SUPPLEMENT NO. 26

INSERTION GUIDE

PLEASANTON PLANNING AND ZONING CODE

July 2021

(Covering Ordinances through 2216)

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

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

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

Remove Pages	Insert Pages
Preface	Preface
TEXT	
441—444	441—444
449—452-2	449—452-2
499—504-1	499—504-1
509—514	509—514
518-3—526	519—526-2
529—540	529—540-1
545—556-2	545—556-3
583—584	583—584
593—594	593—594
597—598	597—598-1
601—606	601—606-1
---	608-1
617—624	617—624
625—626	625—626
627—628	627—628
631—632	631—632
635—636	635—636
641—644	641—644
651—652	651—652
669—670-4	669—670-4c

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.

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

The code is current through Supplement Number 26, July 2021, and includes Ordinance 2216, passed June 15, 2021.

Quality Code Publishing
2150 N. 107th St. Suite 200
Seattle, Washington 98133
206-216-9500
www.qcode.us

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

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

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

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

17.08.150 Standards—Construction.

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

A. Anchoring.

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

B. Construction Materials and Methods.

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

C. Elevation and Floodproofing.

1. New construction and substantial improvement of any structure shall have the lowest floor, including basement, elevated to or above one foot higher than the base flood elevation. Nonresidential structures may meet the standards in subsection (C)(3) of this section. Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered professional engineer or surveyor, or verified by the community building inspector to be properly elevated. Such certification or verification shall be provided to the floodplain administrator. Nonresidential structures may meet the standards in subsection (C)(3) of this section. Upon the completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered professional engineer or surveyor, or verified by the community building inspector to be properly elevated. Such certification or verification shall be provided to the floodplain administrator.

2. New construction and substantial improvement of any structure in Zone AO shall have the lowest floor, including basement, elevated one foot above the highest adjacent grade at least as high as the depth number specified on the FIRM, or at least three feet if no depth number is specified. Nonresidential structures may meet the standards in subsection (C)(3) of this section. Upon the completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered professional engineer or surveyor, or verified by the community building inspector to be properly elevated. Such certification or verification shall be provided to the floodplain administrator.
3. Nonresidential construction shall either be elevated in conformance with subsection (C)(1) or (C)(2) or together with attendant utility and sanitary facilities:
    a. Be floodproofed so that below one foot above the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
    b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
    c. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the floodplain administrator.
4. Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
    a. Either a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters; or
    b. Be certified to comply with a local floodproofing standard approved by the Federal Insurance Administration.
5. Manufactured homes shall also meet the standards in Section 17.08.180. (Ord. 2216 § 2, 2021; Ord. 1951 § 1 (Exh. A), 2007; Ord. 1374 § 2, 1989)

17.08.160 Standards—Utilities.

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

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

17.08.170 Standards—Subdivisions.

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

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

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

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

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

17.08.180 Standards—Manufactured homes.

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

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

B. Be securely anchored to a permanent foundation system to resist flotation, collapse or lateral movement. (Ord. 2216 § 2, 2021; Ord. 1951 § 1 (Exh. A), 2007; Ord. 1374 § 2, 1989)

17.08.190 Floodways.

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

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

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

17.08.200 Variance—Appeal board.

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

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

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

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

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

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

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

17.08.210 Variance—Conditions.

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

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

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

D. Variances shall only be issued upon:

1. A showing of good and sufficient cause;

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

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

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

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

17.08.220 Severability.

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

Chapter 17.16

TREE PRESERVATION*

Sections:

17.16.003 Purpose and intent.
17.16.006 Definitions.
17.16.009 Exceptions.
17.16.010 Permit—Required.
17.16.020 Permit—Procedure.
17.16.025 Significant impact—Heritage tree board of appeals hearing.
17.16.030 Action by director—Findings.
17.16.040 Appeals not involving new development.
17.16.043 Heritage tree board of appeals—Established.
17.16.046 Heritage tree board of appeals—Duties.
17.16.050 New property development.
17.16.060 Emergency action.
17.16.070 Protection of existing trees.
17.16.080 Pruning and maintenance.
17.16.090 Public utilities.
17.16.100 Insurance requirements.
17.16.110 Fines and penalties.
17.16.120 Additional provisions.

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

17.16.003 Purpose and intent.

The city recognizes that preservation of trees enhances the natural scenic beauty, sustains the long-term potential increase in property values which encourages quality development, maintains the ecology, moderates the effect of extreme temperatures, prevents the erosion of topsoil, helps create an identity and quality, which enhances the attractiveness of the city to visitors and increases the oxygen output of the area which is needed to combat air pollution. For these reasons the city council finds that in order to promote the public health, safety and general welfare of the city while at the same time recognizing individual rights to develop and maintain private property in a manner which will not be prejudicial to the public interest it is necessary to enact regulations controlling the removal and preservation of heritage trees within the city. However, the city council also recognizes that under certain circumstances heritage trees may properly be removed. Those circumstances include where heritage trees are dangerous; are dead or diseased; are so situated on undeveloped land that their preservation would preclude feasible development; are so abundant their removal would not destroy the area's natural beauty or ecology or cause erosion; or have a significant impact on the property. It is the intent of this chapter to preserve as many heritage trees as possible throughout the city through staff review and the development review process. (Ord. 2120 § 1, 2015; Ord. 1737 § 1, 1998)

17.16.006 Definitions.

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

A. "Heritage tree" means a tree of any species or origin which meets any of the following:

1. Any single-trunked tree with a circumference of 55 inches or more measured four and one-half feet above ground level;
2. Any multi-trunked tree of which the two largest trunks have a circumference of 55 inches or more measured four and one-half feet above ground level;
3. Any tree 35 feet or more in height;

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

B. "Director" means the community development director or the director's designated representative.

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

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

E. "Applicant" means the owner of improved property submitting an application to remove a heritage tree(s) located upon said property. Only the property owner may apply to remove a heritage tree(s) or appeal the director's decision.

F. "Significant impact" means an unreasonable interference with the normal and intended use of the property. In determining whether there is a significant impact, the typical longevity of the subject tree species, as well as the size of the tree relative to the property, shall be considered. Normal maintenance, including, but not limited to, pruning, and leaf removal and minor damage to paving shall not be considered when making a determination of significant impact. (Ord. 2165 § 1, 2017; Ord. 2120 § 1, 2015; Ord. 2019 § 1, 2011; Ord. 2000 § 1, 2009; Ord. 1737 § 1, 1998)

17.16.009 Exceptions.

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

17.16.010 Permit—Required.

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

B. Normal maintenance pruning of heritage trees shall not require a permit but shall in all cases be in conformance with the guidelines in Section 17.16.080. Pruning which, in the reasonable opinion of the director, varies from these guidelines shall be subject to fines and penalties as provided in Section 17.16.110 of this chapter. (Ord. 2165 § 1, 2017; Ord. 2019 § 1, 2011; Ord. 1737 § 1, 1998)

17.16.020 Permit—Procedure.

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

B. With the express permission of the property owner, the director may visit the property to inspect the heritage tree or trees in question, and the surrounding area and shall ascertain the following:

1. The condition of the heritage tree with respect to disease, general health, damage, public nuisance (seasonal leaf drop and release of seed pods is not a public nuisance), danger of falling, proximity to existing or proposed structures, interference with utility service and whether or not the heritage tree acts as host for a plant which is parasitic to another species of tree which is in danger of being exterminated by the parasite;
2. Whether the tree has a significant impact on the property;
3. The necessity to remove any heritage tree in order to construct any proposed improvements to allow for the economic enjoyment of the property;

4. The number of existing trees in the neighborhood or area on improved property and the effect removal would have upon the public health, safety, general welfare of residents and upon the property value and beauty of the area;
5. The topography of the land upon which the heritage tree or trees are situated and the effect of removal thereof upon erosion, soil retention and diversion or flow of surface waters;
6. Good forestry practices, i.e., the number of healthy trees that a given parcel of land will support.

C. The director may grant a permit for removal of heritage tree(s) if director determines the criteria of subsection B.1, 3, 4, 5 or 6, above, are satisfied. As a condition of granting a permit for removal, the director may require that the applicant: plant appropriate replacement tree(s); and irrigate for establishment of such tree(s). The director may require that the replacement tree(s) is climate adapted and may offer the applicant options on the species of such replacement tree(s) and shall determine the size of the tree(s) and the timeline for planting the tree(s). Finally, the director may refer the application to any city department or commission for review and recommendation. (Ord. 2216 § 2, 2021; Ord. 2192 § 2, 2019; Ord. 1737 § 1, 1998)

17.16.025 Significant impact—Heritage tree board of appeals hearing.

A. Where the applicant applies to remove a heritage tree on grounds that it has a significant impact on the property as provided in Section 17.16.020(B)(3), the heritage tree board of appeals shall conduct a hearing. The hearing shall be set not less than 15 days and not more than 60 days from the date the application is filed.

B. The city clerk shall set a date for hearing and shall notify all interested parties and property owners within 300 feet of the property on which the tree(s) at issue are located. The director shall submit a report to the heritage tree board of appeals, along with any departmental recommendations.

C. The heritage tree board of appeals shall conduct a hearing on the application. Following the hearing of any such application, the heritage tree board of appeals may approve the application, with or without conditions, or may deny the application. The action of the heritage tree board of appeals on any such application shall be final and conclusive. (Ord. 2192 § 2, 2019; Ord. 2019 § 1, 2011; Ord. 1737 § 1, 1998)

17.16.030 Action by director—Findings.

A. The director shall issue a permit to remove a heritage tree or trees if it is determined that one of the following conditions exists:
1. The heritage tree is in such a dangerous or hazardous condition as to threaten or endanger the safety of people, structures, other property or other heritage trees;
2. The heritage tree has a significant impact on the property;
3. The heritage tree is dead, dying or diseased and good forestry practices cannot be reasonably undertaken to preserve the tree; or
4. Where the heritage tree in question is not diseased or hazardous, the removal of the tree is consistent with the purpose and intent of this chapter and in keeping with the health, safety and general welfare of the community.

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

17.16.040 Appeals not involving new development.

A. For decisions not involving new property development, the director's decision may be appealed only by the applicant. Such appeal must be submitted in writing to the city clerk within 20 days of the decision, and shall briefly state facts and the grounds of the appeal and be signed by the applicant filing the appeal.

B. Appeals shall be heard by the heritage tree board of appeals.

C. The city clerk shall set a date for hearing and shall notify all interested parties and property owners within 300 feet of the tree(s) at issue. The director shall submit a report to the heritage tree board of appeals, along with any departmental recommendations.

D. The heritage tree board of appeals shall conduct a hearing on the appeal. Following the hearing of any such appeal, the heritage tree board of appeals may affirm, reverse or modify the action of the director and may take any action thereon which would have been authorized in the first instance. The action of the heritage tree board of appeals on any such appeal shall be final and conclusive. (Ord. 2165 § 1, 2017; Ord. 2019 § 1, 2011; Ord. 1737 § 1, 1998)

17.16.043 Heritage tree board of appeals—Established.

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

17.16.046 Heritage tree board of appeals—Duties.

The board of appeals shall:

A. Hold a hearing within 60 days after the city's receipt of appeal, to hear such testimony by any department of the city, the applicant who filed the appeal, or any interested party.

B. Make a decision at the hearing (unless the hearing is continued) upholding, reversing or modifying the director's decision. The decision of the board shall be final. (Ord. 2179 § 2, 2018; Ord. 2019 § 1, 2011; Ord. 1737 § 1, 1998)

17.16.050 New property development.

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

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

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

   a. The director may require that the tree report include an appraisal of the condition and replacement value of all trees affected by the development. The appraisal of each tree shall recognize the location of the tree in the proposed development. The appraisal shall be performed in accordance with the current edition of the "Guide for Plant Appraisal" under the auspices of the International Society of Arboriculture. The appraisal shall be performed at the applicant's expense, and the appraiser shall be subject to the director's approval;

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

4. The city reviewing body through its site and landscaping plan review shall endeavor to preserve all trees recommended for preservation by the director. The city reviewing body may determine that any of the trees

recommended for preservation should be removed, if there is evidence submitted to it, that due to special site grading or other unusual characteristics associated with the property, the preservation of the tree(s) would significantly preclude feasible development of the property;

a. If trees are approved for removal, mitigation may include, but is not limited to: (i) replacement planting with particular tree species, sizes and numbers; (ii) payment towards the city's urban forestry fund for the appraised value of all trees removed from the site less the cost of installed trees, as determined by the director;

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

B. Depending on the scope of the development, the director may require that prior to acceptance of subdivision improvements or final inspection, the developer shall submit to the director a final tree report to be performed by a certified consulting arborist. This report shall consider all trees that were to remain within the development. The report shall note the trees' health in relation to the initially reported condition of the trees and shall note any changes in the trees' numbers or physical conditions. The applicant will then be responsible for the loss of any tree not previously approved for removal. For trees which were not previously approved for removal but were in fact removed during construction, the developer shall pay a fine in the amount equal to the appraised value of the subject tree. The applicant shall remain responsible for the health and survival of all trees within the development for a period of one year following acceptance of the public improvements of the development.

C. Prior to the issuance of any permit allowing construction to begin, the applicant shall post cash, bond or other security satisfactory to the director, in the penal sum of greater of either $5,000.00 or the appraised value for each tree required to be preserved, up to a maximum of $100,000. The cash, bond or other security shall be retained for a period of one year following acceptance of the public improvements for the development or final inspection, as applicable, and shall be forfeited in an amount equal to the greater of either $5,000.00 per tree or the appraised value of the tree as a civil penalty in the event that a tree or trees required to be preserved are removed, destroyed or disfigured. The director may allow for an early release all or a portion of such cash, bond or other security in director's reasonable discretion.

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

E. Any decision by a city reviewing body under this section may be appealed pursuant to Chapter 18.144. (Ord. 2192 § 2, 2019; Ord. 2165 § 1, 2017; Ord. 1737 § 1, 1998)

17.16.060 Emergency action.

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

17.16.070 Protection of existing trees.

All persons shall comply with the following precautions:

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

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

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

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

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

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

Chapter 18.08

DEFINITIONS

Sections:

18.08.005 Generally.
18.08.010 City boards, commissions and officials.
18.08.015 Access corridor.
18.08.016 Accessory dwelling units.
18.08.017 Active ground-floor uses.
18.08.018 Agriculture
18.08.020 Alley.
18.08.025 Alter.
18.08.030 Amateur radio facility.
18.08.035 Antenna.
18.08.040 Antenna, façade mounted.
18.08.045 Antenna, ground mounted.
18.08.050 Antenna, roof mounted.
18.08.055 Bar.
18.08.057 Basement commercial storage, public.
18.08.058 Body art facility.
18.08.060 Small bed and breakfast.
18.08.065 Bed and breakfast inn.
18.08.070 Best available control technology.
18.08.072 Block.
18.08.075 Bio diesel.
18.08.077 Brew pub.
18.08.080 Brewery and distillery.
18.08.085 Building.
18.08.090 Business sign.
18.08.095 Car wash.
18.08.100 Charitable institution.
18.08.105 Cogeneration facility.
18.08.107 Collocation.
18.08.110 Combined cycle facility.
18.08.112 Commercial mobile services.
18.08.113 Community facility.
18.08.115 Convenience market.
18.08.117 Cottage food operation.
18.08.120 Court.
18.08.125 Coverage area.
18.08.130 Depth.
18.08.135 Direct to home satellite services.
18.08.140 District.
18.08.145 Drive-in.
18.08.150 Driveway.
18.08.155 Dwelling.
18.08.160 Dwelling unit.
18.08.165 Electricity generator facility.
18.08.166 Employee housing (agricultural).
18.08.167 Family.
18.08.168 Financial institution.

18.08.170 Emergency standby electricity generator, fuel cell, or battery facility.
18.08.172 Family daycare home.
18.08.175 Firearm.
18.08.180 Firearm sales.
18.08.185 Firearm sales, antique.
18.08.190 Floor area, basic.
18.08.195 Floor area, gross.
18.08.200 Frontage.
18.08.205 Fuel cell facility.
18.08.207 Game arcade.
18.08.210 Garage or carport.
18.08.215 Garage, parking.
18.08.220 Garage, repair.
18.08.225 Garden center.
18.08.227 Government facility.
18.08.230 Grid.
18.08.232 Habitable room.
18.08.235 Home occupation.
18.08.237 Homeless shelter.
18.08.240 Hotel.
18.08.245 Household pet.
18.08.250 Illumination, diffused.
18.08.255 Illumination, direct.
18.08.260 Illumination, indirect.
18.08.262 Industrial, heavy.
18.08.263 Industrial, light.
18.08.265 Intersection, street.
18.08.268 Junior accessory dwelling units.
18.08.270 Junkyard.
18.08.275 Kennel.
18.08.278 Live-work unit.
18.08.280 Living room.
18.08.285 Lodging house.
18.08.290 Lot.
18.08.295 Lot, corner.
18.08.300 Lot, double frontage.
18.08.305 Lot, interior.
18.08.310 Lot, key.
18.08.315 Lot line, front.
18.08.320 Lot line, rear.
18.08.325 Lot line, side.
18.08.330 Lot, reversed corner.
18.08.335 Megawatt.
18.08.337 Microbrewery.
18.08.338 Mixed-use development.
18.08.340 Motel or hotel.
18.08.345 Motor vehicle wrecking yard.
18.08.350 Multi-family dwelling.
18.08.355 Nonconforming sign.
18.08.360 Nonconforming structure.
18.08.365 Nonconforming use.
18.08.370 Nuclear power facility.

18.08.372 Nursery.
18.08.375 Nursery school.
18.08.380 Nursing home.
18.08.382 Office, business, professional, or administrative.
18.08.383 Office, medical.
18.08.385 Off-street loading facilities.
18.08.390 Off-street parking facilities.
18.08.395 Oriel window.
18.08.400 Outdoor advertising structure.
18.08.405 Patio, covered.
18.08.407 Personal service.
18.08.410 Personal wireless service.
18.08.415 Personal wireless service facility.
18.08.420 Personal wireless service facility tower.
18.08.425 Personal wireless service provider.
18.08.430 Photovoltaic facility.
18.08.432 Plant shop.
18.08.435 Portable, temporary electricity generator, fuel cell, or battery facility.
18.08.437 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.
18.08.472 Restaurant.
18.08.473 Retail.
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.
18.08.540 Structure, accessory Class I.
18.08.545 Structure, accessory Class II.
18.08.550 Structure, main.
18.08.552 Supportive housing.
18.08.555 Swimming pool.
18.08.560 Trailer.
18.08.565 Trailer park.
18.08.568 Transitional housing.
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.
18.08.606 Winery.
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))

18.08.016 Accessory dwelling units.

"Accessory dwelling unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons and is located on a lot with one or more proposed or existing pri-

mary residences. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same lot as the one-family or multi-family dwelling are situated. An accessory dwelling unit also includes the following:

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

B. A manufactured home, as defined in Section 18007 of the California Health and Safety Code. (Ord. 2213 § 2, 2021; Ord. 2161 § 1, 2017)

18.08.017 Active ground-floor uses

"Active ground-floor uses" are those that promote an active pedestrian environment on the ground floor of a commercial building and include retail establishments, restaurants, bars and brew pubs, art and craft studios, and other uses determined by the director of community development to be substantially similar to the foregoing or to have unique characteristics such that the objectives of the overlay district would be met. Active ground-floor uses do not include personal services. (Ord. 2194 § 2, 2019)

18.08.018 Agriculture.

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

18.08.020 Alley.

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

18.08.025 Alter.

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

18.08.030 Amateur radio facility.

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

18.08.035 Antenna.

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

18.08.040 Antenna, façade mounted.

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

18.08.045 Antenna, ground mounted.

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

18.08.050 Antenna, roof mounted.

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

18.08.055 Bar.

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

18.08.057 Basement commercial storage, public.

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

18.08.058 Body art facility.

"Body art facility" means a business used by a body art practitioner licensed by the Alameda County Department of Environmental Health to provide tattoo, body piercing and/or permanent cosmetic services to a client's arms, legs, or trunk, in addition to a client's face, ears, hands or feet. Accessory retail sales of related products may also be sold. (Ord. 2216 § 2, 2021)

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)

18.08.070 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 Biodiesel.

