provide adequate space to meet the needs of modern commercial development, including off-street parking and truck loading areas;
- E. To minimize traffic congestion and to avoid overloading of utilities by preventing the construction of buildings of excessive size in relation to the amount of land around them;
- F. To protect commercial properties from noise, odor, dust, dirt, smoke, vibration, heat, glare, heavy truck traffic, and other objectionable influences incidental to industrial uses;
- G. To protect commercial properties from fire, explosion, noxious fumes, and other hazards. (Prior code § 2-7.00)

18.44.020 Special purpose—C-N neighborhood commercial district.

The purpose of the C-N neighborhood commercial district is as follows:

- A. To provide appropriately located areas for retail stores, offices, and personal service establishments patronized primarily by residents of the immediate area;
- B. To permit development of neighborhood shopping centers of the size and in the appropriate locations shown on the general plan, according to standards that minimize adverse impact on adjoining residential uses. (Prior code § 2-7.01)

18.44.030 Special purpose—C-C central commercial district.

The purpose of the C-C central commercial district is as follows:

- A. To maintain compactness and encourage more intensive development in Pleasanton's central business district;
- B. To maximize the efficiency of the central district by limiting or prohibiting uses that break the continuity of commercial frontage or are incompatible with an attractive pedestrian shopping area;
- C. To facilitate the establishment of assessment districts for provision of off-street parking facilities by limiting or prohibiting drive-in type uses that would not benefit substantially from public off-street parking facilities. (Prior code § 2-7.02)

18.44.040 Special purpose—C-R regional commercial district.

The purpose of the C-R regional commercial district is as follows:

- A. To provide a large site at an appropriate location for a major shopping center drawing trade from the entire Amador-Livermore Valley;
- B. To ensure that a major center will be developed in accord with high standards of site planning, architecture, and landscape design;
- C. To minimize the adverse effect of major commercial facilities on nearby dwellings. (Prior code § 2-7.03)

18.44.050 Special purpose—C-S service commercial district.

The purpose of the C-S service commercial district is as follows:

- A. To provide appropriately located areas for commercial uses having features that are incompatible with the purposes of the other commercial districts;
- B. To provide sites for businesses that typically are not found in shopping centers, that usually have relatively large sites providing off-street parking, and that attract little or no pedestrian traffic. (Prior code § 2-7.04)

18.44.060 Special purpose—C-F freeway interchange commercial district.

The purpose of the C-F freeway interchange commercial district is as follows:

- A. To provide appropriately located areas for establishments catering to freeway travelers and tourists;
- B. To enhance the appearance of certain entrances to the city, and to protect motel and restaurant patrons from nuisances by limiting or prohibiting certain commercial service uses that often are unsightly or have nuisance features;
- C. To provide appropriately located areas for establishments that generally require large sites and do not require close proximity to other commercial uses. (Prior code § 2-7.05)

18.44.070 Special purpose—C-A automobile commercial district.

The purpose of the C-A Automobile Commercial District is to provide an opportunity for automobile dealers and closely related businesses to benefit from the proximity and high design standards possible in a shopping center type of automotive district. (Prior code § 2-7.06)

18.44.080 Required conditions.

- A. All uses shall comply with the regulations prescribed in Chapter 18.84 of this title, except in the C-R District where the zoning administrator and/or planning commission shall establish such regulations on a case-by-case basis in accordance with the purposes of Chapter 18.20 of this title.
- B. All uses, except as indicated below, shall be conducted entirely within a completely enclosed structure. Uses include, but are not limited to, all business transactions, services, processes and displays, but do not include off-street parking and loading areas.

1. Certain uses which by their nature require and ordinarily include outdoor activities (whether services, processes, display, or whatever) may conduct aspects of the business outside of a completely enclosed structure. Such uses include the following and such other similar uses as determined by the zoning administrator:
 - a. Service stations.
 - b. Outdoor dining areas as part of a restaurant.
 - c. Nurseries.
 - d. Garden shops.
 - e. Christmas tree sales lots.
 - f. Lumberyards.
 - g. Utility substations and equipment installations.
 - h. Amusement parks.
 - i. Auto sales, rental, or leasing.
 - j. Boat sales.
 - k. Drive-in theaters.
 - l. Outdoor art and craft shows.
 - m. Outdoor recreation and sports facilities.
 - n. Equipment rental yards.
 - o. Drive-in restaurants.
 - p. Stone and monument yards.
 - q. Commercial storage yards.
 - r. Mobilehome sales.
 - s. Truck and trailer sales.
 - 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 C District are provided in Table 18.44.090 at the end of this section.
- B. Multi-family dwellings shall be permitted in the C-C district provided that there shall be not less than 1,000 square feet of site area per dwelling unit, and provided that dwelling units not located above a permitted nonresidential use shall be subjected to the requirements for usable open space per dwelling unit of the RM-1,500 district.