"Biodiesel" 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))

18.08.207 Game arcade.

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

18.08.210 Garage or carport.

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

18.08.215 Garage, parking.

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

18.08.220 Garage, repair.

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

18.08.225 Garden center.

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

18.08.227 Governmental facility.

"Governmental facility" means an administrative, clerical, or public contact and/or service office of a local, state, or federal government agency or service facility. Examples of such uses would include, but are not limited to: post offices, passport and visa service offices, court houses. (Ord. 2155 § 3, 2017)

18.08.230 Grid.

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

18.08.232 Habitable room.

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

18.08.235 Home occupation.

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

18.08.237 Homeless shelter.

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

18.08.240 Hotel.

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

18.08.245 Household pet.

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

18.08.250 Illumination, diffused.

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

18.08.255 Illumination, direct.

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

18.08.260 Illumination, indirect.

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

18.08.262 Industrial, heavy.

"Heavy industrial" means manufacturing of products, primarily extracted of raw materials, or bulk storage and handling of such products and materials which pose significant risks due to the involvement of explosives, radioactive materials, pesticides, and other hazardous materials. Uses in this category typically involve more intense impacts associated with large industrial uses, their accessory outdoor storage uses, and large building areas. This use category includes, but is not limited to, wrecking yards, building material manufacturing, chemical plants, concrete and asphalt plants, and freight facilities. (Ord. 2155 § 3, 2017)

18.08.263 Industrial, light.

"Light industrial" means a category of uses that is capable of operation in such a manner as to control the external effects of manufacturing processes such as smoke, noise, vibration, soot, and odor. It includes limited intensity levels of manufacturing and assembly activities primarily from previously prepared or refined materials, or from raw materials that do not need refining, warehousing with limited direct public access, research and development, packaging, and associated offices and similar uses as determined by the director of community development within an enclosed building. This use category includes, but is not limited to, food processing, contractors, call centers, textiles, wood products, printing, pharmaceuticals, machinery manufacturing, research and development, laundry plants, laboratories, and regional distribution, but excludes basic industrial processing from raw materials, and vehicle/equipment services. (Ord. 2155 § 3, 2017)

18.08.265 Intersection, street.

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

18.08.268 Junior accessory dwelling units.

"Junior accessory dwelling unit" means an area not exceeding 500 square feet in size excluding any shared sanitation facility with the primary residential unit that is entirely contained within the space of a proposed or existing one-

family residential dwelling unit. It shall include its own separate exterior entrance, sink, cooking appliance, counter surface for food preparation, and storage cabinets of reasonable size in relation to the size of the junior accessory dwelling unit. The junior accessory unit may share a bathroom with the existing residential dwelling unit or may have its own bathroom. (Ord. 2213 § 2, 2021; Ord. 2161 § 1, 2017)

18.08.270 Junkyard.

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

18.08.275 Kennel.

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

18.08.278 Live-work unit.

"Live-work" unit means a single unit consisting of a commercial or office use containing a residential component that is occupied by an owner or employee of the commercial or office use. The live-work unit shall be the primary dwelling of the occupant. (Ord. 2194 § 2, 2019)

18.08.280 Living room.

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

18.08.285 Lodging house.

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

18.08.290 Lot.

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

18.08.295 Lot, corner.

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

18.08.300 Lot, double frontage.

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

18.08.305 Lot, interior.

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

18.08.310 Lot, key.

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

18.08.315 Lot line, front.

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

18.08.320 Lot line, rear.

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

18.08.325 Lot line, side.

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

18.08.330 Lot, reversed corner.

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

18.08.335 Megawatt.

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

18.08.337 Microbrewery.

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

18.08.338 Mixed-use development.

"Mixed-use development" means a project that integrates two or more of the following land uses in a single building or on a single site: office, commercial, residential, or other use determined by the director of community development. (Ord. 2194 § 2, 2019; Ord. 2155 § 3, 2017)

18.08.340 Motel or hotel.

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

18.08.345 Motor vehicle wrecking yard.

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

18.08.350 Multi-family dwelling.

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

18.08.355 Nonconforming sign.

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

18.08.360 Nonconforming structure.

"Nonconforming structure" means a structure which was lawfully erected, but which does not conform with the standards for yard spaces, height of structures, or distances between structures prescribed in the regulations for the district in which the structure is located, by reason of adoption or amendment of this chapter, or by reason of annexation of territory to the city. (Prior code § 2-5.25(d))

18.08.365 Nonconforming use.

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

18.08.370 Nuclear power facility.

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

18.08.372 Nursery.

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

18.08.375 Nursery school.

"Nursery school" means a school for preelementary school-age children, or use of a site or portion of a site for a group daycare program (including, but not limited to, a day nursery, play group, after school group or childcare center) for children when not located in the provider's own home, and a school and/or group daycare program for 13 or more children when located in the provider's own home. (Ord. 2155 § 3, 2017; Ord. 1126 § 2, 1984; prior code § 2-5.26(a))

18.08.380 Nursing home.

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

18.08.382 Office, business, professional, or administrative.

"Business, professional, or administrative office" means a space used for conducting the affairs of a business, profession, service industry, or government, where the activities are primarily mental or intellectual. Examples of such

uses would include, but not be limited to, the offices of lawyers, accountants, brokers, insurance agents, counselors, realtors, title companies, mortgage companies, and contractors. (Ord. 2194 § 2, 2019; Ord. 2155 § 3, 2017)

18.08.383 Office, medical.

"Medical office" means an office or clinic used exclusively by physicians, dentists, chiropractors, acupuncturists, physical therapists, and other health-related offices. No overnight patients occupy the premises. (Ord. 2155 § 3, 2017)

18.08.385 Off-street loading facilities.

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

18.08.390 Off-street parking facilities.

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

18.08.395 Oriel window.

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

18.08.400 Outdoor advertising structure.

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

18.08.405 Patio, covered.

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

18.08.407 Personal service.

"Personal services" means a use that provides individual services generally related to personal, non-medical needs, including, but not limited to: barbers; beauty salons; day spas; holistic healing centers; nail salons; hair removal and/or replacement; body art (tattoo, body piercing and/or permanent cosmetic services) that is only provided to a client's face, ears, hands or feet; massage establishments; acupressure services; tailors; and other services of a similar nature. Accessory retail sales of related products may also be sold. (Ord. 2216 § 2, 2021; Ord. 2155 § 3, 2017)

18.08.410 Personal wireless service.

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

18.08.415 Personal wireless service facility.

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

18.08.620 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

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

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

C. Within five days of the granting of any approval extension under this section, the zoning administrator shall forward notice of the action to the planning commission and the city council. The action of the zoning administrator is subject to Chapter 18.144 Appeals. (Ord. 2216 § 2, 2021; prior code § 2-12.24)

18.12.040 Public hearing—Time and notice.

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

Article II. Zoning Certificate and Certificate of Occupancy

18.12.050 Zoning certificate—Purpose.

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

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

18.12.060 Zoning certificate—Application and issuance.

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

18.12.070 Issuance of building permit.

The chief building official or designee shall not issue a building permit until the zoning administrator has approved a zoning certificate for the structure which is the subject of the building permit. (Ord. 2000 § 1, 2009; Ord. 1425 § 1 (part), 1989; prior code § 2-11.40)

18.12.080 Certificate of occupancy—Issuance.

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

B. A temporary certificate of occupancy may be issued by the chief building official prior to the time that all of the requirements for a certificate of occupancy have been met, provided that no permit other than a temporary permit shall be issued for gas or electric utilities until the chief building official determines that all of the requirements for a certificate of occupancy have been met. A temporary permit for gas or electric utilities shall be valid for 10 working days, and may be renewed upon application to the chief building official for not more than two additional periods of 10 working days. If temporary permits for gas or electric utilities expire without the requirements for issuance of a certificate of occupancy having been met, the chief building official shall request the public utility to discontinue service. (Ord. 2000 § 1, 2009; Ord. 1425 § 1 (part), 1989; prior code § 2-11.41)

18.12.090 Determination of compliance with required conditions.

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

Article III. Moratorium

18.12.100 Designated.

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

18.12.110 Applicability of article.

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

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

B. Final tract maps;

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

18.12.120 Specific provisions.

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

A. Section 18.84.050, width of corner lots;

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

C. Section 18.84.080A, front yard setback;

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

18.12.130 Controlling provisions.

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

Chapter 18.20

DESIGN REVIEW*

Sections:

18.20.010 Projects subject to design review.
18.20.020 Powers—Duties.
18.20.030 Scope of review—Criteria.
18.20.040 Procedures.
18.20.050 Effective date of decision.
18.20.060 Appeals.
18.20.070 Lapse of approval.

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

18.20.010 Projects subject to design review.

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

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

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

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

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

13. All covered front porches that are located in the front yard setback area in the R-1, RM zoning districts and PUD zoned residential properties referencing the R-1/RM development standards of this code.
14. Small electricity generator facilities, and small fuel cell facilities.
15. Additions and exterior modifications/alterations listed below to single-family houses in residential zoning districts within the Downtown Specific Plan Area that are considered historic resources as defined by the Downtown Specific Plan:
    a. Wall and foundation cladding including, but not limited to, material, finish, shape, orientation, and joinery.
    b. Porches and balconies including, but not limited to, banisters/railings, balusters, posts/supports, and material.
    c. Windows including, but not limited to, window shape, size, placement, operation, material, trim/surround, mullions/glazing pattern, and recess from the exterior wall.
    d. Roofs including, but not limited to, roof form, eaves, material, color, and pitch.
    e. Chimneys including, but not limited to, material, finish, location, size, and shape.
    f. Front doors.
    g. Architectural trim and details including, but not limited to, corbels, knee braces, brackets, cornice, dentils, etc.

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

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

D. The zoning administrator may waive review altogether or administratively process an application if a new or modified use or structure shall not be visible from any public street or area held open to the public. (Ord. 2216 § 2, 2021; Ord. 2130 § 2, 2015; Ord. 2093 § 1, 2014; Ord. 1880, 2003; Ord. 1876 § 1, 2002; Ord. 1743, 1998; Ord. 1738 § 1, 1998; Ord. 1612 § 2, 1993; Ord. 1600 § 1, 1993; Ord. 1591 § 2, 1993)

18.20.020 Powers—Duties.

The planning commission or zoning administrator shall have the following powers and duties:

A. In making decisions, approve, approve with modifications or conditions, or deny an application.

B. Require such improvements, either on or off site, which are reasonably related to the project and are in the best interests of the public health, safety, or general welfare, or which are necessary in order to mitigate adverse environmental effects disclosed in an environmental assessment, negative declaration, EIR/EIS, etc.

C. Conform the project to the goals and policies of the general plan, and relevant specific plan, and/or the purposes and objectives of the zoning district.

D. Prepare pamphlets for distribution describing the policies and procedures to be used by architects and builders under this chapter.

E. Determine such application requirements as may be required to carry out its duties.

F. Initiate and recommend to the city council amendments to the zoning ordinance in order to further the purposes of design review. (Ord. 1612 § 2, 1993; Ord. 1591 § 2, 1993)

18.20.030 Scope of review—Criteria.

A. The planning commission or zoning administrator shall review site plans, landscape plans, building architecture and such other plans and reports (grading plans, EIR/negative declarations, etc.) as may be required to preserve and enhance the city's aesthetic values and ensure the preservation of the public health, safety and general wel-

fare. The planning commission and zoning administrator review of project plans shall include, but not be limited to, the following:

1. Preservation of the natural beauty of the city and the project site's relationship to it;
2. Appropriate relationship of the proposed building to its site, including transition with streetscape, public views of the buildings, and scale of buildings within its site and adjoining buildings;
3. Appropriate relationship of the proposed building and its site to adjoining areas, including compatibility of architectural styles, harmony in adjoining buildings, attractive landscape transitions, and consistency with neighborhood character;
4. Preservation of views enjoyed by residents, workers within the city, and passersby through the community;
5. Landscaping designed to enhance architectural features, strengthen vistas, provide shade, and conform to established streetscape;
6. Relationship of exterior lighting to its surroundings and to the building and adjoining landscape;
7. Architectural style, as a function of its quality of design and relationship to its surroundings; the relationship of building components to one another/the building's colors and materials; and the design attention given to mechanical equipment or other utility hardware on roof, ground or buildings;
8. Integration of signs as part of the architectural concept; and
9. Architectural concept of miscellaneous structures, street furniture, public art in relationship to the site and landscape. (Ord. 1612 § 2, 1993; Ord. 1591 § 2, 1993)

18.20.040 Procedures.

A. An applicant for a project requiring planning commission design review shall submit to the zoning administrator a site plan, exterior elevations, landscape plans, and such plans, reports and other data as may be required by the planning commission in evaluating the proposed project. The zoning administrator shall refer all applications to the planning commission. The planning commission shall consider and render a decision within the time frames established by law for decision making on projects.

B. An applicant for a project requiring design review by the zoning administrator shall submit a site plan and/or architectural drawings or sketches showing building elevations and/or details of the structure, or other such plans, reports, or data as may be required by the zoning administrator to evaluate each project.

  1. For those classes of projects described in Sections 18.20.010(B)(7), (B)(8), and (B)(9) of this chapter, the zoning administrator shall approve, conditionally approve, or disapprove the application in accordance with the purposes of this chapter. No notice shall be given prior to the zoning administrator's action on these classes of projects.
  2. For those classes of projects described in Sections 18.20.010(B)(1) through (B)(6), (B)(12), (B)(13), and (B)(15) of this chapter, the zoning administrator shall send notice of the applications to the surrounding property owners. The zoning administrator shall determine the area within which property owners are to be notified by mail. If within seven days of mailing such notice, the zoning administrator receives a request for a hearing, the zoning administrator shall schedule an administrative hearing within seven days. Either administratively, if no hearing is requested, or after conducting the administrative hearing, the zoning administrator shall approve, conditionally approve, or disapprove the application in accordance with the purposes of this chapter.
  3. For that class of project described in Section 18.20.010(B)(14) of this chapter, the zoning administrator shall send notice of the application to surrounding property owners within 1,000 feet of the project site. If within seven days of mailing such notice, the zoning administrator receives a request for a hearing, the zoning administrator shall schedule an administrative hearing within the time frame established by law for decision making on projects. Either administratively, if no hearing is requested, or after the administrative hearings, the zoning administrator shall approve, conditionally approve, or disapprove the application in accordance with the purposes of this chapter.

4. Projects.

   a. Minor Projects. For those classes of projects described in Section 18.20.010(B)(10) of this chapter determined by the zoning administrator to be minor in nature, the zoning administrator shall approve, conditionally approve, or disapprove the application in accordance with the purposes of this chapter. No notice shall be given prior to the zoning administrator's action on these classes of projects.

   b. Substantial Projects. For those classes of projects described in Section 18.20.010(B)(10) of this chapter determined by the zoning administrator to be substantial in nature, the zoning administrator shall send a notice of the application to the surrounding property owners. The zoning administrator shall determine the area within which property owners are to be notified by mail. If within seven days of mailing such notice the zoning administrator receives a request for a hearing, the zoning administrator shall schedule a public hearing at the next available city council meeting. The city council after conducting the hearing shall approve, conditionally approve, or disapprove the application in accordance with the purposes of this chapter.

   The zoning administrator shall consider and render a decision within the time frames established by law for decision making on projects.

C. For those projects which are judged by the zoning administrator to involve complex design issues or which may be of a sensitive or controversial nature, the zoning administrator shall refer the plans to a licensed design professional for review and comment. The zoning administrator shall maintain a list of qualified design consultants who agree not to do any professional work in Pleasanton. Upon making a determination that such review is required, the zoning administrator shall refer the plans to one of the design consultants within one week of receiving a completed application. The design professional shall comment on the design of the proposal, attend staff meetings, and attend public hearings as deemed necessary by the zoning administrator. The cost of the consultant services shall be borne by the applicant.

D. The zoning administrator may use the voluntary services of licensed design professionals on minor design review applications where necessary to resolve design issues. Design professionals who provide only voluntary services are not restricted from doing other professional work in Pleasanton.

E. If determined to be necessary by the zoning administrator or planning commission, an applicant for a new house within the Downtown Specific Plan Area or a two-story addition to an existing house within the Downtown Specific Plan Area shall install story poles depicting the height and mass of the proposed house or addition subject to the satisfaction of the zoning administrator or planning commission. Unless otherwise directed by the zoning administrator or planning commission, the story poles shall be installed by the applicant prior to public noticing and shall remain in place until the project has been acted upon. (Ord. 2216 § 2, 2021; Ord. 2088 § 2, 2014; Ord. 2019 § 1, 2011; Ord. 1880, 2003; Ord. 1743, 1998; Ord. 1612 § 2, 1994; Ord. 1591 § 2, 1993)

18.20.050 Effective date of decision.

A. Within five days of the date of the planning commission's decision approving or conditionally approving a project, the secretary shall transmit written notice of the decision to the city council and the applicant. Unless a timely appeal is filed as provided in Section 18.20.060 of this chapter, or unless the city council elects to review the decision of the commission, the decision shall be effective on the later of the following:

   1. The day following the first meeting of the council after the council has received notice of the decision; or

   2. The day after the expiration of the appeal period.

B. Within five days of the date of the zoning administrator's decision approving or conditionally approving drawings, the secretary shall transmit written notice of the decision to the planning commission, city council, and the applicant. Unless a timely appeal is filed as provided in Section 18.20.060 of this chapter, or unless the planning commission and/or the city council elects to review the decision of the zoning administrator, the decision shall be effective on the later of the following:

   1. The day following the first meeting of the council after the council has received notice of the decision; or

   2. The day after the expiration of the appeal period.

C. Unless a timely appeal is filed as provided in Section 18.20.060 of this chapter, the decision of the zoning administrator shall be effective at the expiration of the appeal period. (Ord. 1612 § 2, 1994; Ord. 1591 § 2, 1993)

18.20.060 Appeals.

A. Any appeal pursuant to this action shall follow the procedures outlined in Section 18.144.020 of this title.

B. Any aggrieved party and/or any member of the city council may appeal any decision of the planning commission to the city council.

C. Any aggrieved party may appeal an action of the zoning administrator to the planning commission, except for zoning administrator actions on improvements or expansions to unreinforced masonry (URM) buildings, which shall be taken directly to the city council on appeal. Any appeal to the planning commission may be further appealed to the city council. Any member of the planning commission and/or city council may appeal an action of the zoning administrator to the planning commission or the city council, respectively, except for zoning administrator actions on improvements or expansions to unreinforced masonry (URM) buildings, which shall be taken directly to the city council on appeal. Appeals to the planning commission or council shall be governed by this title as if the appeal of the zoning administrator's action were a new application before the commission or council. (Ord. 1612 § 2, 1993; Ord. 1591 § 2, 1993)

18.20.070 Lapse of approval.

Design approval shall lapse and shall be void one year following the effective date of approval, unless prior to the expiration of one year a building permit is issued and construction is commenced and diligently pursued toward completion, or the applicant or the applicant's successor has filed a request for approval of extension with the zoning administrator pursuant to the provisions of Section 18.12.030 of this title. (Ord. 1612 § 2, 1993; Ord. 1591 § 2, 1993)

Chapter 18.28

A AGRICULTURAL DISTRICT

Sections:

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

18.28.010 Purpose.

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

A. To permit the conduct of certain agricultural pursuits on land in the city;

B. To prevent premature urban development of certain lands which eventually will be appropriate for urban uses, until the installation of drainage works, streets, utilities, and community facilities makes orderly development possible;

C. To ensure adequate light, air and privacy for each dwelling unit, and to provide adequate separation between dwellings and facilities for housing animals;

D. To permit certain nonagricultural uses that are incompatible with intensive urban development to locate in undeveloped portions of the city. (Prior code § 2-6.00)

18.28.020 Required conditions.

A. All uses shall comply with the regulations prescribed in Chapter 18.84 of this title;

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

18.28.030 Permitted uses.

The following uses shall be permitted in the A district:

A. One-family dwellings, accessory dwelling and junior accessory dwelling units. Accessory dwelling and junior accessory dwelling units shall meet the requirements in Chapter 18.106 of this title;

B. Agriculture for commercial purposes, limited to the growing of field and truck crops and horticultural specialties; nurseries, greenhouses and botanical conservatories; orchards and vineyards; farming and ranching facilities and structures;

C. Raising of fruits, nuts, vegetables and horticultural specialties for private noncommercial use;

D. Home occupations conducted in accordance with the regulations prescribed in Chapter 18.104 of this title;

E. Livestock and poultry raising for private, noncommercial use, and private kennels and stables; provided, that any building or enclosure in which animals or fowl, except household pets, are contained shall be at least 100 feet from any R, O, C, I-P or P district;

F. Photovoltaic facilities;

G. Accessory structures and uses located on the same site with a permitted use, including barns, stables, coops, tank houses, storage tanks, windmills (not including wind energy facilities), other farm outbuildings, private garages and carports, or guesthouse or accessory living quarters without a kitchen for each dwelling on the site, storehouses, garden structures, greenhouses, recreation rooms and hobby shops, and storage of petroleum products for persons residing on the site and the following accessory structures and uses located on the same site with a permitted use or with a conditional use which has been granted a use permit in accord with the provisions of Chapter 18.124 of this title:

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

2. Portable, temporary electricity generator, fuel cell, or battery facilities,

3. Photovoltaic facilities,

4. Small electricity generator facilities that meet the following criteria:

   a. The fuel source for the generators shall be natural gas, bio diesel, or the byproduct of an approved cogeneration or combined cycle facility,

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

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

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

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

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

5. Small fuel cell facilities that meet the following criteria:

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

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

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

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

H. Administrative offices for on-site and off-site agricultural activities which are clearly ancillary to the agricultural pursuits taking place on the site;

I. Small family daycare homes;

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

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

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

M. Beekeeping meeting the requirements of Chapter 18.103 of this title. (Ord. 2213 § 2, 2021; Ord. 2161 § 1, 2017; Ord. 2113 § 1, 2015; Ord. 2062 § 2, 2013; Ord. 2061 § 2, 2013; Ord. 1885 § 2, 2003; Ord. 1880, 2003; Ord. 1126 § 3, 1984; prior code § 2-6.02)

18.28.040 Conditional uses.

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

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

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

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

3. Wind energy facilities that meet the following criteria:

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

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

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

B. Agriculture processing plants.

C. Airports and heliports.

D. Animal sales yards.

E. Automobile and motorcycle racing stadiums and drag strips.

F. Cemeteries, crematories, and columbariums.

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

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

I. Commercial kennels.

J. Commercial and private recreation facilities.

K. Dairies and processing of dairy products.

L. Drive-in theaters.

M. Fertilizer plants and yards.

N. Firearm sales at a rifle or pistol range.

O. Garbage and refuse incineration.

P. Gas and oil wells.

Q. Golf courses and golf driving ranges.

R. Guest ranches.

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

T. Hospitals.

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

V. Nursery schools.

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

X. Poultry raising, egg processing, and hatcheries.

Y. Private schools.

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

AA. Rabbit raising.

BB. Recreational vehicle storage facilities.

CC. Riding academies and stables.

DD. Rifle and pistol ranges.

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

FF. Sanitary landfill operations.

GG. Veterinarians' offices.

HH. Wineries, winery sales and tasting rooms.

II. Wood sales and storage yards for unmilled lumber. (Ord. 2113 § 1, 2015; Ord. 2086 § 2, 2014; Ord. 2062 § 2, 2013; Ord. 1880, 2003; Ord. 1743, 1998; Ord. 1738 § 1, 1998; Ord. 1157 § 1, 1984; Ord. 1126 § 4, 1984; prior code § 2-6.03)

18.28.045 Prohibited uses.

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

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

18.28.050 Off-street parking.

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

18.28.060 Off-street loading.

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

18.28.070 Signs.

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

18.28.080 Design review.

All uses shall be subject to design review as prescribed in Chapter 18.20 of this title except for accessory dwelling units as provided in Chapter 18.106. Applicants are advised to confer with the zoning administrator before preparing detailed plans. (Ord. 2213 § 2, 2021; Ord. 1656 § 1, 1995; prior code § 2-6.07)

Chapter 18.32

R-1 ONE-FAMILY RESIDENTIAL DISTRICTS

Sections:

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

18.32.010 Purpose.

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

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

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

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

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

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

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

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

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

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

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

18.32.020 Required conditions.

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

18.32.030 Permitted uses.

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

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

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

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

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

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

   2. Portable, temporary electricity generator, fuel cell, or battery facilities in the R-1-40,000 district;

   3. Photovoltaic facilities.

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

F. Household pets including up to six female chickens.

G. Small family daycare homes.

H. Accessory dwelling or junior accessory dwelling units meeting the requirements in Chapter 18.106 of this title.

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

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

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

L. Beekeeping meeting the requirements of Chapter 18.103 of this title. (Ord. 2213 § 2, 2021; Ord. 2161 § 1, 2017; Ord. 2113 § 1, 2015; Ord. 2062 § 2, 2013; Ord. 2061 § 2, 2013; Ord. 1930 § 1, 2006; Ord. 1885 § 2, 2003; Ord. 1880, 2003; Ord. 1636 § 3, 1994; Ord. 1126 § 5, 1984; prior code § 2-6.13)

18.32.040 Conditional uses.

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

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

B. Charitable institutions.

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

D. Golf courses.

E. Nursery schools.

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

G. Private recreation parks and swim clubs.

H. Private nonprofit schools.

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

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

1. Small electricity generator facilities located on the same site as a charitable institution, religious institution, golf course, nursery school, nursing home, senior care/assisted living facility, private recreation facility, private recreation park, private swim club, private nonprofit school, or public facility and that meet the following criteria:

    a. The fuel source for the generators shall be natural gas, biodiesel, or the byproduct of an approved cogeneration or combined cycle facility;

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

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

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

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

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

2. Small fuel cell facilities that meet the following criteria:

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

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

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

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

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

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

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

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

O. Skateboard ramps.

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

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

18.32.045 Temporary conditional uses.

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

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

18.32.050 Prohibited uses.

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

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

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

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

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

C. Gunsmiths.

D. Firearm sales.

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

18.32.060 Off-street parking.

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

18.32.070 Off-street loading.

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

18.32.080 Signs.

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

18.32.090 Design review.

All uses shall be subject to design review as prescribed in Chapter 18.20 of this title except for accessory dwelling units as provided in Chapter 18.106. Applicants are advised to confer with the zoning administrator before preparing detailed plans. (Ord. 2213 § 2, 2021; Ord. 1656 § 1, 1995; prior code § 2-6.18)

Chapter 18.36

RM MULTI-FAMILY RESIDENTIAL DISTRICTS

Sections:

18.36.010 Purpose.
18.36.020 Required conditions.
18.36.030 Permitted uses.
18.36.040 Conditional uses.
18.36.045 Temporary conditional uses.
18.36.050 Prohibited uses.
18.36.060 RM-1,500 district—Reduced site area per dwelling unit with parking under or within structure.
18.36.070 Underground utilities.
18.36.080 Off-street parking.
18.36.090 Off-street loading.
18.36.095 Transit incentive.
18.36.100 Signs.
18.36.110 Design review.

18.36.010 Purpose.

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

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

B. To preserve as many as possible of the desirable characteristics of the one-family residential district while permitting higher population densities;

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

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

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

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

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

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

I. To protect residential properties from fire, explosion, noxious fumes and other hazards. (Prior code § 2-6.22)

18.36.020 Required conditions.

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

18.36.030 Permitted uses.

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

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

B. Multi-family dwellings.

C. Combinations of attached or detached dwellings, including duplexes, multi-family dwellings, dwelling groups, row houses and townhouses.

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

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

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

2. Photovoltaic facilities.

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

G. Small family daycare homes.

H. Accessory dwelling or junior accessory dwelling units meeting the requirements in Chapter 18.106 of this title.

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

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

K. Transitional housing, subject to the provisions of Chapter 18.107.

L. Beekeeping meeting the requirements of Chapter 18.103 of this title. (Ord. 2213 § 2, 2021; Ord. 2161 § 1, 2017; Ord. 2113 § 1, 2015; Ord. 2086 § 2, 2014; Ord. 2062 § 2, 2013; Ord. 2061 § 2, 2013; Ord. 1885 § 2, 2003; Ord. 1880, 2003; Ord. 1743, 1998; Ord. 1636 § 5, 1994; Ord. 1126 § 7, 1984; prior code § 2-6.24)

18.36.040 Conditional uses.

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

A. Charitable institutions.

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

C. Golf courses.

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

E. Lodging houses.

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

G. Nursery schools.

H. Private recreation parks and swim clubs.

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

J. Private noncommercial clubs and lodges, not including hiring halls.

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

L. Trailer parks in accord with the regulations prescribed in Chapter 18.108 of this title.

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

1. Small electricity generator facilities located on the same site as multi-family dwellings, a charitable institution, religious institution, golf course, hospital, sanitarium, lodging house, motel, nursery school, nursing home, senior care/assisted living facility, private recreation park, private swim club, private school, private noncommercial club, or public facility and that meet the following criteria:

   a. The fuel source for the generators shall be natural gas, biodiesel, or the byproduct of an approved cogeneration or combined cycle facility;

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

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

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

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

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

2. Small fuel cell facilities that meet the following criteria:

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

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

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

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

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

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

P. Small bed and breakfasts and bed and breakfast inns in accordance with provisions of Chapter 18.124 of this title. (Ord. 2086 § 2, 2014; Ord. 1885 § 2, 2003; Ord. 1880, 2003; Ord. 1812, 2000; Ord. 1743, 1998; Ord. 1690 § 4, 1996; Ord. 1636 § 6, 1994; Ord. 1153 §§ 1, 2, 1984; Ord. 1126 § 8, 1984; prior code § 2-6.25)

18.36.045 Temporary conditional uses.

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

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

18.36.050 Prohibited uses.

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

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

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

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

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

C. Gunsmiths.

D. Firearm sales.

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

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

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

18.36.070 Underground utilities.

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

18.36.080 Off-street parking.

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

18.36.090 Off-street loading.

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

18.36.095 Transit incentive.

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

18.36.100 Signs.

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

18.36.110 Design review.

All uses shall be subject to design review as prescribed in Chapter 18.20 of this title except for accessory dwelling units as provided in Chapter 18.106. Applicants are advised to confer with the zoning administrator before preparing detailed plans. (Ord. 2213 § 2, 2021; Ord. 1656 § 1, 1995; prior code § 2-6.31)

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 and C-C district all products shall be sold primarily at the retail site.

D. No use shall be permitted, and no process, equipment, or material shall be employed which is found by the zoning administrator or planning commission, as applicable, 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. 2155 § 3, 2017; Ord. 2055 § 2, 2012; Ord. 1656 § 1, 1995; Ord. 1104 § 1, 1983; prior code § 2-7.07)

18.44.080 Permitted and conditional uses.

A. Permitted uses and uses subject to a minor conditional use permit or conditional use permit in a C district are provided in Table 18.44.080 at the end of this section.

B. Multi-family dwellings and mixed-use development 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, or, if applicable, the Core Area Overlay district. When proposed with existing one-family or multi-family dwellings, accessory dwelling and/or junior accessory dwelling units, as applicable, meeting the requirements in Chapter 18.106 of this title are permitted.

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 when required by the Building Code for adjoining walls with openings.

C. Tobacco product and tobacco paraphernalia sales are only permitted in compliance with Chapter 18.109.

D. Any other use which is determined by the zoning administrator or planning commission, as applicable, 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 18.44.080

PERMITTED AND CONDITIONAL USES

The following uses shall be permitted uses or conditional uses in a commercial, mixed-use, office, or industrial district according to the following legend:			
P	Permitted Use	MU-T	Mixed Use Transitional
C	Conditional Use	CR	Regional Commercial District
MCUP	Minor Conditional Use	CS	Service Commercial District
TC	Temporary Conditional Use	CF	Freeway Interchange Commercial District
CN	Neighborhood Commercial District	O	Office District
CC	Central Commercial District	IP	Industrial Park District
MU-D	Mixed Use Downtown	IG	General Industrial District
If a property is zoned PUD, then the PUD shall be consulted for permitted and conditionally permitted uses before consulting this table. Where there is a conflict between Table 18.44.080 and the PUD, the PUD shall govern.			

	CN	CC	CR (m[1])	CR (p[2])	CS	CF	O	I-P	I-G	MU-D	MU-T[35]
CULTURAL AND ENTERTAINMENT											
Adult entertainment establishments[3]		P[18]	P	P	P					P[18]	P
Art galleries	P	P	P	P						P	P
Auction rooms		C[18]			C	C					
Bowling alleys, pool halls, indoor bocce court, and other similar uses		C	P	C	C					C	
Game arcades	C	C	C	C						C	
Regional attraction, including amusement parks, automobile racing stadiums, drive-in theater, miniature golf, indoor skating rinks, sports arenas, or stadiums			C	C	C	C					
Theaters and auditoriums	C	P	P	P	C					P	
EDUCATIONAL											
Nursery schools[4, 5]	C		C	C							
Private schools with no more than 20 students at any one time[5]	C		C	C			P				
Private schools with more than 20 students at any one time[5]	C		C	C			C				
Schools and colleges with no more than 20 students in the facility at any one time. This category includes trade schools, business schools, heritage schools, music and art schools, tutoring, but does not include general purpose schools[5, 6]	P	P[18]	P	P	P	P	MCUP		P	P[18]	MCUP
Schools and colleges with more than 20 students in the facility at any one time. This category includes trade schools, business schools, heritage schools, music and art schools, tutoring, but does not include general purpose schools[5, 6]	MCUP	MCUP[18]	MCUP	MCUP	MCUP	MCUP	C		MCUP	MCUP[18]	C
ENERGY/ACCESSORY USES											
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:											

	CN	CC	CR (m[1])	CR (p[2])	CS	CF	O	I-P	I-G	MU-D	MU-T[35]
Emergency standby electricity generator, fuel cell, and/or battery facilities[7], photovoltaic facilities, small electricity generator facilities[8], and small fuel cell facilities[9]	P	P	P	P	P	P	P	P	P	P	P
Special downtown accessory entertainment uses, as defined in Chapter 18.08 of this title[10]		P[11]								P[11]	
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[11]								TC[11]	
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:											
Medium electricity generator facilities that meet the applicable standards of Section 18.124.420 of this title, or medium fuel cell facilities that meet the applicable standards of Section 18.124.420 of this title	C	C	C	C	C	C	C	C	C	C	C
Large electricity generator facilities or large fuel cell facilities[12]									C		
Wind energy facilities									C[13, 14]		
GOVERNMENTAL											
Governmental facility, no outdoor storage[15]	C	P	P	P						P	P
INDUSTRIAL											
Heavy industrial								C[13]	C[13]		
Light industrial[33]					P			P	P		
Microbreweries[16]		P	P	P	P			P	P	P	
"Radioactive materials uses" as defined in Section 18.08.445 of this title					C				C[13]		

	CN	CC	CR (m[1])	CR (p[2])	CS	CF	O	I-P	I-G	MU-D	MU-T[35]
Rental yards, including the rental of hand tools, garden tools, power tools, trucks and trailers and other similar equipment					C						
Warehousing, not including storage of fuel or flammable liquids[33]		P[11, 17, 18]			MCUP			MCUP	P		
Wineries[16]		P	P	P	P			P	P	P	
OFFICE/BUSINESS SERVICE											
Financial institutions	P	P[18]	P	P	P					P[18]	P
Medical offices[19]	P	P[18]	P	P			P	P	P	P[18]	P
Offices, including, but not limited to, business, professional and administrative offices	P	P[18]	P	P			P	P	P	P[18]	P
Radio and television broadcasting studios	P	C[18]		P	P	P				C[18]	
OUTDOOR USES[20]											
Airports and heliports									C[17]		
Beekeeping meeting the requirements of Chapter 18.103 of this title for detached, single-family homes located in the Downtown Specific Plan Area		P			P					P	P
Bus depots[21]		P[18]		P	P	P					
Car wash:											
Full service				C	C	C					
Self-service		C[18]									
Seasonal sales lots	TC	TC	P	TC	TC	TC				TC	
Circuses, carnivals and other transient amusement enterprises	TC	TC	TC	TC	TC	TC				TC	
Commercial radio and television aerials, antennas, and transmission towers with design review approval specified under Chapter 18.20 of this title[22]		P	P		P			P	P	P	P
Farmer's markets	TC	TC	TC	TC	TC	TC				TC	
Freight forwarding terminals					C						
Full-service, self-service and quick-service stations:[23]	C	C[18]	C	C	C	C		C	C		
With truck and trailer rental					C	C					
With a convenience market, excluding the sale of alcoholic beverages					C	C					
With a drive-through car wash					C	C					
Garden centers, including plant nurseries			P	C	C	C			C		
Lumberyards[24]					C						

	CN	CC	CR (m[1])	CR (p[2])	CS	CF	O	I-P	I-G	MU-D	MU-T[35]
Mobile food trucks on private construction, office sites, and other places of employment for not more than one hour per meal period and with permission of the property owners	P	P	P	P	P	P	P	P	P	P	P
Newsstands	P	P	P	P	P					P	P
Outdoor art and craft shows	TC	TC		TC						TC	
Parking facilities, including required off-street parking facilities located on a site separated from the uses which the facilities serve and fee parking in accordance with the standards and requirements of Chapter 18.88 of this title		C								C	
Parking lots								P	P		
Public utility and public service facilities including pumping stations, power transmission stations, power distribution stations, equipment buildings, service yards, drainageways and structures, water reservoirs, percolation basins, well fields, and storage tanks. These facilities must be found by the planning commission to be necessary for the public health, safety, or welfare	C	C		C	C	C	C	C	C	C	C
Recreation and sports facilities, outdoor, including racetracks, golf driving ranges, skateboard parks, riding stables					C	C					
Recycling collection facilities, large								C	C		
Recycling collection facilities, small	TC	TC	TC	TC	TC	TC		TC	TC	TC	
Recycling processing facilities, large									C		
Recycling processing facilities, small									C		
Rifle and pistol ranges, outdoor, with or without firearm sales[27]									C		
Stone and monument yards					P						

	CN	CC	CR (m[1])	CR (p[2])	CS	CF	O	I-P	I-G	MU-D	MU-T[35]
Storage yards for commercial goods, supplies and equipment including fuel storage, no less than 300 feet from any R or O district					C			C	C		
Taxicab stands	P	P		P	P	P					
Transportation dispatch facilities for ambulances, taxicabs, limousine services, airport shuttles, tow trucks, and similar dispatch, without storage, not including truck terminals[15]					P				P		
Truck scales					P	C					
Trucking terminals, not less than 300 feet from an R or O district					C				P		
Vehicle towing (with all vehicle storage inside a building, with outside storage, or both)				P	C	C					
PERSONAL AND GENERAL SERVICE											
Art and craft studios, with no more than 20 students in the facility at any one time. This category includes pottery, jewelry, painting, scrapbook-making, photography, sculpture, and similar studios, with or without retail sales, art/craft classes and walk-in activities for the general public[5]	P	P	P	P						P	P
Art and craft studios, with more than 20 students in the facility at any one time. This category includes pottery, jewelry, painting, scrapbook-making, photography, sculpture, and similar studios, with or without retail sales, art/craft classes and walk-in activities for the general public[5]	MCUP	MCUP	MCUP	MCUP						MCUP	MCUP
Body art facility	C		P	C	C	P	C	P	P		
Carpet and rug cleaning and dyeing					C						
Crematoriums, mortuaries, and columbariums, not less than 300 feet from an R district					C		C				
Fortune telling, palmistry, augury, and related uses								C	C		
Furniture upholstery shops					C	C					

	CN	CC	CR (m[1])	CR (p[2])	CS	CF	O	I-P	I-G	MU-D	MU-T[35]
Glass replacement and repair shops					P	P					
Interior decorating shops	P	P[18]	P	P						P[18]	P
Kennels, and other boarding facilities for small animals[25]					MCUP				MCUP		
Laundry:											
Laundries and dry cleaners	P	P[18]	P	P	P					P[18]	
Linen supply services					P						
Music and dance facilities with no more than 20 students in the facility at any one time[5]	P	P[18]	P	P	P	P				P[18]	MCUP
Music and dance facilities with more than 20 students in the facility at any one time[5]	MCUP	MCUP[18]	MCUP	MCUP	MCUP	MCUP				MCUP[18]	C
Personal services[26]	P	P[18]	P	P			P			P[18]	P
Recreation and sport facilities, gymnasiums, and health clubs, indoor, with no more than 20 students in the facility at any one time[5, 26]	P	P[18]	P	P	P	P		P	P	P[18]	MCUP
Recreation and sport facilities, gymnasiums, and health clubs, indoor, with more than 20 students in the facility at any one time[5, 26]	MCUP	MCUP[18]	MCUP	MCUP	MCUP	MCUP		MCUP	MCUP	MCUP[18]	C
Rifle and pistol ranges, indoor, with or without firearm sales[27]			P		P				C		
Taxidermists		P[18]		P	P				P		
Veterinarian's offices:											
And/or outpatient clinics excluding any overnight boarding of animals[28]	MCUP	P[18]			P					P[18]	P
Including outpatient clinics, small animal hospitals and/or short-term overnight boarding of animals[28]		MCUP[18]			P						
And/or small animal hospitals including operations not conducted within an entirely enclosed building[25]					MCUP						
PLACES OF ASSEMBLY											
Community facilities and conference centers with 100 or fewer attendees at any one time		MCUP[18]					MCUP	MCUP	MCUP	MCUP[18]	C
Community facilities and conference centers with more than 100 attendees at any one time		C[18]					C	C	C	C[18]	

	CN	CC	CR (m[1])	CR (p[2])	CS	CF	O	I-P	I-G	MU-D	MU-T[35]
Meeting halls for concerts, lectures, meetings, and conferences		C[18]	P	C	C	C				C[18]	
Private clubs and lodges		C[18]			C		C			C[18]	
RESIDENTIAL											
Nursing homes and senior care/assisted living facilities							C				
Supportive housing that provides shelter for six or fewer persons in a dwelling unit, and that meets the standards of Chapter 18.107		P[18]								P[18]	P
Watchman's living quarters only when incidental to and on the same site as a permitted use								P	P		
RETAIL											
Bars and brew pubs		C	C	C		C				C	
Feed and fuel stores					C						
Restaurants and catering establishments[29]	P	P	P	P	C	P	C	C	C	P	P[34]
Retail:[27, 29, 30]											
Gross floor area of tenant space is up to 55,000 square feet[31]	P	P	P	P	P	P				P	P
Gross floor area of tenant space is greater than 55,000 square feet[31]		C	C	C	C	C					
Sales, rental, and/or leasing of automobiles, motorcycles, and boats:											
No service		P[18]	P	P	MCUP	C					
With service				P	C	C					
Sales and service of one-ton or greater trucks, trailers, and/or RVs					C	C					
Service of automobiles, motorcycles, and boats:						C					
Department store tire, battery and accessory shops			P	P							
Repair, overhauling, and painting				C	C						
Upholstery and top shops						C					
Tire sales and service, not including retreading and recapping or mounting of heavy truck tires				C	P						
Tires, batteries, and accessories				P	P						
Wholesale establishments					C				P		
Wholesale establishments without stocks		P[18]		P						P[18]	

	CN	CC	CR (m[1])	CR (p[2])	CS	CF	O	I-P	I-G	MU-D	MU-T[35]
TEMPORARY LODGING											
Bed and breakfast inns		C								C	MCUP
Guard’s living quarters					C						
Homeless shelters[32]					C						
Hotels and motels		P		C		P				MCUP	
Trailers and mobilehome parks in accordance with the regulations prescribed in Chapter 18.108 of this title					C	C					
Transitional housing that provides shelter for six or fewer persons in a dwelling unit, and that meets the standards of Chapter 18.107		P[18]								P[18]	P

Notes:

1 Uses which are part of a completely enclosed mall complex, except where specifically allowed outside of the mall, all activities take place entirely indoors.

2 Uses on peripheral sites physically separated from a central enclosed mall.

3 See Chapter 18.114 of this title.

4 State-mandated outdoor play areas shall face new or existing landscaping sufficient to buffer the play area from view, shall be separated from customer parking areas by a heavy wood fence or comparable barrier, shall be isolated from loading docks and associated delivery truck circulation areas, and shall contain landscaping for outdoor children’s activities. The standard city noise ordinance applies.

5 The use is subject to the following conditions: (1) The facility shall adhere to all occupancy, ADA, California Building Code, and exiting requirements; (2) The zoning administrator finds that adequate parking is available for the said use, and the proposal has an effective traffic circulation system including pick-up and drop-off for business patrons; (3) The standard city noise ordinance applies; (4) If applicable, an outdoor play area proposed would not cause the ambient noise levels at the property plane to increase by 4 dB Ldn. The zoning administrator may request a noise study or other professional study in order to determine whether the use meets or exceeds this threshold.
A use is specifically subject to a conditional use permit shall be processed as such. A use not specifically subject to a conditional use permit that cannot meet condition 4 shall be subject to a conditional use permit.

6 Music and art schools shall be at least 150 feet from an R district.

7 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, testing shall occur a maximum of once a month, and no testing shall be on “Spare the Air Days” in Alameda County.

8 Small electricity generator facilities shall meet the following criteria: (1) The fuel source for the generators shall be natural gas, biodiesel, or the byproduct of an approved cogeneration or combined cycle facility; (2) The facilities shall use the best available control technology to reduce air pollution; (3) The facilities shall not create any objectionable odors at any point outside of the property plane where the facilities are located; (4) The facilities shall not exceed a noise level of 45 dBA at any point on a residentially zoned property outside of the property plane where the facilities are located; (5) On a site with fuel cell facilities, small electricity generator facilities shall not be permitted unless the aggregate wattage of the two facilities is less than one megawatt. If the aggregate wattage of the two facilities is one megawatt or greater, the small electricity generator facilities shall be subject to all requirements and processes prescribed in this title for medium or large electricity generator facilities, whichever is the most applicable, in the subject zoning district; (6) The facilities shall be cogeneration or combined cycle facilities, if feasible.

9 Small fuel cell facilities shall meet the following criteria: (1) The facilities shall not create any objectionable odors at any point outside of the property plane where the facilities are located; (2) The fuel cell facilities shall not exceed a noise level of 45 dBA at any point on any residentially zoned property outside of the property plane where the facilities are located; (3) On a site with electricity generator facilities, small fuel cell facilities shall not be permitted unless the aggregate wattage of the two facilities is less than one megawatt. If the aggregate wattage of the two facilities is one megawatt or greater, the small fuel cell facilities shall be subject to all requirements and processes prescribed in this title for medium or large fuel cell facilities, whichever is the most applicable, in the applicable subject district; Small fuel cell facilities are encouraged to be cogeneration or combined cycle facilities.

10 These uses include:

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.).

These uses 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.

11 A conditional use permit shall be required for 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.

12 The use shall be in accord with the provisions of Chapter 18.124 of this title.

13 The city planning commission shall make a specific finding that the use will conform with each of the required conditions prescribed in Sections 18.48.040 through 18.48.120 of this chapter, in addition to the findings prescribed in Section 18.48.060.

14 Wind energy facilities shall meet the following criteria: (1) The facilities shall not exceed a noise level of 45 dBA at any point on any residentially zoned property outside of the property plane where the facilities are located; and (2) The design of the facilities shall be streamlined (without ladders and extra appurtenances) to discourage birds from roosting on the facilities; and (3) Facilities on hillsides or ridges shall not be visible from a public right-of-way.

15 This use with outdoor storage shall be subject to a conditional use permit as prescribed in Chapter 18.124.

16 The following conditions shall apply to microbreweries and wineries: (1) The zoning administrator finds that adequate parking is available for said use; (2) If the zoning administrator determines that the use will be or is creating odor problems, an odor abatement device determined to be appropriate by the zoning administrator shall be installed within the exhaust ventilation system to mitigate brewery odors; (3) The applicant is in compliance with all applicable requirements of Chapter 9.04 of this code; (4) If operation of the use results in conflicts pertaining to parking, noise, odors, traffic, or other factors, the zoning administrator may modify or add conditions to mitigate such impacts, or may revoke the zoning certificate for the use.

17 Basement storage as defined in Section 18.08.057 shall be permitted as warehousing in the central commercial (C-C) zoning district, subject to meeting all of the following criteria:

a. Basement storage shall be limited to the C-C zoning district within the downtown specific plan area and limited to commercial buildings only;
b. Basement storage shall be limited to nontoxic, nonhazardous materials only. It is the responsibility of the storage space operator to prepare a list of prohibited storage items, to have the list approved by the Livermore-Pleasanton fire department, and to require all storage space users to agree in writing that no items on the list or other hazardous materials will be stored. The storage space shall be used for storage only and no other activities and/or uses are allowed;
c. Prior to allowing basement storage, the building owner shall contact the building and safety division and fire department to ensure that the basement meets applicable building and fire codes. If required, the building owner and/or responsible party shall secure all applicable permits and/or make any required changes to the basement space to ensure the space meets current code standards for fire, safety, and accessibility;
d. The hours of access for basement storage use shall be: Monday through Friday from 6:00 a.m. to 10:00 p.m. and Saturday and Sunday from 10:00 a.m. to 6:00 p.m. only;
e. One parking space per on-site storage employee and one parking space for storage customers. This parking requirement is in addition to the parking required for other uses on-site;
f. Prior to allowing and/or renting space for basement storage, the property owner and/or responsible party shall submit a zoning certificate application and secure a business license. The zoning certificate application shall be accompanied by a narrative that describes the type of storage proposed, where parking will be allowed, and the use(s) of the building and shall include a site plan and basement storage floor plan that clearly defines, but is not limited to, the following: (1) The defined area(s) and square-footage in which storage will take place; (2) How the individual storage areas will be delineated (e.g., cages, walls, etc.); (3) Access and ADA accessibility.