Yards and courts at and above the first level occupied by dwelling units shall be as required by Section 18.84.100 of this title, except that where no side or rear yard is required for a nonresidential use on the site, no side or rear yard need be provided except adjoining walls with openings.
- C. Any other use which is determined by the planning commission, as provided in Chapter 18.128 of this title, to be similar to the uses listed in this section shall be a permitted use or a conditional use in the districts in which the uses to which it is similar are permitted uses or conditional uses.

Table 18.44.090

PERMITTED AND CONDITIONAL USES

The following uses shall be permitted uses or conditional uses in a C district where the symbol “P” for permitted use, “C” for conditional use, or “TC” for temporary conditional use appears in the column beneath the C district:							
Note:							
* Uses which are part of a completely enclosed mall complex, all activities take place entirely indoors.							
** Uses on peripheral sites physically separated from a central enclosed mall.							
	CR*(m)	CR**(p)	CN	CC	CS	CF	CA
Accessory uses and structures, not including warehouses, located on the same site as a permitted use and the following accessory structures and uses located on the same site with a permitted use or with a conditional use which has been granted a use permit in accord with the provisions of Chapter 18.124 of this title:							
1. Emergency standby electricity generator, fuel cell, and/or battery facilities provided that the facilities shall be tested from 8:00 a.m. to 5:00 p.m. Monday through Friday or from 10:00 a.m. to 12:00 noon on Saturday or Sunday only, the facilities shall not be tested for more than one hour during any day, and no testing shall be on “Spare The Air Days” in Alameda County;	P	P	P	P	P	P	P
2. Photovoltaic facilities;	P	P	P	P	P	P	P
3. Small electricity generator facilities that meet the following criteria:							
a. The fuel source for the generators shall be natural gas, bio diesel, or the byproduct of an approved cogeneration or combined cycle facility;							
b. The facilities shall use the best available control technology to reduce air pollution;							

	CR*(m)	CR**(p)	CN	CC	CS	CF	CA
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 a residentially zoned property outside of the property plane where the facilities are located; and							
e. On a site with fuel cell facilities, small electricity generator facilities shall not be permitted unless the aggregate wattage of the two facilities is less than one megawatt. If the aggregate wattage of the two facilities is one megawatt or greater, the small electricity generator facilities shall be subject to all requirements and processes prescribed in this title for medium or large electricity generator facilities, whichever is the most applicable, in the subject zoning district;							
f. The facilities shall be cogeneration or combined cycle facilities, if feasible;	P	P	P	P	P	P	P
4. Small fuel cell facilities that meet the following criteria:							
a. The facilities shall not create any objectionable odors at any point outside of the property plane where the facilities are located;							
b. The fuel cell facilities shall not exceed a noise level of 45 dBA at any point on any residentially zoned property outside of the property plane where the facilities are located; and							
c. On a site with electricity generator facilities, small fuel cell facilities shall not be permitted unless the aggregate wattage of the two facilities is less than one megawatt. If the aggregate wattage of the two facilities is 1 megawatt or greater, the small fuel cell facilities shall be subject to all requirements and processes prescribed in this title for medium or large fuel cell facilities, whichever is the most applicable, in the applicable subject district;							
Small fuel cell facilities are encouraged to be cogeneration or combined cycle facilities	P	P	P	P	P	P	P

	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 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			
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							

	CR*(m)	CR**(p)	CN	CC	CS	CF	CA
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:							
1. Medium electricity generator facilities that meet the applicable standards of Section 18.124.290 of this title	C	C	C	C	C	C	C