18 Use is not permitted on the ground floor when the property is also located in the Active Ground-Floor Overlay District, except where an exemption is granted as set forth in Chapter 18.81.

19 Medical offices shall be subject to parking requirements identified in Chapter 18.88.

20 A temporary outdoor use may be permitted pursuant to Section 18.116.040.

21 All buses shall not be stored on site and no repair work shall be conducted on-site.

22 Commercial radio and television aerials, antennas, and transmission towers shall be a minimum distance of 300 feet from the property lines of all of the following:

a. Existing or approved residences or agricultural zoning districts or in planned unit developments with a residential or agricultural zoning designation.
b. Undeveloped residential or agricultural zoning districts or undeveloped planned unit developments with a residential or agricultural zoning designation and without an approved development plan, unless designated as a public and institutional land use in the general plan.
c. Existing or approved public schools, private schools, and childcare centers, not including schools which only provide tutorial services.
d. Neighborhood parks, community parks, or regional parks, as designated in the general plan.
e. Existing or approved senior care/assisted living facilities, including nursing homes.

All commercial radio and television aerials, antennas, and transmission towers shall be located so as to minimize their visibility and, unless determined by the zoning administrator to be significantly hidden from view, designed to ensure that they will not appear as an aerial, antenna, and/or transmission tower. All such facilities determined by the zoning administrator to be visible from residential land uses, the I-580 and/or I-680 rights-of-way, or other sensitive land uses such as parks, schools, or major streets, shall incorporate appropriate stealth techniques to camouflage, disguise, and/or blend them into the surrounding environment, and shall be in scale and architecturally integrated with their surroundings in such a manner as to be visually unobtrusive. All applications for commercial radio and/or television aerials, antennas, and transmission tow-

ers shall include engineering analyses completed to the satisfaction of the zoning administrator. Said analyses shall be peer-reviewed by an outside consultant.

If mounted on structures or on architectural details of a building, these facilities shall be treated to match the existing architectural features and colors found on the building's architecture through design, color, texture, or other measures deemed to be necessary by the zoning administrator.

Roof-mounted aerials and antennas shall be located in an area of the roof where the visual impact is minimized. Roof-mounted and ground-mounted aerials, antennas, and transmission towers shall not be allowed in the direct sightline(s) or sensitive view corridors, or where they would adversely affect scenic vistas, unless the facilities incorporate the appropriate, creative techniques to camouflage, disguise, and/or blend them into the surrounding environment, as determined to be necessary by the zoning administrator.

All commercial radio and television aerials, antennas, and transmission towers shall conform to the applicable requirements of Cal-OSHA and/or the FCC before commencement of, and during operation. Evidence of conformance shall be provided to the zoning administrator before final inspection of the facility by the chief building official.

If the zoning administrator finds that an approved aerial, antenna, or transmission tower is not in compliance with this title, that conditions have not been fulfilled, or that there is a compelling public safety and welfare necessity, the zoning administrator shall notify the owner/operator of the aerial/antenna/transmission tower in writing of the concern, and state the actions necessary to cure. After 30 days from the date of notification, if compliance with this title is not achieved, the conditions of approval have not been fulfilled, or there is still a compelling public safety and welfare necessity, the zoning administrator shall refer the use to the planning commission for review. Such reviews shall occur at a noticed public hearing where the owner/operator of the aerial/antenna/transmission tower may present relevant evidence. If, upon such review, the planning commission finds that any of the above have occurred, the planning commission may modify or revoke all approvals and/or permits.

23 The service station shall be at least 60 feet from residentially planned or zoned property. All operations except the sale of gasoline and oil shall be conducted within a building enclosed on at least three sides, and the minimum site area shall be 20,000 square feet. Direct sales to the public shall be limited to petroleum products, automotive accessories, food products, and limited household goods. Tobacco product and tobacco paraphernalia sales are only permitted in compliance with Chapter 18.109.

24 Lumberyards shall not include planing mills or sawmills and shall be at least 300 feet from an R or O district.

25 The use shall be at least 300 feet from an R or O district.

26 Any use not in conjunction with a medical use that includes massage service of four or more technicians at any one time shall be subject to a minor conditional use permit as prescribed in Chapter 18.124. Massage establishments shall meet the requirements of Chapter 6.24.

27 Any retail use in the C-R(m), C-R(p), and C-C Districts that includes firearm sales shall be subject to a conditional use permit as prescribed in Chapter 18.124. Firearm sales are prohibited in the C-N, C-F, MU-T, and MU-D Districts. Firearm sales in which no more than 10 firearms are stored on-site at any one time and the majority of firearms are sold through catalogs, mail order, or at trade shows are subject to a conditional use permit in the C-S District.

28 The use may include 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.

29 Any use that includes a drive-through shall be subject to a conditional use permit as prescribed in Chapter 18.124.

30 Liquor stores and convenience markets shall only be permitted in the C-R(m) and C-R(p) districts, and shall be subject to a conditional use permit as prescribed in Chapter 18.124 in the C-N and C-C districts.

Tobacco stores (which are uses which primarily sell tobacco products; from which more than 60 percent of gross annual revenue is derived from the sale of tobacco products and tobacco paraphernalia; does not permit anyone under 18 years of age to be present unless with parent or guardian; and does not sell alcoholic beverages or food for consumption on the premises), shall be subject to a conditional use permit as prescribed in Chapter 18.124 in the C-R(m), C-R(p), C-N and C-C districts, but only if the proposed site also meets the restrictions of Chapter 18.109.

Secondhand stores and/or pawn shops shall be subject to a conditional use permit as prescribed in Chapter 18.124 in the C-C district.

31 Where: (1) the subject tenant space is located within the Downtown Specific Plan area; and (2) the subject tenant space exceeds 7,500 gross square feet, a retail use shall be subject to a conditional use permit as prescribed in Chapter 18.124.

32 Homeless shelters within the SF service facilities overlay district that meet the requirements set forth in Chapter 18.82 shall be a permitted use.

33 If the subject tenant space exceeds 75,000 gross square feet, the use shall be subject to a conditional use permit as prescribed in Chapter 18.124. This requirement does not apply to light industrial uses located in Hacienda, an area defined by Ordinance 1325 and as subsequently amended.

34 Restaurants and catering establishments with outdoor dining shall be subject to a conditional use permit as prescribed in Chapter 18.124.

35 Any use shall operate only between the hours of 6:00 a.m. and 11:00 p.m.

(Ord. 2216 § 2, 2021; Ord. 2213 § 2, 2021; Ord. 2208 § 3, 2020; Ord. 2194 § 2, 2019; Ord. 2155 § 3, 2017; Ord. 2113 § 1, 2015; Ord. 2086 § 2, 2014; Ord. 2061 § 2, 2013; Ord. 2055 § 2, 2012; Ord. 2039 § 2, 2012; Ord. 2017 § 2, 2011; Ord. 2000 § 1, 2009; Ord. 1995 § 2, 2009; Ord. 1950 § 2 (Exh. A), 2007; Ord. 1880, 2003; Ord. 1850 § 1, 2002; Ord. 1821 § 1, 2001; Ord. 1810 § 1, 2000; Ord. 1743, 1998; Ord. 1738 § 1, 1998; Ord. 1726 § 1, 1997; Ord. 1725 § 1, 1997; Ord. 1668 § 2, 1995; Ord. 1665 § 2, 1995; Ord. 1604 § 1, 1993; Ord. 1603 § 3, 1993; Ord. 1394 § 1, 1989; Ord. 1390 § 1, 1988; Ord. 1379 § 1, 1988; Ord. 1354 § 4, 1988; Ord. 1346 § 2, 1987; Ord. 1340 § 1, 1987; Ord. 1216 § 1, 1985; Ord. 1071 § 2, 1983; prior code § 2-7.08)

18.44.090 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. 2155 § 3, 2017; 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 Chapters 18.20 and 18.74, as applicable, of this title. (Ord. 2155 § 3, 2017; 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 Chapters 18.96 and 18.74, as applicable, of this title. (Ord. 2155 § 3, 2017; prior code § 2-7.12)

18.44.140 Design review.

All uses in the C districts involving exterior changes, uses, or improvements shall be subject to design review as prescribed in Chapter 18.20 of this title except for accessory dwelling units as provided in Chapter 18.106. Applicants are advised to confer with the zoning administrator before preparing detailed plans. (Ord. 2213 § 2, 2021; Ord. 2155 § 3, 2017; prior code § 2-7.13)

Chapter 18.46

MU MIXED USE DISTRICTS

Sections:

18.46.010 Purpose.
18.46.020 Required conditions.
18.46.030 Permitted and conditional uses.
18.46.040 Prohibited uses.
18.46.050 Underground utilities.
18.46.060 Off-street parking.
18.46.070 Off-street loading.
18.46.080 Signs.
18.46.090 Design review.

18.46.010 Purpose.

A. In addition to the objectives prescribed in Section 18.04.010 of this title, the mixed use districts are included in this title to:

1. Provide opportunities for a diversity of compatible and complementary commercial and residential uses within close proximity to one another, including uses that may be located on the same site, in the same building, or on adjacent sites.

2. Encourage convenient access for downtown residents to services, entertainment, shopping and dining, within a short walking or bicycling distance.

B. In addition to the purposes set forth above:

1. The mixed use-downtown district is intended to foster a dynamic mixed use destination at the southern end of the downtown, that complements and extends the vitality of the existing central-commercial district. This district supports a balanced mix of uses including commercial, hotel, entertainment, office, food halls, live/work and residential uses, and public-serving uses including public parking facilities to serve the needs of the broader downtown area; and

2. The mixed use-transitional district is intended to accommodate a range of lower-intensity commercial uses than allowed in the mixed use-downtown and downtown commercial districts, including retail, office, personal services, food services and, that are compatible with residential uses located both within and adjacent to the district. (Ord. 2194 § 2, 2019)

18.46.020 Required conditions.

A. All uses shall comply with the regulations prescribed in Chapter 18.84 of this title, except as otherwise specified in this chapter;

B. All uses shall be conducted entirely within a completely enclosed structure, except for outdoor dining, and outdoor displays for retail shops that are located immediately in front of the shop and do not impede pedestrian traffic;

C. No use shall be permitted, and no process, equipment or material shall be employed which is found by the zoning administrator or planning commission, as applicable, to be objectionable to persons residing or working in the vicinity or injurious to property located in the vicinity by reason of odor, insect nuisance, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare, unsightliness or truck traffic, or to involve any hazard of fire or explosion;

D. Development in the MU-D district shall be subject to planned unit development review and approval by city council. (Ord. 2194 § 2, 2019)

18.46.030 Permitted and conditional uses.

Permitted and conditional uses in the MU-D and MU-T districts as provided in Table 18.44.080. (Ord. 2194 § 2, 2019)

18.46.040 Prohibited uses.

Any use not specifically permitted or conditionally permitted in Table 18.44.080, unless a determination is made under Chapter 18.128 of this title. (Ord. 2194 § 2, 2019)

18.46.050 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, 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. 2194 § 2, 2019)

18.46.060 Off-street parking.

A. Off-street parking facilities shall be provided for each use in the MU districts as prescribed in Chapter 18.74 and 18.88.020D of this title.

B. In the mixed use districts, the planning commission or city council may allow shared parking:

   1. Parking facilities may be used jointly with parking facilities for other uses when operations are not normally conducted during the same hours, or when hours of peak use vary. Requests for use of shared parking are subject to the following conditions:

      a. A parking study shall be presented demonstrating that substantial conflict will not exist in the principal hours or periods of peak demand for the uses which the joint use is proposed.

      b. A restrictive covenant, easement, or other document acceptable to the city attorney shall be drawn and recorded by the applicant to the satisfaction of the city and executed by all parties concerned assuring the continued availability of the number of stalls designated for joint use. (Ord. 2194 § 2, 2019)

18.46.070 Off-street loading.

Off-street loading facilities shall generally be provided for each use as prescribed in Chapter 18.92 of this title, except that the zoning administrator or planning commission may establish regulations on a case-by-case basis in accordance with the purposes of Chapter 18.74 of this title where it is determined infeasible to provide off-street loading facilities in strict conformance with Chapter 18.92. (Ord. 2194 § 2, 2019)

18.46.080 Signs.

No sign, outdoor advertising structure or display of any character shall be permitted in the MU districts except as prescribed in Chapters 18.74 and 18.96, as applicable, of this title. (Ord. 2194 § 2, 2019)

18.46.090 Design review.

All exterior modifications (e.g., signs, landscape, additions, and other exterior building modifications) in the MU districts shall be subject to design review as prescribed in Chapters 18.20 and 18.74 of this title except for accessory dwelling units as provided in Chapter 18.106. (Ord. 2213 § 2, 2021; Ord. 2194 § 2, 2019)

Chapter 18.48

I INDUSTRIAL DISTRICTS

Sections:

18.48.010 Purpose.
18.48.020 Special purpose—I-P industrial park district.
18.48.030 Special purpose—I-G general industrial district.
18.48.040 Required conditions generally.
18.48.050 Noise restrictions.
18.48.060 Emissions.
18.48.070 Odor.
18.48.080 Vibration.
18.48.090 Heat and cold, glare and electrical disturbance.
18.48.100 Radiation.
18.48.110 Insect nuisance.
18.48.120 Disposal of industrial waste.
18.48.130 Permitted and conditional uses—I-P district.
18.48.140 Permitted and conditional uses—I-G district.
18.48.150 Prohibited uses.
18.48.160 Underground utilities.
18.48.170 Off-street parking.
18.48.180 Off-street loading.
18.48.190 Signs.
18.48.200 Design review.

18.48.010 Purpose.

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

A. The provisions of this chapter shall be administered and enforced in a manner to clearly establish the objectives and to express the desire of the city, community organizations and civic groups to locate industrial development in the Pleasanton area;

B. To reserve appropriately located areas for industrial plants and related activities;

C. To protect areas appropriate for industrial use from intrusion by dwellings and other inharmonious uses;

D. To protect residential and commercial properties and to protect nuisance free, nonhazardous industrial uses from noise, odor, insect nuisance, dust, dirt, smoke, vibration, heat and cold, glare, truck and rail traffic and other objectionable influences, and from fire, explosion, noxious fumes, radiation and other hazards incidental to certain industrial uses;

E. To provide opportunities for certain types of industrial plants to concentrate in mutually beneficial relationship to each other;

F. To provide adequate space to meet the needs of modern industrial development, including off-street parking and truck loading areas and landscaping;

G. To provide sufficient open space around industrial structures to protect them from the hazard of fire and to minimize the impact of industrial plants on nearby residential and agricultural districts;

H. To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the amount of land around them. (Prior code § 2-7.17)

Chapter 18.56

P PUBLIC AND INSTITUTIONAL DISTRICT

Sections:

18.56.010 Purpose.
18.56.020 Required conditions.
18.56.030 Permitted uses.
18.56.040 Conditional uses.
18.56.050 Temporary conditional use.
18.56.060 Prohibited uses.
18.56.070 Underground utilities.
18.56.080 Off-street parking.
18.56.090 Off-street loading.
18.56.100 Signs.
18.56.110 Design review.

18.56.010 Purpose.

In addition to the objectives prescribed in Section 18.04.010 of this title, the P public and institutional district is included in the zoning ordinance to provide a procedure for the orderly establishment of public facilities, expansion of their operations, or change in the use of lands owned by governmental agencies and for the orderly establishment of quasi-public institutional uses. (Prior code § 2-7.41)

18.56.020 Required conditions.

A. All uses shall comply with the regulations prescribed in Chapter 18.84 of this title. Each yard space shall be not less than the yard required in the district adjoining or directly across a street from each property line, but the planning commission may require larger yards and may prescribe limits to height, bulk or coverage as a condition of a use permit in order to ensure compatibility with adjoining uses.

B. No use shall be permitted, and no process, equipment or material shall be employed which is found by the commission to be objectionable to persons residing or working in the vicinity or injurious to property located in the vicinity by reason of odor, insect nuisance, fumes, dust, smoke, cinders, dirt, refuse, water carried wastes, noise, vibration, illumination, glare, unsightliness, or truck traffic, or to involve any hazard of fire or explosion. (Prior code § 2-7.42)

18.56.030 Permitted uses.

The following uses shall be permitted in the P district:

A. Each use and structure existing in the P district at the time of adoption of the ordinance codified in this chapter, May 3, 1960, is declared to be a conforming use and structure.

B. Surface parking on the city-owned transportation corridor.

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

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

a. The fuel source for the generators shall be natural gas, biodiesel, or the by product of an approved co-generation or combined-cycle facility;

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

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

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

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

f. The facilities shall be co-generation or combined-cycle facilities, if feasible.

4. Small fuel cell facilities that meet the following criteria:

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

b. The fuel cell facilities shall not exceed a noise level of forty-five (45) dBA at any point on any residentially zoned property outside of the property plane where the facilities are located; and

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

d. Small fuel cell facilities are encouraged to be co-generation or combined-cycle facilities. (Ord. 2216 § 2, 2021; Ord. 2194 § 2, 2019; Ord. 1880, 2003; prior code § 2-7.43)

18.56.040 Conditional uses.

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

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

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

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

B. Agricultural experiment facilities.

C. Airports.

D. Animal shelters.

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

F. Fairgrounds.

G. Hospitals.

H. Parks, playgrounds, golf courses, zoos, and other public recreation facilities.

I. Public buildings and grounds.

J. Public schools, including nursery schools, elementary schools, junior high schools, high schools, and colleges.

K. Private schools, private nursery schools, tutorial schools, and colleges.

18.68.040 Conditional uses.

Unless specific conditional uses are specified in the PUD plan, only the expansion, enlargement or alteration by area or usage of an interim use permitted by Section 18.68.090 of this chapter shall require a conditional use permit granted pursuant to Chapter 18.124 of this title. (Ord. 2216 § 2, 2021; prior code § 2-8.28)

18.68.050 Development.

Except as provided in Section 18.68.090, no property subject to this chapter shall be developed in any way nor shall any grading permit be issued pursuant to the provisions of this code until all provisions of this chapter have been completed. As used in this section, "developed" means the submittal of any plans required by this code prior to the commencement of construction of any improvements. (Prior code § 2-8.29)

18.68.060 Property development standard.

A. In order to allow the greatest amount of flexibility in designing a project compatible with the physical features of the property, the uses intended to be developed thereon, and the objectives of this chapter, no minimum property development standards shall apply to the PUD district. The planning commission and city council shall determine appropriate amounts of landscaping, natural open space, parking, signing, distances between buildings, front yards and other development standards as are appropriate for the specific uses requested at the time of consideration of the PUD development plan required by Section 18.68.110. Said standards shall be included as conditions to any approved PUD development plan.

B. Landscaping shall include, but not be limited to, intensely planted and maintained areas. "Natural open space" means land lacking any physical, aboveground improvements, except for utility wires and poles, agricultural type fences or similar improvements, and unenhanced by plants, trees and shrubs, except those which are naturally existing and for agricultural purposes. (Prior code § 2-8.30)

18.68.070 Maintenance.

A. No final subdivision map or parcel map shall be recorded until documents pertaining to the maintenance of common natural open space areas, common landscaped areas, and common recreational facilities located within the plan have been approved by the city attorney. For nonresidential developments, said maintenance shall pertain to all landscaped areas and recreational facilities not enclosed within a building. For residential developments, said maintenance shall apply to the privately owned natural open space, landscaped areas, and recreational facilities owned by or used in common by the residents.

B. The city shall be identified as a third party beneficiary to conditions, covenants and restrictions placed upon a development, unless otherwise directed by the city council or the city attorney. (Prior code § 2-8.31)

18.68.080 Interpretation.

A. Due to the flexibility and imagination desired in PUD developments, not every issue regarding future development and use of the property may be established as part of the initial approval of a development. Thus, the community development director shall be charged with responsibility to determine if a change to the approved plan and/or conditions thereto is substantial. If, after review of the plan and conditions, the director determines that the request is a substantial revision or change, the request shall be presented to the planning commission and city council in accordance with the applicable provisions of Chapter 18.04 of this title. If the change is not substantial, the director, after consulting with the city attorney and city engineer, may approve the change, subject to reasonable conditions, and advise the planning commission and city council of said approval, in writing, within 10 days of the approval.

B. If the planning commission, city council, applicant or any interested citizen disagrees with the community development director's determination or conditions of approval, a written appeal shall be filed with the secretary to the planning commission within 20 calendar days of said action and a public hearing shall be held. The requisite notices of the public hearing shall be given pursuant to the provisions of Chapter 18.04 of this title.

C. If the revision or change involves the construction of an improvement or betterment for which no specific development standard is established pursuant to this chapter, the community development director, planning commission and/or city council shall apply the provisions of this code which most closely represent the type of development which has been approved. (Ord. 2000 § 1, 2009; prior code § 2-8.32)

18.68.090 Interim uses.

Any existing use of property zoned PUD (including property with an approved development plan) shall be subject to the provisions of Chapter 18.120 of this title pertaining to nonconforming uses. No expansion of a nonconforming land use, expansion of a nonconforming building, or addition of any new structures associated in any manner with an existing land use or building, with the exception of emergency standby electricity generators, fuel cells, or battery facilities, shall be allowed until a conditional use permit has been granted in accordance with Chapter 18.124 of this title. Emergency standby electricity generators, fuel cell, or battery facilities shall comply with the regulations of the most applicable R-1 zoning district, as determined by the community development director. (Ord. 2000 § 1, 2009; Ord. 1880, 2003; prior code § 2-8.33)

18.68.100 Grading.

Any land located within a PUD district which does not have an approved development plan shall not be graded or have fill placed upon it without first obtaining a conditional use permit pursuant to Chapter 18.124 of this title. (Prior code § 2-8.34)

18.68.110 Development plan.

A. Purpose. The development plan is intended to provide to the city a comprehensive plan of the proposed development to ensure that the intent and purposes of the planned unit development district are effectuated. The development plan may proceed as a single program or in phases, but in either situation, it is part of the entire PUD zoning process.

B. Considerations. In recommending approval of, or in approving a PUD development plan, the planning commission and city council should consider the following:

1. Whether the plan is in the best interests of the public health, safety and general welfare;
2. Whether the plan is consistent with the city's general plan and any applicable specific plan;
3. Whether the plan is compatible with previously developed properties in the vicinity and the natural, topographic features of the site;
4. Whether any grading to be performed within the project boundaries takes into account the environmental characteristics of the property and is designed in keeping with the best engineering practices to avoid erosion, slides or flooding to have as minimal an effect upon the environment as possible;
5. Whether streets, buildings, and other manmade structures have been designed and located in such a manner to complement the natural terrain and landscape;
6. Whether adequate public safety measures have been incorporated into the design of the plan;
7. Whether the plan conforms to the purpose of the planned unit development district.

C. Conditions. In the recommendation of approval and in the approval of a PUD development plan, conditions may be imposed which are deemed necessary to protect the public health, safety and general welfare.

D. Required Data. Any development plan shall be accompanied by the following data prepared by a design team consisting of a registered civil engineer and either a licensed architect, professional planner, or licensed building designer:

1. A site plan showing general locations of all streets, on street and off-street parking, buildings and other manmade structures and where applicable any bicycle paths, riding trails, hiking trails; typical elevations of sufficient detail to show building heights, building materials, colors, textures, and general design; and a table listing land coverages by percentage and acreage for the following: landscaped areas and natural open

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.
18.74.150 Removal of temporary signs—Presumption.
18.74.160 Alteration or change prohibited without certificate of appropriateness.
18.74.170 Certificate of appropriateness required for demolition or removal.
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.
18.74.210 Certain vehicular use along main street prohibited.
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 shown on Figure 18.74.020 at the end of this chapter.

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 shown on Figure 18.74.025 at the end of this chapter. The downtown hospitality transition area overlay includes the public park, Civic Park, at the intersection of Main Street and Bernal Avenue.

The regulations applicable to the district contained in this chapter are in addition to regulations otherwise applicable to the area within the district; provided, however, that where regulations conflict the provisions of this chapter shall control. (Ord. 2216 § 2, 2021; Ord. 2194 § 2, 2019; Ord. 2055 § 2, 2012; Ord. 1225 § 1, 1985; prior code § 2-2.3402)

1. Any sign erected and maintained pursuant to and in discharge of any governmental function or required by any law, ordinance or government regulations.
2. Political campaign signs maintained in accordance with Chapter 18.100 of this title.
3. Signs not visible from any public place.

C. The zoning administrator or his or her designee shall approve the sign permit prior to said sign's erection if the plan conforms to the architectural plan for the sign and/or conceptual scheme for temporary signage. (Ord. 1225 § 1, 1985; prior code § 2-2.3409)

18.74.100 Prohibited signs.

All signs not specifically permitted, excepted or exempted by provision of this chapter are prohibited. Once a use ceases to exist on a site, all signs (both conforming and nonconforming) identifying said use shall be removed within 30 days, and the surface on which the sign was mounted or attached shall be patched, painted and otherwise repaired to remove all evidence of the former sign. (Ord. 1396 § 1, 1989; Ord. 1225 § 1, 1985; prior code § 2-2.3410)

18.74.110 Sign inventory.

The zoning administrator, within six months of the effective date of the ordinance codified in this chapter, shall complete a sign inventory of all signs within the district, both conforming and nonconforming. (Ord. 1225 § 1, 1985; prior code § 2-2.3411)

18.74.120 Existing nonconforming signs.

A. Every sign lawfully in existence at the time of the adoption of the ordinance codified in this chapter which is neither specifically permitted under these regulations or exempted from these regulations is an existing nonconforming sign. All existing nonconforming signs shall be permitted to remain and not subject to amortization, subject to the limitations contained in this section.

B. Except for nonconforming historic signs meeting the requirements of subsection D below, existing nonconforming signs shall not be moved, altered or modified in any way. Any such sign so removed, altered or modified shall immediately become an illegal nonconforming sign and shall be removed or abated as provided in this code. Any alteration or modification to a nonconforming historic sign shall be consistent with and shall not detract from the historic character of the sign.

C. A nonconforming sign shall become unlawful and shall be removed immediately upon any modification or alteration of the premises to which such sign relates, except that a nonconforming historic sign meeting the requirements of subsection D below shall be permitted to remain upon any modification or alteration of the premises to which the sign relates.

D. For purposes of this section, an historic sign is a sign which meets at least one of the following criteria:
   1. The sign has been existing within the downtown revitalization district for at least 50 years.
   2. The sign has been designed according to a distinct architectural period found in downtown architecture and is consistent with the architecture of the building.
   3. The sign has attained a landmark status due to a prominent locale or association with a continuous use with the same business of 15 years or more.

E. A nonconforming sign shall become unlawful and shall be removed immediately upon any change in use or business to which the sign relates. (Ord. 1562 § 1, 1992; Ord. 1225 § 1, 1985; prior code § 2-2.3412)

18.74.130 Permitted signs.

A. Signs on lots having frontage on Main Street in the district shall be permitted in accordance with the provisions of Table 1 herein. The total area of all signs facing any street shall not exceed one square foot for each linear front foot of business establishment on such a street; provided, that a business having less than 20 feet of frontage

on a street shall be permitted up to 20 square feet of sign area. All sign areas shall be measured in accordance with the provisions of this code.

B. All first-floor retail and office uses shall include pedestrian-oriented signage in the signs identifying their businesses. A maximum of 75 percent of the total permitted sign area for a site may be utilized as vehicular-oriented signs (e.g., signs which are primarily visible from a public street). The remaining allowable area may be used for pedestrian-oriented signs (e.g., projecting signs, window signs, overhang signs under building projections or street-oriented directory signs) as determined by the zoning administrator.

C. Sign content shall be limited to the identification of the site or use (e.g., business name). In addition, references to generic product-types or services offered may be incorporated into window signs, awnings, freestanding sidewalk signs, or flags. Such signs shall be subject to design review approval.

D. All signs for businesses not having any frontage on Main Street shall conform to the requirements set forth in the downtown Pleasanton design guidelines and this subsection. The total area of all signs facing any street shall not exceed one square foot for each linear front foot of business establishment on such a street; provided, that a business having less than 20 feet of frontage on a street shall be permitted up to 20 square feet of sign area.

1. Any sign permitted under Table 1 Main Street Signs shall be allowed for businesses not having frontage on Main Street except as superseded by subsection (D)(2) or (D)(3) below.

2. Residential properties lawfully converted to nonresidential uses shall be allowed one sign only and it shall be either a wall sign or a freestanding sign.

3. Freestanding signs as allowed under this section shall conform to the following:

a. Twelve square feet maximum size;

b. Four feet maximum height;

c. Sign must be placed parallel to the principal street frontage and set back from the street at least one-third the distance between the edge of the sidewalk nearest the existing structure and the place of the front façade of that structure;

d. The base of the sign must be incorporated in a landscaped solution;

e. The materials and colors used in the sign should be compatible with the materials and colors of the existing structure; and

f. Illumination of the sign is prohibited.

Table 1

MAIN STREET SIGNS

A. Definitions:

1. "Wall sign" means a sign which is mounted flush and affixed securely to a building wall, projected no more than 12 inches from the face of a building wall, and not extending sideways beyond the building face or above the highest line of the building wall to which it is attached and shall not include internally illuminated metal framed box signs.

2. "Projecting sign" means a sign which projects more than 12 inches and which is supported by a wall of a building with the display surface of the sign possessing a plane not parallel to the plane of the supporting wall and shall not include internally illuminated metal framed box signs. Projecting signs may be directly or indirectly illuminated.

3. "Window sign" means a sign which is painted, posted upon or displayed within three feet of an interior translucent or transparent surface, including windows and doors, or any interior sign which is clearly visible from a public street or sidewalk.

4. "Awning or canopy sign" means a sign which is painted, sewn, stained, etc., onto the exterior surface of an awning or canopy and which does not extend beyond the edge(s) of the awning or canopy.
5. "Temporary sign" means any window sign maintained for a continuous period of less than 30 days.
6. "Overhang sign" means a small pedestrian-oriented sign suspended from, or mounted to, a permanent building projection.
7. "Freestanding sign" means a sign which is not attached to any building surface and which is supported in the ground by a pole, post, pedestal or similar structural base.
8. "Directory sign" means a sign which displays the multiple names and locations (e.g., suite numbers) of second-story tenants or businesses in buildings without direct frontage on a public street.
9. "Special event flyers" means temporary signs promoting events sponsored by civic, charitable, educational or other nonprofit organizations.
10. "Freestanding sidewalk sign" means a detached sign placed in the sidewalk area in front of a business establishment identifying the business name or generic product-types or services offered.
11. "Menu display" means either a freestanding or building-mounted display for advertising the menu of a restaurant or bar.
12. "Flag" means a decorative fabric or cloth sign which contains wording and is attached to a pole or post on the building and is not stretched crosswise on the building.
13. "Temporary banner" means a banner sign used to advertise a grand opening of a new business for a continuous period of less than 30 days.
14. "Decoration" means an attractive display comprised of fabric or cloth flags, pennants, streamers, and similar colorful attention-getting devices, including small balloons, on or in front of a business establishment.

B. Wall Signs. Maximum of one square foot per linear foot of business establishment to be located not higher than the lowest of the following:
    1. Twenty-five feet above grade;
    2. Bottom of the sill line of the second floor windows; or
    3. Cornice line of the building.

    Note: For any business occupying a corner location, the allowable square footage for a wall sign on one street frontage cannot be transferred to increase the allowable size for a wall sign on the other street frontage. Businesses which are located on lots having frontage on Main Street may have signs on the rear or side building elevations subject to design review approval. The area of such signs shall not be counted as part of the maximum allowable sign area for the site; provided, that the signs are not directly visible from Main Street.

C. Projecting Signs. Maximum of 40 square feet, 20 square feet per side per business establishment, to be located no less than eight feet above grade and to project no more than five feet from the building wall and to be situated not higher than the lowest of the following:
    1. Twenty-five feet above grade; or
    2. Cornice line of the building. No projecting sign shall be located less than five feet from any common wall or other point common to two separate business establishments on the same property. No projecting sign shall be located less than 15 feet from any other projecting sign whether located on the same property or not. No projecting sign shall be located directly above a wall sign or above a building projection such as an awning or similar shading device.

D. Window Signs. Coverage shall not exceed 25 percent for any individual window or door area visible from the exterior of the building. Window signs are prohibited above the second level.

E. Awning or Canopy Signs. On ground floor level, 30 percent maximum coverage allowed of the total exterior surface area of each awning or canopy, not to exceed a total of one square foot per linear front foot of business establishment. On the second floor level and above, 20 percent maximum coverage allowed of the total exterior

surface area of each awning or canopy, not to exceed a total of one square foot per linear front foot of business establishment.

F. Temporary Signs. Temporary signs for all business may be displayed and maintained for not more than 30 days at a time, and may not occupy more than 25 percent of the total window area of a business. Special event flyers may be erected on private property up to two weeks in advance of the event being promoted and must be removed within 48 hours following the conclusion of the event.

G. Overhang Signs. The following types of overhang signs may be mounted to or suspended from fixed, permanent building projections (but not on top of sloping surfaces or roofs):

1. Signs mounted to the vertical face of the building projection and therefor parallel to the storefront. Such sign shall not exceed an overall average height of two feet;

2. Signs suspended from a building projection and therefor perpendicular to the storefront. Such signs shall not exceed an overall average height of nine inches.

H. Freestanding Signs. Freestanding signs shall be permitted at residential structures which have been converted to commercial use and at service stations and public buildings with frontage on Main Street.

I. Directory Signs. Directory signs shall be permitted for multi-tenant buildings and for businesses in buildings without direct frontage on a public street as follows:

1. Directory signs may be building-mounted and placed near a common building entry or stairway; additional directory signs may be allowed at other building locations subject to design review approval. Directory signs shall be placed only on the building occupied by the tenants whose names appear on the sign.

2. Directory signs may be freestanding signs which are incorporated into a landscape area. Freestanding directory signs may be pole or post signs but may not be monument signs. These signs shall be limited to five feet in height and 12 square feet in area and may be nonilluminated or indirectly illuminated (such as spot lit).

3. Directory signs may include a floor plan or similar graphic diagram for the building or site. Directory signs which are not visible from a public street shall not count toward the allowable sign area for a site.

J. Second-Story Signs. Second-story signs shall be permitted for second-story businesses in accordance with the following restrictions:

1. Window signs may be allowed; provided, that the coverage shall not exceed 25 percent for any individual window or door area visible from the exterior of the building;

2. Awning or canopy signs may be allowed; provided, that the total sign message does not exceed 20 percent of the total exterior surface area of each awning or canopy, not to exceed a total of one square foot per linear front foot of business establishment;

3. Overhang signs identifying second-story businesses may be allowed at the ground level subject to the same restrictions as noted in subsection G of this section;

4. Signs that are mounted or affixed parallel to the building façade may be allowed above the second-story sill line where it is determined that the building architecture can effectively accommodate such signs (e.g., buildings with street-oriented second floor entrances or large, “arcade-type” overhangs), and where such signage could be aesthetically integrated with the building architecture.

K. Temporary “For Sale/Lease” Signs. Signs pertaining to the sale, lease, rental or display of a structure or land. Said signs are subject to the sign standards for location and placement as prescribed in this chapter and subject to the standards of subsection G of this section.

L. Freestanding Sidewalk Signs: Freestanding sidewalk signs shall be permitted if determined to be unique, creative and attractive or which artistically reflect the unique type of business they are identifying. Traditional A-frame signs are not permitted. Signs shall be limited to a vertical dimension of 36 inches, a horizontal dimension of 24 inches, and a total height not exceeding 48 inches above the ground; exceptions may be permitted subject to a determination by the zoning administrator that the unique design warrants a larger sign. These signs shall be set back at least three feet from the street curb and 10 feet from the side street curb on a corner site, and shall be po-

sitioned to maintain an unobstructed area on the sidewalk of at least four feet for pedestrian access. Sidewalk signs shall be removed from the sidewalk by the close of business each day and shall not be attached in any way to the sidewalk.

M. Menu Displays. Menu displays, either freestanding or building-mounted, shall be permitted. Freestanding menu displays shall be unique, creative designs which may include a wipe-off board or other area for menu copy which shall be limited to a size of 36 inches by 18 inches in area. The total size of the freestanding menu display shall be the same as for freestanding sidewalk signs. Building-mounted menu displays shall consist of either changeable lettering or a copy of the menu itself enclosed in a transparent case (plastic or glass). Freestanding menu displays shall be removed from the sidewalk by the close of business each day and shall not be attached in any way to the sidewalk.

N. Flags. High-quality designed cloth or fabric flags with wording, symbols, or logos shall be permitted to be mounted on a pole on a building wall or a post. Flags shall be complementary to the building design and individual flags shall not exceed two feet by six feet in area. Wording shall be limited to business name, generic product-types or services offered. No flag may be stretched crosswise on a building.

O. Decorations. Decorations, except for lights, shall be permitted to be attached to a building or its supports, may be part of a freestanding sidewalk display, and may overhang the public sidewalk as long as the vertical clearance is not less than eight feet; the clearance requirement may be waived where the decoration would not create an obstruction or hazard to vehicles or pedestrians. Decorative lights which are an integral part of a window display are permitted.

P. Temporary Banners. Temporary banners on the outside of buildings advertising the grand opening of a new business shall be permitted for a maximum period of 30 days after initial occupancy by the business. Banners shall not exceed two feet by 10 feet in size. (Ord. 2216 § 2, 2021; Ord. 1652 §§ 1, 2, 1995; Ord. 1562 § 2, 1992; Ord. 1492 § 4, 1990; Ord. 1396 § 2, 1989; Ord. 1225 § 1, 1985; prior code § 2-2.3413)

18.74.140 Limitations on sign types.

No building façade shall have more than two different types of signs, menu boards excepted, otherwise allowed by this chapter. No building or business may have more than one removable freestanding sign (e.g., menu display, freestanding sidewalk sign) on display at any time. (Ord. 1652 § 3, 1995; Ord. 1225 § 1, 1985; prior code § 2-2.3414)

18.74.150 Removal of temporary signs—Presumption.

The following signs shall be removed by the person in possession or control of the premises within 30 days of the effective date of the ordinance codified in this chapter:

A. Any sign which has been maintained continuously for 60 or fewer days prior to the date of introduction of the ordinance codified in this chapter, except signs erected pursuant to a valid city approval.

B. Any sign constructed on or of paper or similar material, or by chalk, felt pen, tempera, grease pencil or similar medium.

C. Any sign relating to an event which has been completed or which will be completed or commenced within 30 days.

D. All signs relating to sales except signs relating to registered going-out-of-business sales are deemed to relate to events which have been or will be commenced or completed within 30 days and are temporary signs. (Ord. 1225 § 1, 1985; prior code § 2-2.3415)

18.74.160 Alteration or change prohibited without certificate of appropriateness.

A. No person shall alter or materially change the appearance of any structure, portion of a structure, or sign, visible from a public street or way, nor shall any permit of such actions be issued without such person first having applied for and been issued a certificate of appropriateness by the zoning administrator. The zoning administrator may refer an application for a certificate of appropriateness to the planning commission for review and action if deemed necessary.

B. Certificates shall be issued for all such proposed actions determined by the zoning administrator or planning commission to be consistent with the purpose of the district. The zoning administrator or planning commission shall be guided in their determination by the provisions of this chapter and the adopted downtown Pleasanton design guidelines. Certificates of appropriateness shall be in addition to and not in lieu of any other required permit. (Ord. 1656 § 1, 1995; Ord. 1586 § 6, 1993; Ord. 1225 § 1, 1985; prior code § 2-2.3416)

18.74.170 Certificate of appropriateness required for demolition or removal.

No person shall demolish or remove an existing structure, including a structure of primary or secondary significance, without first obtaining a certificate of appropriateness from the planning commission. Structures of primary or secondary significance are those determined to be so by the city council, from time to time, and adopted pursuant to the regulations governing adoption and changes in the downtown Pleasanton design guidelines. all applications for demolition permits shall be forwarded upon receipt by the chief building official to the planning commission. If the application for demolition is clear the property of a structure, which in the opinion of the chief building official could be subject to proceedings for the abatement of hazardous buildings under this code, then the applicant shall not be required to submit, with this application, materials sufficient to enable the planning commission to determine that the proposed future use including the design is consistent with the adopted guidelines. In all other cases the applicant shall submit material sufficient for such review. The commission has the authority to deny a certificate of appropriateness or to delay the issuance of the certificate in accordance with the standards set forth under Section 18.74.190 of this chapter. The commission may delay issuance for 90 days for a structure of secondary significance and 180 days for a structure of primary significance. (Ord. 1586 § 7, 1993; Ord. 1225 § 1, 1985; prior code § 2-2.3417)

18.74.180 Procedure.

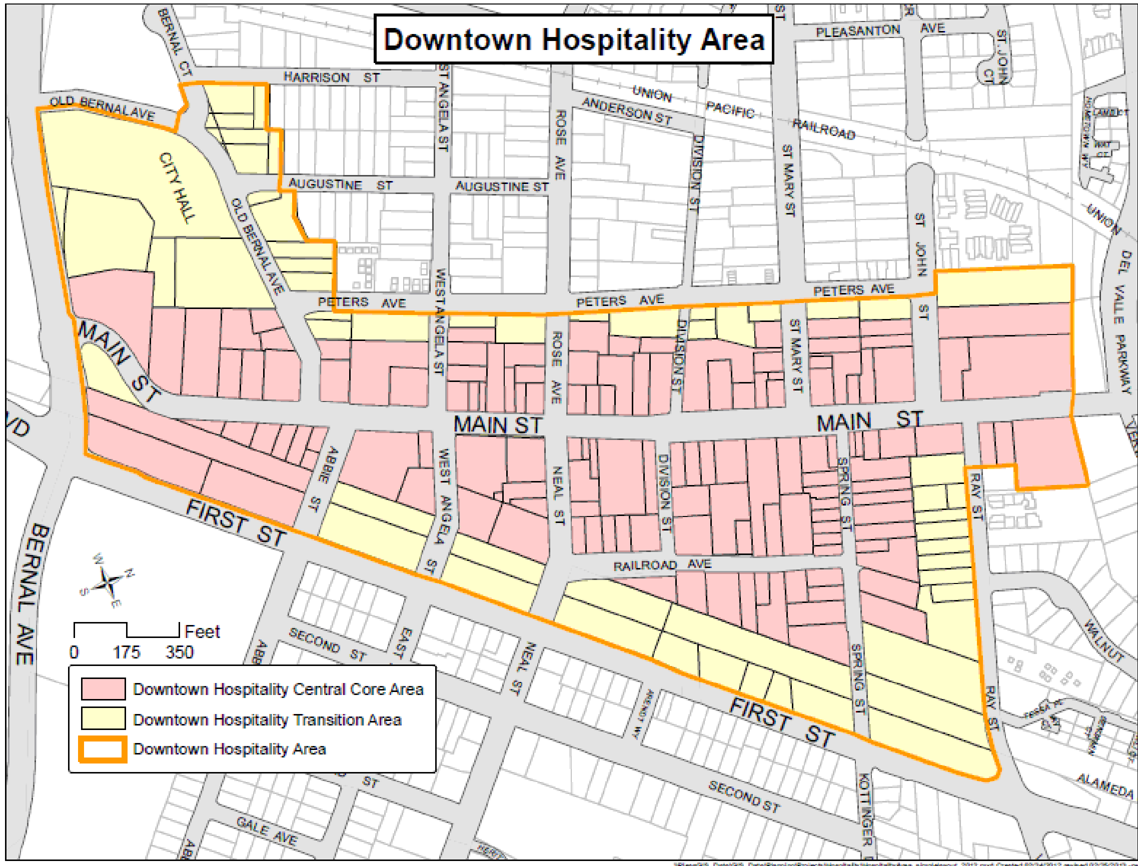
Upon receipt of an application for a permit to demolish, the commission shall set a time and place for review and public hearing on the application and shall give the owner or applicant and all other persons who have indicated their interest in the application written notice. Such hearing shall be held not later than 30 days after receipt of the application by the commission. The commission shall issue a final decision not later than 15 days after closure of the public hearing. If the commission fails to hold the hearing or take final action within the time period specified or as extended by mutual agreement, the application shall be deemed to be approved. Whenever an application is so deemed approved it shall automatically be deemed appealed to the city council. The city council shall hear the appeal in accordance with the procedures set forth in this code for appeals. In case of a denial or delay, the commission shall state its reasons therefor in writing. In case of approval of the application, the commission shall issue a certificate of appropriateness. (Ord. 1586 § 8, 1993; Ord. 1225 § 1, 1985; prior code § 2-2.3418)

18.74.190 Standards for review for demolition.

If the commission finds that: (1) the proposed demolition of a structure would be inappropriate or inconsistent with the purposes of this chapter, or that (2) the proposed demolition would have an adverse effect on adjoining property, or on the built context, or that (3) the proposed future use and design of the property would be inconsistent with this chapter or the adopted guidelines, then the commission shall deny the certificate of appropriateness, unless the applicant establishes to the satisfaction of the commission that there is unnecessary hardship in the strict application of this chapter. To establish hardship, the applicant must show that no reasonable use of the property can be made unless the structure is demolished. The applicant must also show that the hardship is the result of the application of the chapter and is not the result of any act or omission by the applicant or the applicant's predecessor in interest. If the commission finds that such unnecessary hardship exists, it shall approve the certificate of appropriateness unless the proposed demolition would alter the essential character of the built context. In such case, the commission shall delay issuance of the certificate for 180 days for structures of primary significance and 90 days for structures of secondary significance. During the delay period, the commission shall take such action as it deems necessary to preserve the structure. Such action may include negotiations with civic groups, public or private agencies or individuals for the purchase, lease or relocation of the structure. The Commission may also suggest eminent domain proceedings be initiated by the city council. (Ord. 1586 § 9, 1993; Ord. 1225 § 1, 1985; prior code § 2-2.3419)

18.74.200 Duty to maintain structures and premises—Demolition by neglect prohibited.

Every person in possession or control of a nonsingle-family residence structure and appurtenant premises in the district shall maintain and keep in good repair such structure and premises. Structures and appurtenant premises in good



(Ord. 2216 § 2, 2021)

B. Existing lots of record as of the date of adoption of the ordinance codified in this chapter may be developed with structures in accordance with the regulations of the underlying zoning rather than within the regulations included in this district; however, the city reviewing boards and commissions shall attempt to meet the spirit of this district's regulations in the context of allowing structures to be built in accordance with the existing underlying zoning regulations. (Ord. 1468 § 1, 1990)

18.78.050 Procedure.

The requirements of this district shall be implemented by city reviewing boards, commissions and officials, in conjunction with their review of projects otherwise required by this code. Review of projects shall include, but not be limited by, PUD development plans, design review, tentative subdivisions and building permits. The reviewing boards, commissions and officials may approve projects which do not comply with strict technical standards of this chapter upon making a finding that the design of the project as a whole is consistent with the highly aesthetic, rural character of the Foothill Road corridor. (Ord. 1468 § 1, 1990)

18.78.060 Adoption of guidelines.

The city council, following recommendations by the planning commission, may adopt by resolution design guidelines for the district. Such guidelines may be amended from time to time following the same procedure. city staff, boards and commissions shall adhere to the adopted guidelines in reviewing all applications for permits. (Ord. 1468 § 1, 1990)

18.78.070 Regulations for lots adjoining Foothill Road.

The following regulations shall apply to lots adjoining Foothill Road or any frontage road adjacent to Foothill Road, when feasible, in order to achieve the purposes of the district. These requirements shall apply to the first tier of lots along Foothill Road and shall not apply to lots located westerly of the first tier of lots:

A. Lot Size Regulations. The minimum lot size shall be 30,000 square feet in area. Variation in lot sizes shall be encouraged. Lot width and depth shall be sufficient to allow the main building to be sited in a manner consistent with front and side yard setback and main structure separation requirements.