	CR*(m)	CR**(p)	CN	CC	CS	CF	CA
Tires, batteries and accessories	P	P					
Tobacco stores	P	P	P	P			
Tool and cutlery sharpening or grinding				C	P		
Toy stores	P	P	P	P			
Trailers and mobilehome parks in accordance with the regulations prescribed in Chapter 18.108 of this title					C	C	
Truck, trailer and/or RVs, sales and service					C	C	P
Truck scales					P	C	
Trucking terminals, not less than 150 feet from an R or O district					C		
Tutoring which cannot meet the criteria for tutoring as written in the use category below	C	C	C	C	C	C	
Tutoring with no more than 20 students at the facility at any one time are permitted uses subject to the following conditions:	P	P	P	P	P	P	
1. The facility shall adhere to all occupancy, ADA, California Building Code, and exiting requirements;							
2. The zoning administrator finds that adequate parking is available for the said use.							
The standard city noise ordinance applies.							
Variety stores	P	P	P	P			
Vending machine sales and service				C	P		
Veterinarians' offices and out-patient clinics, excluding any overnight boarding of animals, and including incidental care such as bathing and trimming, provided that all operations are conducted entirely within a completely enclosed building which complies with specifications for soundproof construction prescribed by the 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		

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

18.44.095 Prohibited uses.

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

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

18.44.100 Underground utilities.

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

18.44.110 Off-street parking.

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

18.44.120 Off-street loading.

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

18.44.130 Signs.

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

18.44.140 Design review.

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

Chapter 18.72

**C-O CIVIC OVERLAY DISTRICT
(Rep. by Ord. 1718 § 1, 1997)**

Chapter 18.74

DOWNTOWN REVITALIZATION DISTRICT

Sections:

- 18.74.010 Purpose.**
- 18.74.020 Creation of district.**
- 18.74.030 Adoption of guidelines.**
- 18.74.040 Improvements subject to design review.**
- 18.74.050 Application for design review.**
- 18.74.060 Architectural plan for sign permit only.**
- 18.74.070 Final architectural plan approval.**
- 18.74.080 Evaluation and criteria.**
- 18.74.090 All signs require a permit—Exemptions.**
- 18.74.100 Prohibited signs.**
- 18.74.110 Sign inventory.**
- 18.74.120 Existing nonconforming signs.**
- 18.74.130 Permitted signs.**
- 18.74.140 Limitations on sign types.**
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- 18.74.160 Alteration or change prohibited without certificate of appropriateness.**
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- 18.74.180 Procedure.**
- 18.74.190 Standards for review for demolition.**
- 18.74.200 Duty to maintain structures and premises—Demolition by neglect prohibited.**
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- 18.74.220 Setbacks prohibited on Main Street—Required elsewhere.**
- 18.74.230 Projections prohibited—Exceptions.**
- 18.74.240 Prohibitions—Void permits.**

18.74.010 Purpose.

The purpose of this chapter is to create a zoning overlay district and strict regulations applicable to this district which will implement the general plan by assuring appropriate development consistent with the goals and policies of the general plan; deter the inappropriate demolition, destruction, alteration, misuse and neglect of architecturally interesting and significant structures in and the built context of the district; revitalize the economic growth and health of and foster civic pride in downtown Pleasanton; stabilize and enhance the value of property; create and renew proper relationships between tax revenues of real property and the cost of municipal services; implement the downtown hospitality guidelines by assuring special downtown accessory entertainment uses located in the downtown operate in a manner consistent with the intent of the downtown hospitality guidelines; and thereby promote and protect the health, safety, comfort, appearance and general welfare of the community. (Ord. 2055 § 2, 2012; Ord. 1225 § 1, 1985; prior code § 2-2.3401)

18.74.020 Creation of district.

There is hereby created a zoning overlay district known as the Downtown Pleasanton Revitalization district (hereinafter referred to as “district”) the boundaries of which are as follows:

Within this district are two overlay areas, the downtown hospitality central core area and the downtown hospitality transition area as designated on the downtown hospitality area map following this chapter. The downtown hospitality transition area overlay includes the public park, Civic Park, at the intersection of Main Street and Bernal Avenue. (Ord. 2055 § 2, 2012; Ord. 1225 § 1, 1985; prior code § 2-2.3402)

- C. The zoning administrator shall conduct a hearing to consider revocation of an adult entertainment establishment permit and make a written determination, including findings, in accordance with the findings indicated in Chapter 18.124 of this title. A copy of the written determination including the findings therefor shall be provided to the permittee. The permittee may appeal such determination as provided in Chapter 18.144 of this title. (Ord. 1603 § 1, 1993)

18.114.180 Exceptions.

The following are specifically excluded from the meaning of the term “adult entertainment establishment”:

- A. Physicians, surgeons, chiropractors, osteopaths, nurses or physical therapists who are duly licensed to practice their respective professions in the state of California and are practicing their respective professions;
- B. Any activity conducted or sponsored by any school district or other public agency. (Ord. 1603 § 1, 1993)