B. Setback From Foothill Road. No structure shall be located closer than 150 feet to the westerly edge of the Foothill Road edge of pavement, back of curb, or back of curb as established by an approved alignment plan.

C. Side Yard Setbacks. Side yard setbacks shall be a minimum of 25 feet. Main structures with a building elevation facing Foothill Road of between 80 to 100 feet in width shall have side yard setbacks of a minimum 45 feet. Main structures wider than one hundred feet shall have minimum side yard setbacks of 75 feet.

D. Main Structure Height. The maximum height for any structure shall be 30 feet, measured vertically from the lowest point of the structure to the highest point of the structure, excluding towers, spires, cupolas, chimneys and other such uninhabitable projections. (Ord. 1468 § 1, 1990)

18.78.080 Subdivision design.

The following standards should be followed, when feasible, in any development within the district in order to achieve the purposes of this district:

A. Open Space Between Lot Clusters. Lots created along Foothill Road, or any frontage road parallel to Foothill Road, shall be clustered such that natural open space a minimum of 200 feet in width shall separate clusters of lots. No more than three lots may exist in a cluster of lots.

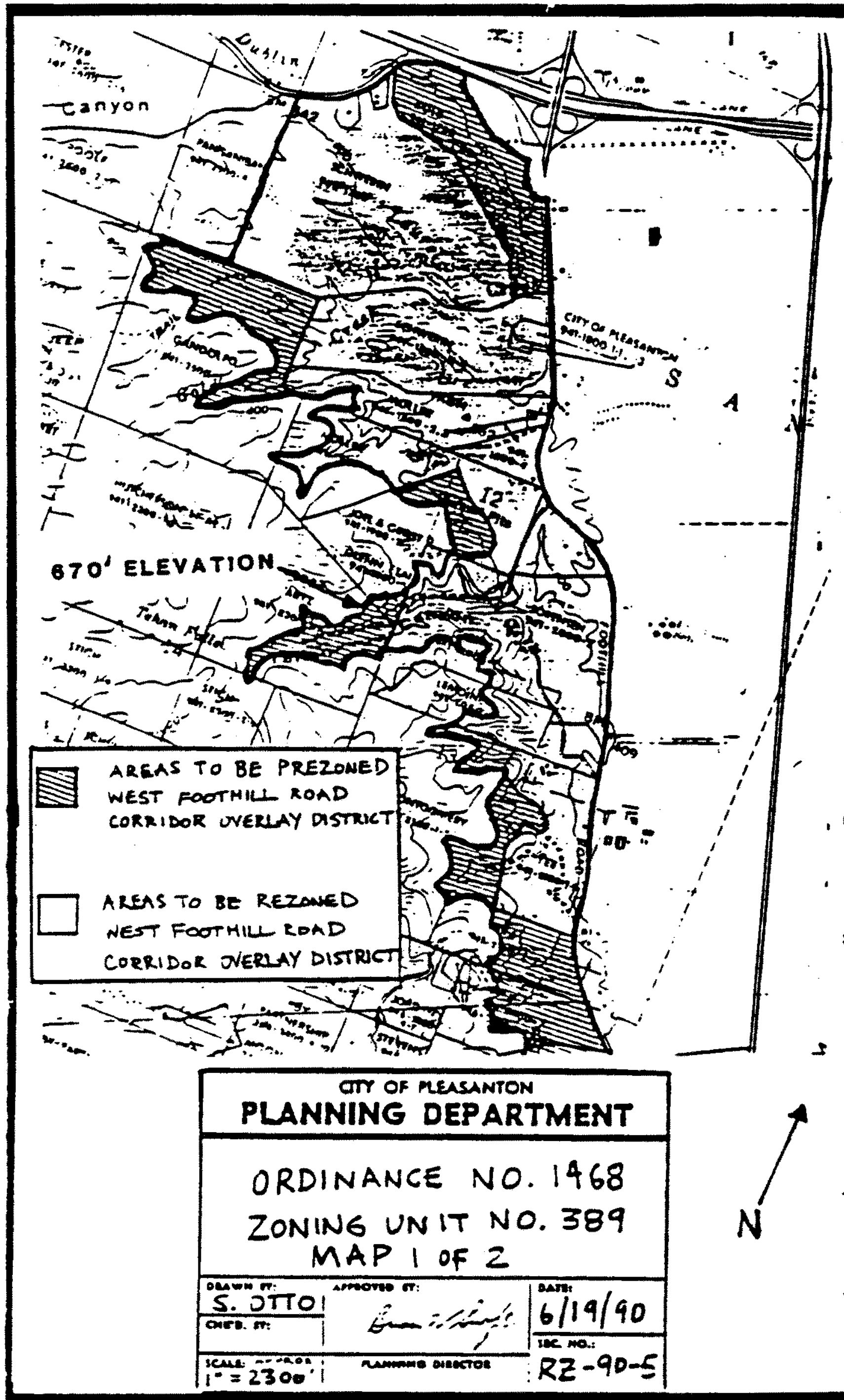
B. Prohibition on Foreridge Development. Building sites within lots shall not be allowed if they are located on or near ridges which do not have a background of Pleasanton or Main Ridges when viewed from Foothill Road. Landscaping in the form of mature trees may be an allowable background for such ridgeline sites if the decision-making body finds that the landscaping will preclude the structure from dominating the skyline as viewed from Foothill Road.

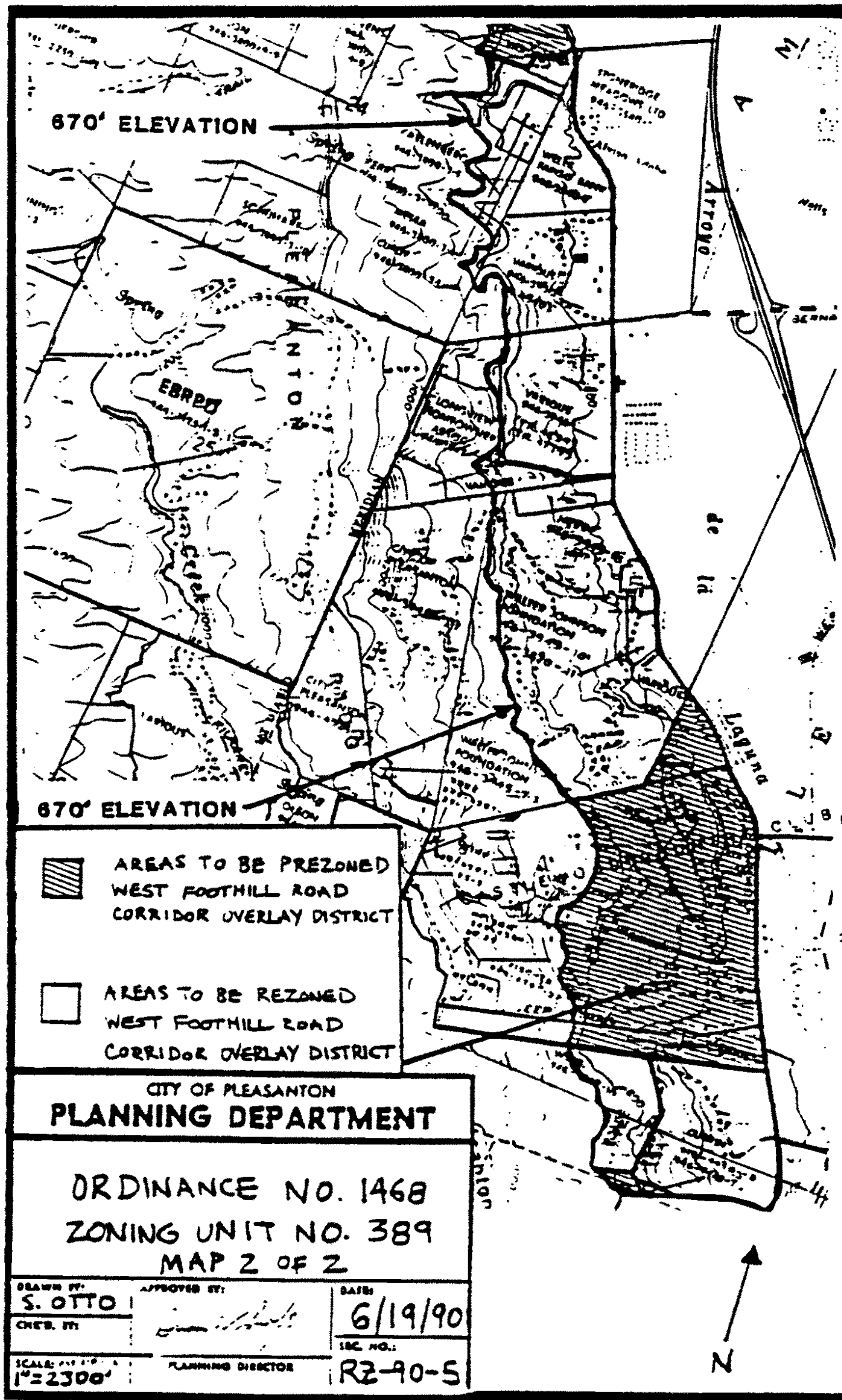
C. Access/Frontage Improvements. Use of individual driveways intersecting directly onto Foothill Road should be prohibited; combined, common-access driveways serving more than one lot shall be encouraged. Use of frontage roads should be encouraged where topography, grading and similar considerations make such roadways feasible.

D. Landscaping. Mature, native trees within the district shall be retained to the maximum extent feasible. Where feasible, mature oak and other native species should be relocated to grassland areas planned for development in order to soften the effect of new development with the corridor. New development landscaping shall be predominantly native plant species in areas visible from Foothill Road, with lawn or turf areas in landscape schemes adjacent to Foothill Road either eliminated or hidden by native landscaping.

E. Retaining Walls. Retaining walls visible from Foothill Road should be faced with materials compatible with the natural setting, such as natural stone or wood. Where feasible, retaining walls should be stepped. Landscaping shall be incorporated to minimize adverse visual impacts, with planting in front of walls, within stepped recesses and/or overhanging the wall.

F. Fencing. Open fencing shall be required, except that solid, privacy fencing may be allowed in areas of a lot not within required yard areas if it is screened with landscaping. (Ord. 1468 § 1, 1990)


Canyon
670' ELEVATION
AREAS TO BE PREZONED
WEST FOOTHILL ROAD
CORRIDOR OVERLAY DISTRICT
AREAS TO BE REZONED
WEST FOOTHILL ROAD
CORRIDOR OVERLAY DISTRICT
CITY OF PLEASANTON
PLANNING DEPARTMENT
ORDINANCE NO. 1468
ZONING UNIT NO. 389
MAP 1 OF 2
S. OTTO
6/19/90
RZ-90-5
N



(Ord. 2216 § 2, 2021)

Chapter 18.80

CORE AREA OVERLAY DISTRICT

Sections:

18.80.010 Purpose.
18.80.020 Area designation.
18.80.030 Applicability.
18.80.040 Underlying zoning.
18.80.050 Modified development standards—Yard requirements.
18.80.060 Modified development standards—Open space requirements.
18.80.070 Modified development standards—Off-street parking requirements.

18.80.010 Purpose.

In order to encourage the efficient use of land consisting of parcels of unusual size and shape located in the core area of Pleasanton and to facilitate the development of smaller multi-family rental housing projects, this chapter provides modified development standards applicable to an identified area of the community designated the core area overlay district. (Prior code § 2-2.3301)

18.80.020 Area designation.

The core area overlay district shall include the area designated "Area for Modified Housing Development Standards" on the map following this chapter and incorporated herein by reference. (Prior code § 2-2.3302)

18.80.030 Applicability.

The modified standards contained in this chapter shall apply only to multi-family or mixed multi-family/commercial and office projects containing 10 or less multi-family rental dwelling units. (Prior code § 2-2.3303)

18.80.040 Underlying zoning.

The modified standards in this chapter shall apply to property zoned RM (multi-family residential) and C-C (central commercial) overlain by the core area overlay district. Except as modified in this chapter, all other regulations embodied in the underlying zoning of a subject property shall apply to its development. (Prior code § 2-2.3304)

18.80.050 Modified development standards—Yard requirements.

A. Yard requirements for property in an underlying RM district are as follows:

1. Front, 15 feet minimum;
2. Side, five feet minimum one side, 10 feet minimum both sides, 10 feet minimum for street side of corner lot;
3. Rear, 10 feet minimum.

No structure shall exceed the height of a sloping plane 15 feet in height at the interior of the minimum required side or rear yard and sloping away from the side or rear property line five feet for each additional 15 feet in height.

B. No yard requirements shall apply to property in the underlying C-C district. (Prior code § 2-2.3305(a))

18.80.060 Modified development standards—Open space requirements.

Open space requirements for property in underlying RM and C-C Districts are as follows:

A. Private Open Space.

1. For dwellings with one bedroom or less, 75 square feet of private open space per dwelling unit with a minimum dimension of five feet for aboveground decks of an upstairs unit and eight feet for ground-level areas.
2. For dwellings with two or more bedrooms, 50 square feet per bedroom of private open space per dwelling unit with minimum dimensions as described in subsection(A)(1) of this section.
3. All dimensions for private open space shall be subject to the provision of adequate light and air to adjacent properties.

B. Group Space. There shall be no requirement for group open space in the core area overlay district for qualifying projects. (Ord. 2216 § 2, 2021; prior code § 2-2.3305(b))

18.80.070 Modified development standards—Off-street parking requirements.

Off-street parking requirements for property in the underlying RM and C-C districts are as follows:

A. Studio apartments, one space per dwelling unit;

B. One and two bedroom apartments, one and one-half spaces per dwelling unit;

C. Three or more bedroom apartments, two spaces per dwelling unit;

D. No visitor parking in addition to the required number of spaces need be provided;

E. In the underlying C-C district where residential and commercial or office uses are mixed, one bedroom and smaller dwelling units may provide one parking space per dwelling unit;

F. All parking may be uncovered;

G. All other relevant provisions of Section 18.88.040 shall apply to parking facilities provided in the Core Area Overlay district provided that in appropriate instances the zoning administrator may authorize minor reductions in dimension requirements. (Ord. 2216 § 2, 2021; prior code § 2-2.44-5(c))

EXHIBIT A
AREA FOR MODIFIED HOUSING DEVELOPMENT STANDARDS

Chapter 18.81

ACTIVE GROUND-FLOOR OVERLAY DISTRICT

Sections:

18.81.010 Purpose.
18.81.020 Applicability.
18.81.030 Underlying zoning.
18.81.040 Procedure for granting exceptions.

18.81.010 Purpose.

In addition to the objectives prescribed in the underlying district, the active ground-floor overlay district is included in this title to achieve the following purposes:

A. To provide a balanced physical environment conducive to pedestrian activity and a walkable street network; and

B. To enable uses that support a vibrant, pedestrian-oriented experience throughout much of the day and evening and are a defining component of downtown Pleasanton. (Ord. 2194 § 2, 2019)

18.81.020 Applicability.

This district shall apply to all properties within the areas designated as active ground-floor overlay district within the downtown specific plan, except as modified by the following:

A. The overlay shall not apply to tenant spaces with a storefront whose primary access is not from Main Street or another street designated with the overlay (as depicted in the Downtown Specific Plan Land Use Diagram).

B. For buildings that have multiple tenant spaces, the requirements of the overlay shall only apply to the tenant spaces with frontage on Main Street or a street designated with the overlay (as depicted in the Downtown Specific Plan Land Use Diagram).

C. For tenant spaces accommodating multiple uses, a minimum of the first 25-percent of the depth of tenant space (measured perpendicular to the façade fronting a designated active street) must be occupied with an active use.

D. The overlay shall not apply to buildings containing banks or financial institutions existing as of the date of adoption of this chapter, and purpose-built for such uses. (Ord. 2194 § 2, 2019)

18.81.030 Underlying zoning.

All uses shall comply with the regulations prescribed in Chapter 18.44 of this title and the underlying district, except as otherwise described by this chapter. (Ord. 2194 § 2, 2019)

18.81.040 Procedure for granting exceptions.

A. The director of community development or his/her designee may grant an exception to allow a non-active ground floor use within a tenant space or building, based on any of the following criteria:

   1. The tenant space has been vacant for a period of at least six months. Evidence of attempts to lease space shall be provided to the director of community development upon request.

   2. The configuration of the tenant space is such that it would have a storefront frontage of less than 10 feet (as determined by the director of community development) on a designated active street.

   3. The tenant is located in an existing, purpose-built building containing a bank or financial institution as its primary tenant/occupant.

B. Notice of the director of community development's decision shall be provided to the planning commission. Such decision is subject to appeal in accordance with the provisions of Chapter 18.144. (Ord. 2194 § 2, 2019)

Chapter 18.84

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

Sections:

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

18.84.010 Basic requirements for all sections.

The zoning schedule provided in Table 18.84.010 located at the end of this chapter prescribes the basic site, yard, bulk, usable open space and screening and landscaping regulations that shall apply in the districts as indicated in the schedule. These basic requirements are defined and supplemented by additional requirements and exceptions prescribed in subsequent sections of this chapter. Notwithstanding these requirements, accessory dwelling units shall meet the standards in Chapter 18.106. (Ord. 2213 § 2, 2021; Ord. 2161 § 1, 2017; Ord. 2155 § 3, 2017; Ord. 2080 § 2, 2013; Ord. 1250 § 1, 1986; prior code § 2-5.34(a))

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

A. For properties zoned PUD, the basic site requirements shall be established in conjunction with the approval of the final development plan as set forth in Chapter 18.68.

B. Properties in the C, MU, O and I districts may be subdivided for purposes of lease, sale or finance without regard to the basic site requirements for the applicable district when all of the following are met:

1. The property either has been developed previously or has had project approval granted by the city;
2. The development as built or as approved meets the basic requirements of this chapter, Chapters 18.88 and 18.92 of this title, as required by the applicable zoning district or as modified by appropriate city action;

3. Appropriate access, off-street parking, and loading berths are provided to each lot in the subdivision through easements or other devices, said appropriateness to be determined by the city;
4. Provision has been made to ensure maintenance of the access ways and other "public" areas in a manner acceptable to the city; and
5. All buildings either proposed to be built or existing, shall meet the applicable provisions of the building and fire codes as determined by the city.

Any other conditions may be placed on such commercial or industrial subdivisions as may be necessary to protect the public health, safety and welfare. (Ord. 2194 § 2, 2019; prior code § 2-5.35(b))

18.84.030 Site area and dimensions—Measurement.

A. Required front, side and rear yards shall be measured as the minimum horizontal distance from the property line of the site or street right-of-way line to a line parallel thereto on the site; provided that where a specific street plan has been adopted by the city council, site area and required yards shall be measured from the plan line, and no provision of this chapter shall be construed to permit a structure or use to extend beyond such line; and provided further, that where a site abuts on a street having only a portion of its required width dedicated or reserved for street purposes, site area and required yards shall be measured from a line drawn on the boundary of the additional width required for street purposes abutting the site.

B. No site shall have less than 35 feet of frontage.

C. On an irregular site, required yards shall be measured in the manner prescribed by the zoning administrator.

D. On a lot having a width that exceeds its depth and which is served by an access corridor, the longer dimension may be considered the depth for purposes of measuring front, side and rear yards.

E. If, after dividing the area of a site in an RM, MU, or C-C district by the site area required per dwelling unit, a remainder equal to or greater than 90 percent of the area required for an additional dwelling unit is obtained, one additional dwelling unit may be located on the site, provided that all other applicable yard, open space, bulk, and parking regulations are met. (Ord. 2194 § 2, 2019; prior code § 2-5.36(1))

18.84.040 Hillside sites in R-1 districts.

A. In the R-1-6,500, R-1-7,500, R-1-8,500 and R-1-10,000 districts, for each one-foot difference in elevation greater than 10 feet between points A and B as described in this chapter, the minimum required site area shall be increased by 10 percent except that a site in excess of 13,000 square feet shall not be required in the R-1-6,500 district, a site in excess of 15,000 square feet shall not be required in the R-1-7,500 district, a site in excess of seventeen thousand square feet shall not be required in the R-1-8,500 district, and a site in excess of 20,000 square feet shall not be required in the R-1-10,000 district.

B. In the R-1-20,000 and R-1-40,000 districts, for each one-foot difference in elevation greater than 20 feet between points A and B, as described in this chapter, the minimum required site area shall be increased by 10 percent.

C. On any lot point A is a point at which either projected side lot line intersects the edge of the street pavement as shown on a preliminary or tentative subdivision map or on plans approved by the city engineer or the existing pavement or traveled way. Point B is a point on the lot on an arc 100 feet distant from point A with the greatest difference in natural grade.

D. On a site having a difference in elevation of more than 10 feet between points A and B as described in this chapter, the natural grade shall not be disturbed or natural vegetation removed on more than 5,000 square feet if the site is in the R-1-10,000 district or more than 7,000 square feet if the site is in the R-1-20,000 or R-1-40,000 districts, provided that vegetation other than trees more than six inches in diameter may be removed from additional area if replaced by planning of equal coverage and ground-holding ability, and provided that vegetation may be removed from additional area in accord with a plan approved by the board of design review to thin out excessively heavy growth in order to foster improved growth conditions, to remove diseased plant material, or to eliminate a hazardous condition.

2. The total linear dimensions of such structures and/or screens shall not exceed 20 percent of the lot frontage; and

3. No structure on the property provided for herein shall occupy any easement for public utility purposes.

In addition, no structure or planting of any type shall pose a traffic sight obstruction as regulated in Section 18.84.110 of this chapter.

D. No solid fence, chainlink fence, hedge, or other screen planting in a required front yard in the R-1-20,000, R-1-40,000, or A district shall exceed a height of 30 inches, except that wrought iron, split rail, or other similar types of open fencing may be permitted by the zoning administrator. Such fencing shall be permitted if it meets the following criteria:

1. The fence shall not exceed a height of six feet.

2. Where such fencing crosses a driveway, it shall be set back a minimum of 20 feet from the face of curb.

3. The fence shall be attractive and properly relate to the architecture of the residence and to its surrounding setting, as determined by the zoning administrator.

4. In conjunction with the open fence, a solid base of brick or split face block up to a height of 24 inches may be constructed, and decorative columns, caps, or pilasters up to a height of 84 inches, generally separated by eight feet, may be constructed.

Higher decorative structures or planting screens incorporated into an identifiable landscaping scheme may be located in a required front yard, provided that:

1. No such structure or screen shall exceed six feet in height except decorative arched gateways, which may be a maximum of eight feet in height;

2. No structure on the property provided for herein shall occupy any easement for public utility purposes.

E. Where the main structure on a site encroaches into the required front yard, a fence in conformance with Section 18.84.090(G) of this chapter may occupy the required front yard, provided that the fence does not encroach any further into the required front yard than the main structure. (Ord. 2000 § 1, 2009; Ord. 1884, 2003; Ord. 1862 § 1, 2002; Ord. 1322 § 1, 1987; Ord. 1296 § 1, 1987; prior code § 2-5.37)

18.84.090 Side and rear yards—Requirements and exceptions.

In addition to the regulations prescribed in the zoning schedule of this chapter, the following regulations shall apply:

A. On the street side of a corner lot the side yard shall not be less than twice the depth of the minimum side yard prescribed for the district, except that a side yard in excess of the required front yard depth shall not be required, and a side yard less than 10 feet shall not be permitted.

B. On a reversed corner lot the minimum rear yard may be not less than the minimum side yard prescribed for the district if the side yard adjoining the street is not less than the required front yard on the adjoining key lot, or 15 feet, whichever is greater.

C. Where the side or rear lot line of the site of a use other than a residential use in a district other than an R district adjoins an R district, the minimum side or rear yard shall be 10 feet greater than the minimum yard prescribed in the zoning schedule of this chapter; provided, that where the side or rear lot lines of a site in an I-G district adjoins an R district, the minimum side or rear yard shall be 50 feet.

D. On the side street of a corner lot, the minimum side yard for a garage, carport, or off-street parking space required to serve a dwelling in an R district shall be 20 feet; provided, that if the garage, carport or off-street parking space is entered parallel to the street, the minimum side yard shall be the same as the side yard otherwise required on the site.

E. At the time of the initial construction, principal structures in the R-1-8,500, R-1-7,500, R-1-6,500 and RM-4,000 districts may encroach into otherwise required rear yards to within 15 feet of the rear lot line; provided, that there remains a single unobstructed open space with an area equal to 120 percent of the area obtained by multiplying

the required rear yard dimension by the minimum lot width prescribed for these zoning districts. This unobstructed open area may be located in a side yard and/or in the area between the principal structure and the rear lot line and shall have a minimum dimension of not less than 15 feet.

Additions to principal structures in the R-1-8,500, R-1-7,500, R-1-6,500 and RM-4,000 districts may encroach into otherwise required rear yards to within 15 feet of the rear lot line, provided that there remains a single unobstructed open space with an area equal to 80 percent of the area obtained by multiplying the required rear yard dimension by the minimum lot width prescribed for these zoning districts. This unobstructed area may be located in a side yard and/or in the area between the principal structure and the rear lot line and shall have a minimum dimension of not less than 15 feet.

No structure referred to in this section projecting into the required rear yard shall exceed one story in height.

F. Fences, walls, and hedges not over six feet in height, walks, driveways and retaining walls may occupy a required side or rear yard, except that solid fences, walls, and hedges in the side yard on the street side of a corner lot may not exceed a height of 30 inches, and open fencing, such as wrought iron, split rail, picket style, or other similar types of open fencing, may not exceed a maximum height of 42 inches. In conjunction with the open fence, a solid base of brick or split face block up to a height of 18 inches may be constructed so long as the total fence height does not exceed 42 inches, and decorative columns, caps, or pilasters up to a height of 48 inches, generally separated by a distance of six feet may be constructed. "Open picket style fencing" is defined as fencing which consists of narrow vertical boards, generally three inches to four inches in width, with at least 33 percent of the fence area being open to view. No such structure or hedge shall pose a traffic sight obstruction. In the C-S, C-A, I-P and I-G districts, fences as high as eight feet may be allowed in conjunction with outdoor storage areas. The upper two feet of such fences may contain barbed wire. Permission of the zoning administrator shall be required for such over height fences and may be denied if the zoning administrator determines the appearance of such fencing would conflict with the purposes of this title or if such fencing would be detrimental to the public health or general welfare.

In the R-1-6,500 and R-1-7,500 districts, fences, walls and hedges not over six feet in height may be located to within five feet of the side property line on the street side of a corner lot between the rear property line and a point set back 15 feet from the front corner of the residence closest to the side street.

G. Fences, walls and hedges greater than six feet but not over eight feet in height may occupy a required side or rear yard upon approval by the zoning administrator.

1. Application for an over height fence, wall or hedge pursuant to this subsection shall be made with the zoning administrator and shall be subject to design review.
2. The zoning administrator may require noticing up to 300 feet from the property lines in order to continue processing the design review application. If the determination to notice the application is made, it may be subject to a zoning administrator hearing.
3. If a zoning administrator hearing is conducted, the zoning administrator may approve, conditionally approve, or deny the application and shall find that the application:
   a. Conforms to the objectives of this title;
   b. Assists in providing privacy, in attenuating sound transmission, and/or in reducing other annoyance from neighboring properties; and
   c. Does not significantly impact upon the aesthetics and safety of the neighborhood nor the light and air to all affected properties.
4. The zoning administrator's decision may be appealed to the planning commission. (Ord. 2216 § 2, 2021; Ord. 1994 § 2, 2009; Ord. 1862 § 1, 2002; Ord. 1656 § 1, 1995; Ord. 1266 § 1, 1986; Ord. 1194 § 1, 1985; Ord. 1182 § 1, 1985; Ord. 1124 § 1, 1984; prior code § 2-5.38)

clear vertical height under the projection shall be at least 12 feet, and the clear horizontal distance between the property line and any supporting structure shall be at least seven feet. At least 85 percent of the area and 85 percent of the length of a vertical plane through a line of supporting columns shall be open and free of obstructions. Space over a public right-of-way permitted by this section may be enclosed and may be occupied by a permitted use or a conditional use and shall be included in computing basic floor area if enclosed. Supports located in a public right-of-way shall be subject to the provisions of Chapter 13.04 of this code. (Ord. 2194 § 2, 2019; prior code § 2-5.42)

18.84.140 Height limits—Measurement.

Except as otherwise noted in this chapter, the height of a structure shall be measured vertically from the average elevation of the natural grade or finished grade, whichever is lower, of the ground covered by the structure to the highest point of the structure including parapet or to the coping of a flat roof, to the deck line of a mansard roof, or to the mean height between eaves and ridges for a hip, gable, or gambrel roof. The height of an accessory structure shall be measured from the lowest grade adjacent to the structure to the highest ridge or top of the structure, including parapet. The height of a fence or a wall used as a fence shall be measured from the higher finished grade adjoining the fence or wall. The average height of a wall of a structure shall be deemed the height of the wall. (Ord. 2194 § 2, 2019; Ord. 2038 § 1, 2012; prior code § 2-5.43(1))

18.84.150 Height limits—Exceptions.

A. Architectural building elements such as towers, cupolas, and similar structures, and appurtenances such as spires, chimneys, elevator and stairway enclosures, building-mounted flagpoles, screens for rooftop equipment, and similar structures covering not more than 10 percent of the ground area covered by the structure may be erected to a height of not more 15 feet above the height limit prescribed by the regulations for the district in which the site is located, with design review approval specified under Chapter 18.20 of this title.

B. Except as otherwise allowed by this title, subject to design review approval specified under Chapter 18.20 of this title, free-standing appurtenant structures such as water tanks, fire towers, flagpoles, monuments, and similar structures; residential radio and television aerials and antennas; receive-only antennas; may be erected to a height of not more than 65 feet or not more than 25 feet above the height limit prescribed by the regulations for the district in which the site is located, whichever is less.

C. The height and location of commercial radio and television aerials, antennas, and transmission towers shall be subject to design review approval specified under Chapter 18.20 of this title, and shall be based on a visual analysis demonstrating that views of the aerial/antenna/tower are minimized or are substantially screened from residential land uses, the I-580 and/or I-680 rights-of-way, or other sensitive land uses such as parks, schools, or major streets, and shall be based on an engineering analysis justifying the height of the proposed aerial/antenna/tower.

   Any parabolic dish mounted on the aerial/antenna/tower shall be less than two feet in diameter. The base of the aerial/antenna/tower and any switching facility located at the base that is visible to the public shall be architecturally treated and/or screened from view utilizing on- and/or off-site vegetation or other approved screening mechanism.

D. Wire-carrying power distribution poles and transmission towers and communication poles located in any zoning district shall not be subject to the height limits prescribed in the district regulations. (Ord. 2213 § 2, 2021; Ord. 2194 § 2, 2019; Ord. 2080 § 2, 2013; Ord. 1821 § 1, 2001; Ord. 1743, 1998; Ord. 1600 § 2, 1993; prior code § 2-5.43(2))

18.84.160 Accessory structures—Location and yards.

A. In an R district, Class I and Class II accessory structures may be located in a required rear yard or a required interior side yard within 35 feet of the rear lot line, provided that the distances to lot lines shall not be less than prescribed in Section 18.84.010 of this chapter, except that Class II accessory structures may be constructed to the property line, but not attached to the fence, and provided that in the aggregate no more than 500 square feet or 10 percent of the area of the required rear yard, whichever is greater, shall be covered by structures other than garages or carports in an RM-2,500, RM-2,000 or RM-1,500 district. Accessory structures located in required side

or rear yards shall not be closer to a main structure or any other accessory structure than the distance prescribed in Section 18.84.100 of this chapter. The minimum distance between an accessory structure containing a habitable room and a side or rear lot line shall be the same as the minimum required side yard for a main structure on the same site.

B. An accessory structure located not closer to a property line than the distance required for a main structure on the same site may adjoin or may be separated from a main structure, provided that if directly opposite walls in either structure have a main entrance to a dwelling unit or a window opening into a habitable room, the space between the structures shall be as prescribed in Section 18.84.100 of this chapter.

C. No accessory structure shall be located either within a front yard or, unless adequately screened from view from the street as determined by the zoning administrator within the area between the front yard and the front of a structure in an R district.

D. Swimming pools shall comply with the applicable Class II accessory structure regulations of this title and in addition shall be subject to the requirements of Chapter 20.55 of this code.

E. Accessory dwelling units shall comply with the regulations in Chapter 18.106 of this title.

F. Accessory structures exceeding 10 feet in height shall be subject to design review pursuant to Section 18.20.010 of this title.

G. Location Standards for Pools and Spas.

1. Pool water line shall not encroach into a required front yard or be placed closer than five feet to a rear or interior side property line or 10 feet to a street side property line, except that the pool water line for cord-connected, aboveground (portable) spas shall not encroach into a required front yard or be placed closer than three feet to a rear or interior side property line or 10 feet to a street side property line.

2. Pool walls placed closer than five feet to a structure shall require investigation and written approval by a licensed civil engineer. A copy of this investigation and approval shall be furnished to the administrative authority prior to issuance of a pool permit.

3. Pool equipment may be located within the boundaries of the site in which the pool is located without regard to setback except that equipment shall not be located within required front yards nor within the required side yard of the street side of a corner lot unless said equipment is located on the interior side of a fence as allowed in conformance with Title 18 of this code of the city. Where pool equipment is located within a required side yard adjacent to a main structure, a minimum three-foot clearance shall be maintained between said equipment installation and the corresponding side property line. (Ord. 2192 § 2, 2019; Ord. 2161 § 1, 2017; Ord. 2038 § 1, 2012; Ord. 1812, 2000; Ord. 1656 § 1, 1995; Ord. 1150 § 1, 1984; prior code § 2-5.44)

18.84.170 Usable open space.

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

Table 18.84.010

SITE DEVELOPMENT STANDARDS FOR ZONING DISTRICTS IN PLEASANTON

ZONING DISTRICT	MINIMUM LOT SIZE			MINIMUM YARDS			SITE AREA PER DWELLING UNIT	GROUP USABLE OPEN SPACE PER DWELLING UNIT *18.84.170*	BASIC FLOOR AREA LIMIT (% OF SITE AREA)	MAXIMUM HEIGHT OF MAIN STRUCTURE *18.84.140*	CLASS 1 ACCESSORY STRUCTURES *18.84.160*		
	Area	Width *18.84.050*	Depth	Front *18.84.080*	One Side/ Both Sides *18.84.090*	Rear *18.84.090*					Maximum Height *18.84.140*	Minimum Distance to Side Lot Line	Minimum Distance to Rear Lot Line
A	5 acre	300 ft	---	30 ft	30 ft; 100 ft	50 ft	---	---	---	30 ft	30 ft**	30 ft**	30 ft**
R-1-40,000	40,000 sq ft *18.84.040*	150 ft	150 ft *18.84.060*	30 ft	5 ft; 50 ft	30 ft	40,000 sq ft	---	25%	30 ft	15 ft**	20 ft**	20 ft**
R-1-20,000	20,000 sq ft *18.84.040*	100 ft	125 ft *18.84.060*	25 ft	5 ft; 30 ft	25 ft	20,000 sq ft	---	30%	30 ft	15 ft**	3 ft**	5 ft**
R-1-10,000	10,000 sq ft *18.84.040*	80 ft	100 ft *18.84.060*	23 ft	5 ft; 20 ft	20 ft	10,000 sq ft	---	40%	30 ft	15 ft**	3 ft**	5 ft**
R-1-8,500	8,500 sq ft *18.84.040*	75 ft	100 ft *18.84.060*	23 ft	5 ft; 15 ft	20 ft	8,500 sq ft	---	40%	30 ft	15 ft**	3 ft**	5 ft**
R-1-7,500	7,500 sq ft *18.84.040*	70 ft	100 ft *18.84.060*	23 ft	5 ft; 14 ft	20 ft	7,500 sq ft	---	40%	30 ft	15 ft**	3 ft**	5 ft**
R-1-6,500	6,500 sq ft *18.84.040*	65 ft	100 ft *18.84.060*	23 ft	5 ft; 12 ft	20 ft	6,500 sq ft	---	40%	30 ft	15 ft**	3 ft**	5 ft**
RM-4,000	8,000 sq ft	70 ft	100 ft *18.84.060*	20 ft	7 ft; 16 ft	30 ft	4,000 sq ft *18.84.030(E)*	---	40%	30 ft	15 ft**	3 ft**	3 ft**
RM-2,500	7,500 sq ft	70 ft	100 ft *18.84.060*	20 ft	8 ft; 20 ft	30 ft	2,500 sq ft *18.84.030(E)*	400 sq ft	50%	30 ft	15 ft**	3 ft**	3 ft**
RM-2,000	10,000 sq ft	80 ft	100 ft *18.84.060*	20 ft	8 ft; 20 ft	30 ft	2,000 sq ft *18.84.030(E)*	350 sq ft	50%	30 ft	15 ft**	3 ft**	3 ft**
RM-1,500	10,500 sq ft	80 ft	125 ft *18.84.060*	20 ft	8 ft; 20 ft	30 ft	1,500 sq ft *18.36.060* *18.84.030(E)*	300 sq ft	50%	30 ft	15 ft**	3 ft**	3 ft**
O	10,000 sq ft	80 ft	100 ft	20 ft	10 ft; 20 ft	10 ft	Dwellings not permitted		30%	30 ft	15 ft	3 ft	3 ft
C-N	3 acre min. 5 acre max.	300 ft	300 ft	20 ft	20 ft; 40 ft	10 ft	Dwellings not permitted		30%	30 ft	15 ft	20 ft	10 ft
C-C	---	---	---	*18.84.130*	*18.84.130*	---	1,000 sq ft *18.44.080* *18.84.030E*	150 sq ft	300%	40 ft** *18.84.150*	40 ft** *18.84.150*	--- **	--- **

ZONING DISTRICT	MINIMUM LOT SIZE			MINIMUM YARDS			SITE AREA PER DWELLING UNIT	GROUP USABLE OPEN SPACE PER DWELLING UNIT *18.84.170*	BASIC FLOOR AREA LIMIT (% OF SITE AREA)	MAXIMUM HEIGHT OF MAIN STRUCTURE *18.84.140*	CLASS 1 ACCESSORY STRUCTURES *18.84.160*		
	Area	Width *18.84.050*	Depth	Front *18.84.080*	One Side/ Both Sides *18.84.090*	Rear *18.84.090*					Maximum Height *18.84.140*	Minimum Distance to Side Lot Line	Minimum Distance to Rear Lot Line
MU-D	---	---	---	18.84.130	18.84.130	---	1,000 sq ft *18.44.080* *18.84.030(E)*	150 sq ft	300%	46 ft *18.84.150*	46 ft** *18.84.150*	--- **	--- **
MU-T	10,000 sq ft	80 ft	100 ft	20 ft	10 ft; 20 ft	10 ft	1,000 sq ft 18.44.080 18.84.030E	150 sq ft	125%	36 ft	15 ft**	3 ft**	3 ft**
C-R	*18.44.070A*			*18.44.070A*			Dwellings not permitted		*18.44.070A*		*18.44.070A*		
C-S	10,000 sq ft	80 ft	100 ft	10 ft	---	10 ft	Dwellings not permitted		100%	40 ft	40 ft	---	10 ft
C-F	30,000 sq ft	100 ft	130 ft	20 ft	20 ft; 40 ft	10 ft	Dwellings not permitted		40%	40 ft	40 ft	20 ft	10 ft
C-A	10 acre	300 ft	300 ft	20 ft	20 ft; 40 ft	10 ft	Dwellings not permitted		40%	40 ft	40 ft	20 ft	10 ft
I-P	20,000 sq ft	140 ft	140 ft	25 ft	20 ft; 40 ft	15 ft	Dwellings not permitted		50 %	40 ft	40 ft	20 ft	25 ft
1-G 20,000	20,000 sq ft	100 ft	150 ft	25 ft	10 ft; 20 ft	15 ft	Dwellings not permitted		100%	40 ft *18.84.150*	40 ft *18.84.150*	10 ft	25 ft
I-G 40,000	40,000 sq ft	150 ft	300 ft	25 ft	10 ft; 20 ft	15 ft						10 ft	25 ft
I-G 3 acre	3 acre	200 ft	300 ft	25 ft	20 ft; 40 ft	50 ft						20 ft	50 ft
Q	50 acre	---	---	100 ft *18.52.060—18.52.100*	100 ft; 200 ft	100 ft	---	---	---	40 ft *18.84.150*	40 ft *18.84.150*	100 ft *18.52.060—18.52.100*	100 ft

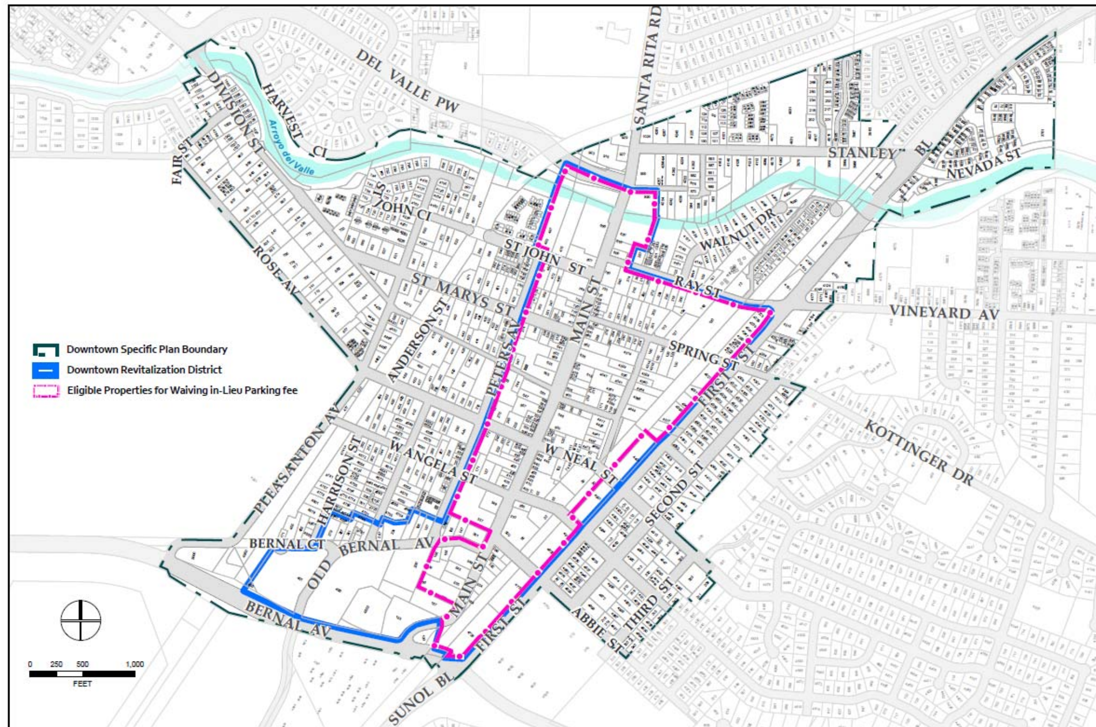
P	*18.56.020(A)*	PUD	*18.84.020*
S	*18.60.060*	CO	*18.72*
RO	*18.64*	CAO	*18.80**

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

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

**Accessory dwelling units shall meet the development standards identified in Chapter 18.106.

Figure 18.88.020



Data Source: Pleasanton Municipal Code (Title 18, Ch.18.88, http://qcode.us/codes/pleasanton/)

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

1. All uses, with the exception of office uses on the ground floor of new buildings on sites with frontage on Main Street, shall provide parking or pay equivalent in lieu parking fees at the rate of one space for each 300 square feet of gross floor area. However, uses which have lower parking requirements as stated elsewhere in this section may provide parking or pay equivalent in lieu fees according to that lower standard.

2. Office uses on the ground floor of new buildings with frontage on Main Street shall provide parking or pay equivalent in lieu parking fees at the rate of one space for each 250 square feet of gross floor area. Such office uses which are established anytime within the first five years of the building's occupancy, including tenant spaces which convert from nonoffice to office use within the first five years of building occupancy, shall provide the additional parking or pay the in lieu fee based on the additional parking required for office use. (Ord. 2194 § 2, 2019; Ord. 2089 § 2, 2014; Ord. 1898 § 1, 2003; Ord. 1586 § 10, 1993; Ord. 1156 § 1, 1984; prior code § 2-9.15)

18.88.030 Schedule of off-street parking space requirements.

A. Dwellings and Lodgings.

1. One-family dwelling units shall have at least two parking spaces.

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

3. Apartment house parking requirements shall be computed as follows:

a. For apartments with two bedrooms or less, a minimum of two spaces shall be required for each of the first four units; one and one-half spaces for each additional unit.

b. For apartments with three or more bedrooms (or two bedrooms and a den convertible to a third bedroom), a minimum of two spaces per unit shall be required. Parking requirements for units having less than three bedrooms shall be computed separately from the requirements for units having three bedrooms or more and then added together.

c. Visitor parking, in a ratio of one parking space for each seven (1:7) units, shall be provided. All visitor parking spaces shall be clearly marked for this use. Visitor parking may be open or covered and does not count as part of the covered parking requirement described in subsection A4 of this section.

4. At least one space per dwelling unit of the off-street parking required in subsections (A)(1), (A)(2) and (A)(3) of this section shall be located in a garage or carport.