18.114.190 Severability.

If any provision or clause of this chapter or the application thereof to any person or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other chapter provisions or clauses or applications thereof which can be implemented without the invalid provision, clause or application, and to this end the provisions and clauses of this chapter are declared to be severable. (Ord. 1603 § 1, 1993)

Chapter 18.116

TEMPORARY USES

Sections:

- 18.116.010** Temporary conditional uses.
- 18.116.015** Temporary conditional uses in R districts—Home boutiques.
- 18.116.020** Temporary uses in C district.
- 18.116.030** Fairground parking.
- 18.116.040** Temporary outdoor uses.
- 18.116.050** Christmas tree sales in R-1 and RM districts.
- 18.116.060** Special downtown accessory entertainment uses.

18.116.010 Temporary conditional uses.

The following temporary uses shall be permitted upon the granting of a use permit in accord with the provisions of section 18.124.170 of this title relating to temporary use permit:

- A. Temporary conditional uses in C districts prescribed in Section 18.44.090 of this title;
- B. Subdivision sales offices, and model home complexes; such uses shall be located so as to minimize their impact on adjoining occupied dwellings, generally a minimum separation of 200 feet;
- C. Construction yards located not less than 200 feet from any existing dwelling outside the subdivision;
- D. Nonresidential uses conducted in trailers, provided each use shall be a permitted use or a conditional use in the district in which it is located;
- E. Trailer residence of fair, circus or carnival personnel or Christmas tree sales personnel on the site of the principal use, or trailer residence of a watchman on the site of a construction project. (Ord. 1312 § 1, 1987; prior code § 2-10.22)

18.116.015 Temporary conditional uses in R districts—Home boutiques.

- A. “Home boutique” means and is defined as the indoor sale of homemade, nonimported craft and art goods whereby the legal tenant of the residence in which the boutique is operated must be one of the creators of the homemade goods. The operation, including sales and storage area, shall not occupy more than three rooms and the garage area of the residence in which it is conducted, nor be located closer than a half mile to any other home boutique operating on the same day.
- B. A home boutique may be permitted upon grant of a use permit where the findings listed in Section 18.124.070 of this title can be made by the zoning administrator.
- C. A permit for a home boutique shall authorize conduct of the use for a specified period not to exceed three days in any one calendar year.
- D. Notice of the proposed home boutique shall be sent by mail to all property owners shown on the last equalized assessment roll as owning real property within 300 feet of the exterior boundaries of the site of the proposed home boutique at least 10 days prior to the date on which the decision will be made on the use permit application.
- E. If a hearing is requested, a public hearing before the zoning administrator shall be held prior to a decision being made. No public hearing shall be held unless such a request is made.
- F. The use permit may be revocable or granted subject to such conditions as the zoning administrator may prescribe. Conditions may include, but shall not be limited to:
 1. Requiring that no structural alterations be made to the structure in order to accommodate the home boutique;
 2. A maximum of four signs, not less than 400 feet apart, and each sign no more than six square feet in area. These signs shall not be placed, used or maintained in any location upon public property, rights-of-way or

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

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

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

A. Procedure:

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

B. Requirements:

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

18.116.060 Special downtown accessory entertainment uses.

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

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

18.124.060 Action of planning commission.

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

18.124.070 Findings.

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

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

18.124.080 Effective date of use permit.

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

18.124.090 Review or appeal.

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

18.124.100 Lapse of use permit.

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

18.124.110 Preexisting conditional uses.

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

18.124.120 Modification of conditional use.

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

18.124.130 Suspension and revocation.

Upon violation of any applicable provision of this chapter, or, if granted subject to conditions, upon failure to comply with conditions, a use permit shall be suspended automatically. The planning commission shall hold a public hearing within 40 days, in accord with the procedure prescribed in Section 18.124.040, and if not satisfied that the regulation, general provision or condition is being complied with, may revoke the use permit or take such action as may be necessary to ensure compliance with the regulation, general provision or condition. Within ten days following the date of a decision of the commission revoking a use permit, the secretary shall transmit to the city council written notice of the decision. The decision shall become final 15 days following the date on which the use permit was revoked or on the day following the next meeting of the council, whichever is later, unless an appeal has been taken to the council, or unless the council shall elect to review and decline to affirm the decision of the commission, in which cases Section 18.124.090 shall apply. (Prior code § 2-11.14)

18.124.140 Denial—New application.

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

18.124.150 Use permit to run with land.

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

18.124.160 Application with zoning reclassification.

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