5. Motels, hotels, lodging houses and private clubs providing guest sleeping accommodations shall have at least one space for each guest sleeping room or for each two beds, whichever is greater, plus at least one space for each two employees.

6. Trailer parks shall have a minimum of one space for each unit, plus at least one additional space for each three units, none of which shall occupy area designated for access drives.

7. Small bed and breakfasts and bed and breakfast inns shall have at least one space for each guest sleeping room plus at least one space for each employee on maximum shift. In addition, at least two parking spaces, one of which must be covered, shall be provided for residents of small bed and breakfasts and bed and breakfast inns; the zoning administrator may require only one parking space, which may be uncovered, for a resident manager of a bed and breakfast inn.

8. Accessory dwelling units shall adhere to the parking requirements in Chapter 18.106.

B. Offices, Commercial Uses and Places of Public Assembly in the C-N and C-R Districts.

1. C-N District. One space for each 180 square feet of gross floor area, plus 10 spaces in addition to spaces occupied by cars being serviced on the site of each service station, plus additional spaces for each open use as prescribed by the zoning administrator. For banks and other financial institutions (commercial banks, credit unions, and savings and loans)—one space for each 300 square feet of gross floor area, except for floor area used for storage.

2. C-R District. Parking requirements shall be established by the zoning administrator and/or planning commission on a case by case basis in accordance with the purposes of Chapter 18.20 of this title.

C. Office, Commercial and Industrial Uses not in the C-N or C-R District.

1. Food stores—one space for each 150 square feet of gross floor area.

2. Banks and other financial institutions (commercial banks, credit unions, and savings and loans)—one space for each 300 square feet of gross floor area, except floor area used for storage.

3. Massage establishments—two spaces for each massage technician, plus the requirements for supplementary uses.

4. Retail stores except food stores and stores handling only bulky merchandise; personal service establishments including barbershops and beauty shops, cleaning and laundry agencies, and similar enterprises—one space for each 300 square feet of gross floor area, except for floor area used exclusively for storage or truck loading.

5. Commercial service enterprises, repair shops, wholesale establishments, and retail stores which handle only bulky merchandise such as furniture, household appliances, machinery, and motor vehicles—one space for each 500 square feet of gross floor area, except for floor area used exclusively for storage or truck loading.

6. Public and private business and administrative offices, and technical services offices (including, but not limited to, accountants, architects, attorneys, engineers, insurance, real estate and similar professions)—one space for each 300 square feet of gross floor area.

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

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

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

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

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

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

E. Educational Facilities.

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

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

1. All uses, with the exception of office uses on the ground floor of new buildings on sites with frontage on Main Street, shall provide parking or pay equivalent in lieu parking fees at the rate of one space for each 300 square feet of gross floor area. However, uses which have lower parking requirements as stated elsewhere in this section may provide parking or pay equivalent in lieu fees according to that lower standard.
2. Office uses on the ground floor of new buildings with frontage on Main Street shall provide parking or pay equivalent in lieu parking fees at the rate of one space for each 250 square feet of gross floor area. Such office uses which are established anytime within the first five years of the building's occupancy, including tenant spaces which convert from nonoffice to office use within the first five years of building occupancy, shall provide the additional parking or pay the in lieu fee based on the additional parking required for office use. (Ord. 2213 § 2, 2021; Ord. 2161 § 1, 2017; Ord. 2061 § 2, 2013; Ord. 2017 § 2, 2011; Ord. 1898 § 1, 2003; Ord. 1812, 2000; Ord. 1767 § 1, 1998; Ord. 1726 § 1, 1997; Ord. 1665 § 5, 1995; Ord. 1656 § 1, 1995; Ord. 1636 § 7, 1994; Ord. 1494 § 4, 1990; prior code § 2-9.16)

18.88.035 Requirements for alternative vehicle parking.

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

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

B. Illumination.

1. In an A, R, P or S district, illumination, where permitted, shall be indirect. In an O or MU-T district, illumination, where permitted, shall be indirect or diffused, provided that it shall be white and that the surface brightness of a sign shall not be greater than 100 foot-lamberts. In a C, MU-D or I district direct illumination shall be permitted, provided that if exterior illumination is closer than 200 feet to the boundary of a site or interior illumination is closer than 10 feet to a window within 200 feet of the boundary of a site, no fluorescent or mercury vapor tube, or incandescent illumination exceeding 120 milliamps shall be visible beyond the boundary of the site. In a C or I district diffused illumination closer than 200 feet to the boundary of a site and visible beyond the boundary of the site shall not have a surface brightness greater than 200 foot-lamberts.

2. A sign within 100 feet of an R district from which the sign is visible shall have illumination, if any, that is white and is indirect or diffused and shall not have a surface brightness greater than 100 foot-lamberts.

3. No sign shall have blinking, flashing or fluttering lights or any other illuminating device which has a changing light intensity, brightness or color.

4. No illuminated sign shall be located so as to be confused with or to resemble any warning traffic-control device.

5. Neither the direct nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles.

C. Movement. No sign that moves, has visible moving parts, or that simulates movement by means of fluttering, spinning, or reflecting devices shall be permitted. (Ord. 2194 § 2, 2019; prior code § 2-9.39)

18.96.030 Exempt signs.

The following signs are not subject to the regulations of this chapter:

A. Signs used exclusively for the posting or display of official notices by a public agency or official, or by a person giving legal notice;

B. Signs erected or maintained by a public agency or official or required by law to be displayed by a public utility for directional, warning or informational purposes;

C. Traffic-control signs and devices including street name signs;

D. The flag, pennant, or insignia of any nation or association of nations, or of any state, city, or other political unit or of any charitable, educational, philanthropic, civic, professional or religious organization;

E. Nonilluminated, nonverbal religious symbols on the site of a religious institution;

F. Signs not visible beyond the boundary of a site;

G. Directional signs necessary to control and direct pedestrian traffic on a site;

H. Emblems of civic or service clubs and area identification signs of sizes and at locations approved by the planning commission;

I. A real estate sign designating an open house for an individual home for sale or lease, other than first-time sales of homes within new subdivisions; provided, however, that the signs:

1. Shall be freestanding A-frame or sandwich board type,

2. Shall not exceed an overall height of 36 inches from the ground and the face of the sign shall not exceed a horizontal dimension of 24 inches and a vertical dimension of 18 inches,

3. Shall have no riders. There shall be no additions, tags, signs, streamers, balloons or other appurtenances added to the standard real estate open house sign, provided, however, that arrows may be incorporated into the design of the face of the sign but may not be added appurtenant to the sign,

4. May be displayed Monday through Sunday, 10:00 a.m. through 6:00 p.m. during Pacific Standard Time, and may be displayed Monday through Sunday, 10:00 a.m. to 8:00 p.m. during Pacific Daylight Savings Time,
5. Shall not exceed one on-site open house sign and three off-site open house signs with an aggregate total of four signs per open house, provided, however, that the standard real estate for sale sign posted at the site shall not be included as part of the aggregate total of signs allowable per open house,
6. Shall not be placed, used or maintained in any location upon public property, within rights-of-way or within public easements adjacent to streets, where such placement use or maintenance endangers the safety of persons or property, or unreasonably interferes with or impedes the flow of pedestrian or bicycle traffic, or the ingress into or egress from any residence or place of business,
7. Shall not be placed within a five foot radius of a hydrant, fire call box or mail box,
8. Shall not be placed on or within the median strip or center divider of a roadway or on or within any other roadway island or safety zone area,
9. Shall not be chained, bolted or otherwise attached to any property not owned by the owner of the sign, nor shall they be chained, bolted or otherwise attached to any tree, shrub or other plant. (Ord. 1656 § 1, 1995; Ord. 1492 § 1, 1990; Ord. 1362 § 2, 1988; prior code § 2-9.40)

18.96.040 Signs in A or R districts.

No sign or outdoor advertising structure shall be permitted in an A or R district except the following:

A. One nameplate, which may give notice of the name, address and occupation of the resident not directly lighted, not exceeding one square foot or eight feet in height, on the site of a one-family dwelling;

B. One identification sign, not directly lighted, not exceeding six square feet or eight feet in height, on the site of a multi-family dwelling or a lodging house;

C. One identification sign, not directly lighted, not exceeding 12 square feet or 12 feet in height, for each main building on the site of a public building, a private institution, a church, a club or lodge, a unifier park, or a nursing home, provided that a general hospital may have an identification sign not exceeding 24 square feet;

D. In addition to an identification sign, one bulletin board, not directly lighted, not exceeding 20 square feet or eight feet in height, on the site of a church;

E. One directional sign, not directly lighted, not exceeding four square feet, at each entrance or exit to a parking lot;

F. Signs pertaining to the sale, lease, rental or display of a structure or land:

1. For properties located in the A district, one nonilluminated sign not exceeding 12 square feet,
2. For properties located in the R districts one nonilluminated sign not exceeding six square feet,
3. Shall be removed 30 days after the sale, lease, rental or display of the structure or land;

G. One nonilluminated, temporary construction sign, not exceeding 12 square feet, on the site of a structure or group of structures, while under construction, except that one additional square foot shall be permitted for each dwelling unit under construction, provided that the sign shall not exceed 24 square feet;

H. One business sign, not directly lighted, not exceeding 12 square feet or 12 feet in height, on the site of a permitted or conditional use other than a dwelling in an A district, provided that additional sign area may be specified in a use permit and shall be based on the identification needs of the use and the character of surrounding uses;

I. Any sign proposed to be located in an R-1 district, or in any PUD district developed under R-1 standards, whether illuminated or nonilluminated, shall be subject to review by the zoning administrator, as provided in Section 18.20.010(B)(7);

J. One identification sign, not directly lighted, not exceeding six square feet or six feet in height, on the site of a small bed and breakfast or bed and breakfast inn. (Ord. 2216 § 2, 2021; Ord. 1656 § 1, 1995; Ord. 1636 § 8, 1994; Ord. 1520 § 3, 1991; Ord. 1492 § 1, 1990; prior code § 2-9.41)

E. No Signage or Outdoor Sales. Cottage food operations shall not install or post signage or advertisements identifying the cottage food operation at the site or building where the operation is located. No outdoor sales shall be allowed at the site of the cottage food operation.

F. No Dining. If direct sales are proposed at the site of the cottage food operation, no third parties or customers shall be permitted to dine at the cottage food operation.

G. Code Requirements. While the use of a residence for a cottage food operation shall not constitute a change of occupancy for purposes of building and fire codes, to the extent that building modifications are proposed (e.g., more walls for storage areas, new electrical panel for range) the cottage food operation shall meet all requirements of Title 20 (Buildings and Construction). (Ord. 2056 § 1, 2013)

18.105.060 Additional procedures.

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

Chapter 18.106

ACCESSORY AND JUNIOR ACCESSORY DWELLING UNITS*

Sections:

18.106.010 Purpose.
18.106.020 Use requirements and review process.
18.106.030 Density and growth management program.
18.106.040 Standards for attached accessory dwelling units—Height limitations, setbacks, open space, and other regulations.
18.106.045 Standards for detached accessory dwelling units—Height limitations, setbacks, open space, and other regulations.
18.106.050 Standards for accessory dwelling units resulting from converting existing space in multi-family developments—Height limitations, setbacks, open space, and other regulations.
18.106.060 Required standards for all accessory dwelling units.
18.106.070 Required standards for all junior accessory dwelling units.

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

18.106.010 Purpose.

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

The further purpose of this chapter is to comply with the requirements of State law. To do so, this chapter identifies those zoning districts where an accessory dwelling unit or junior accessory dwelling unit meeting enumerated standards to ensure neighborhood compatibility is a permitted use in that district. (Ord. 2213 § 2, 2021; Ord. 2161 § 1, 2017; Ord. 2080 § 2, 2013; Ord. 1885 § 2, 2003)

18.106.020 Use requirements and review process.

A. Accessory dwelling units and junior accessory dwelling units are permitted uses in the R-1 one family residential district, RM multi-family residential district, planned unit developments zoned for residential uses, MU mixed use districts, C-C central commercial district, and A agricultural district, if the primary unit is a proposed or existing legal one-family dwelling unit or existing legal multi-family development and the accessory dwelling unit meets all of the standards set forth in Section 18.106.060 of this chapter and the applicable site standards in Section 18.106.040 of this chapter for attached accessory dwelling units, Section 18.106.045 of this chapter for detached accessory dwelling units, Section 18.106.050 of this chapter for accessory dwelling unit(s) resulting from conversion of existing space in multi-family development, or Section 18.106.070 of this chapter for junior accessory dwelling units.

B. For purposes of this section:

1. A one-family development is defined as a property, site or parcel that contains one dwelling unit (other than an accessory dwelling unit), where the primary dwelling unit is detached and/or separated from any adjacent dwelling unit other than an accessory dwelling unit. A property, site or parcel containing multiple detached single-family dwellings on the same lot shall also be considered a one-family development.

2. A multi-family development is defined as building(s) or structure(s) to house more than one household within separate dwelling units, including units having attached or shared walls.

3. A development project that has both one-family and multi-family units on the same lot shall be defined as a multi-family development.

4. In a development project that has both one-family and multi-family housing types, regulations applicable to one-family developments shall apply to the one-family housing types and regulations applicable to multi-family development shall apply to multi-family housing types, irrespective of whether those one-family or multi-family units are each located on their own lot or a common parcel.

C. Subject to meeting the regulations of this section, accessory dwelling units and junior accessory dwelling units as defined in Chapter 18.08 shall be allowed on a parcel in the following quantities:

1. In one-family developments, both of the following are permitted:

a. One accessory dwelling unit in addition to the primary residential unit. The accessory dwelling unit may be attached or detached and may be the result of new construction or existing space that is converted.

b. One junior accessory dwelling.

2. In the multi-family developments, one of the following are permitted:

a. Non-habitable portions of the existing main structure are permitted to be converted to an accessory dwelling unit. A minimum of one such accessory dwelling unit is permitted. The maximum number of such accessory dwelling units shall not exceed 25 percent of the existing multi-family dwelling units located within each multi-family structure. A fraction of 0.5 or more is rounded up and a fraction that is less than 0.5 is disregarded. In development projects that have both one-family and multi-family housing types, 25 percent shall apply only to the multi-family units, and any one-family units that are within a multi-family development but are on their own parcel are subject to regulations applicable to accessory dwelling units for one-family developments. If the multi-family unit is eligible for an accessory dwelling unit, the accessory dwelling unit resulting from the conversion of space may be located in either the multi-family unit or in the one-family unit.

b. A maximum of two detached accessory dwelling units are permitted. The two accessory dwelling units may be attached to one another but must be detached from all existing structures.

D. For purposes of this section, "Statewide Exemption Accessory Dwelling Unit Standards" are: 800 square feet maximum in size, 16 feet maximum in height, and four-foot minimum setbacks from side and rear property lines.

E. The city will act on an application to create an accessory dwelling unit or junior accessory dwelling unit within 60 days from receiving a complete application if there is an existing one-family or multi-family dwelling on the lot. If the permit application to create an accessory dwelling unit or junior accessory dwelling unit is submitted with a permit application to create a new one-family dwelling, the city may delay acting on the permit application for the accessory dwelling unit or junior accessory dwelling unit until the city acts on the permit application to create the new one-family dwelling. In any case, and notwithstanding the requirements of this title, the application to create the new accessory dwelling units or junior accessory dwelling unit shall be considered without discretionary review or hearing. An application for an accessory dwelling or junior accessory dwelling unit shall include:

1. Plot plan (drawn to scale) showing the dimensions of the lot on which the accessory dwelling or junior accessory dwelling unit will be located; the location and dimensioned setbacks of all existing and proposed structures on the proposed site; any existing trees proposed to be removed; all easements; building envelopes; and parking for the project site.

2. Floor plans of the entire structure with each room dimensioned and the resulting floor area calculated. The use of each room shall be identified.

3. Elevation drawings of existing and proposed elevations, showing all relevant details of the proposed construction, including but not limited to: dimensions; materials and colors with notation demonstrating that the proposed accessory dwelling unit matches the design of the existing structure; and any other special characteristics of the project.

4. A table detailing the lot size, existing home square footage (with and without the garage), square footage of the proposed accessory dwelling unit, and the floor area ratio. If the accessory dwelling unit is for a multi-family development, the table shall include the square footages of all multi-family units within the subject multi-family structure.

F. Development standards set forth in a planned unit development or specific plan shall apply to any accessory dwelling unit that exceeds the Statewide Exemption Accessory Dwelling Unit Standards except that any such planned unit development or specific plan standard cannot be applied if it would either: (1) result in a conflict with standards set forth by the state for accessory dwelling units; or (2) preclude an accessory dwelling unit that meets the applicable requirements of state law or this chapter. (Ord. 2213 § 2, 2021; Ord. 2161 § 1, 2017; Ord. 2080 § 2, 2013; Ord. 2000 § 1, 2009; Ord. 1885 § 2, 2003)

18.106.030 Density and growth management program.

A. An accessory dwelling or junior accessory dwelling unit shall not be considered in applying the growth management program in Chapter 17.36 of this code.

B. An accessory dwelling or junior accessory dwelling unit is not considered to increase the density of the lot upon which it is located and is a residential use that is consistent with the existing general plan and zoning designation for the lot. (Ord. 2213 § 2, 2021; Ord. 2161 § 1, 2017; Ord. 2080 § 2, 2013; Ord. 1885 § 2, 2003)

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

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

A. Attached accessory dwelling units shall not exceed 16 feet in height except when the accessory dwelling unit is the result of the conversion of existing space or accessory dwelling units are proposed as part of a new planned unit development. Except for an attached accessory dwelling unit that meets the Statewide Exemption Accessory Dwelling Unit Standards in Section 18.106.020, attached accessory dwelling units shall be subject to the minimum front, rear, and side yard requirements of the main structure as identified in Chapter 18.84, including requirements prescribed in Section 18.84.100. Only in instances when complying with the front yard setback for the main structure precludes an accessory dwelling unit shall the accessory dwelling unit be permitted to encroach into the front yard setback but this encroachment shall be limited only to the extent necessary to accommodate the accessory dwelling unit. No setbacks are required for a legally existing living area that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit.

Height of the attached accessory dwelling unit is measured vertically from the average elevation of the natural grade or finished grade, whichever is lower, of the ground covered by the accessory dwelling unit to the highest point of the structure including parapet or to the coping of a flat roof, to the deck line of a mansard roof, or to the mean height between eaves and ridges for a hip, gable, or gambrel roof. Accessory dwelling units are limited to two stories. An accessory dwelling unit proposed on the second story shall not exceed 16 feet in height and shall meet the objective standards for second-story accessory dwelling units identified in Section 18.106.060(C)(2).

B. The gross floor area of an attached accessory dwelling unit shall not exceed 50 percent of the gross floor area of the existing main dwelling unit, with a maximum increase in floor area of 850 square feet if the accessory dwelling unit is a studio or one-bedroom unit or 1,000 square feet if the accessory dwelling unit is two or more bedrooms. Accessory dwelling units that result from conversion of existing space may exceed these size limits. The gross floor area of the existing main dwelling unit is to be calculated based on the size of the unit prior to the accessory dwelling unit/conversion. In no case shall this requirement necessitate an accessory dwelling unit to be less than: (1) a 150 square foot efficiency unit; (2) 850 square feet if the accessory dwelling unit is a studio or one-bedroom unit; or (3) 1,000 square feet if the accessory dwelling unit is two or more bedrooms.

C. An accessory dwelling unit that does not meet all of the Statewide Exemption Accessory Dwelling Unit Standards defined in Section 18.106.020 shall comply with applicable floor area ratio maximums, minimum open

space requirements, and any other applicable development regulations established by this section and the zoning district or planned unit development in which the property is located.

D. Except as modified by this chapter, all other regulations embodied in the zoning of the property for main dwellings shall apply to the development of attached accessory dwelling units. (Ord. 2213 § 2, 2021; Ord. 2161 § 1, 2017; Ord. 2080 § 2, 2013; Ord. 1885 § 2, 2003)

18.106.045 Standards for detached accessory dwelling units—Height limitations, setbacks, open space, and other regulations.

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

A. Detached accessory dwelling units shall not exceed 16 feet in height, except that: (1) an accessory dwelling unit that is the result of the conversion of an existing accessory structure may retain the height of the accessory structure even if the structure is greater than 16 feet; and (2) detached accessory structures greater than 16 feet in height may be proposed as part of a new planned unit development. Height for all detached accessory dwelling units is measured from the lowest grade adjacent to the structure to the highest ridge or top of the structure.

B. Where a detached accessory dwelling unit, or a portion thereof, would be constructed in exactly the same location and to exactly the same dimensions as a legal accessory structure, or is the result of the conversion of an existing accessory structure, the accessory dwelling unit may maintain the same setbacks as the existing structure, with no minimum setback required. All other detached accessory dwelling units shall be located a minimum of 4 feet from side and rear property lines, except in the case where an accessory dwelling unit exceeds 800 square feet, a 10-foot street side setback is required.

C. The gross floor area of a detached accessory dwelling unit shall not exceed 850 square feet if the accessory dwelling unit is a studio or one-bedroom unit or 1,000 square feet if the accessory dwelling unit is two or more bedrooms, except where such unit results from conversion of an existing accessory building, in which case it may exceed these size limits.

D. An accessory dwelling unit that does not meet all of the Statewide Exemption Accessory Dwelling Unit Standards defined in Section 18.106.020 shall comply with applicable floor area ratio maximums, minimum open space requirements, and any other applicable development regulations established by this section and the zoning district or planned unit development in which the property is located.

E. Except as modified by this chapter, all other regulations embodied in the zoning of the property for class I accessory structures shall apply to the development of detached accessory dwelling units on one-family residential lots and multi-family residential lots. (Ord. 2213 § 2, 2021; Ord. 2161 § 1, 2017; Ord. 2080 § 2, 2013; Ord. 1885 § 2, 2003)

18.106.050 Standards for accessory dwelling units resulting from converting existing space in multi-family developments—Height limitations, setbacks, open space, and other regulations.

Accessory dwelling units resulting from the conversion of existing space in multi-family developments shall meet the requirements in Section 18.106.060 of this chapter and the following requirements:

A. Expansions of the subject building not directly a part of the accessory dwelling unit shall be subject to the maximum height, and the minimum front, rear, and side yard requirements of the for the main structure, as applicable for the zoning district.

B. Existing space in the multi-family development that is converted to an accessory dwelling unit shall be limited to space that is not habitable space. Space that may be converted includes, but is not limited to: storage rooms, boiler rooms, passageways, attics, basements, or garages. In no case shall the conversion of space to an accessory dwelling unit result in the elimination of access necessary to maintain safe ingress or egress per the Building and Fire Code.

C. Except as modified by this chapter, all other regulations embodied in the zoning of the property for multi-family dwellings shall apply to the development of accessory dwelling units resulting from the conversion of existing space. (Ord. 2213 § 2, 2021)

18.106.060 Required standards for all accessory dwelling units.

All accessory dwelling units shall meet the following standards:

A. Only one other residential unit shall be permitted on a lot with an accessory dwelling unit. If the owner occupies the primary residential unit, the owner may rent the accessory dwelling unit to one party. If the owner occupies the accessory dwelling unit, the owner may rent the primary residential unit to one party. The owner may rent both the primary residential unit and the accessory dwelling unit together to one party who may not further sub-lease any unit(s) or portion(s) thereof. The owner shall be a signatory to any lease for the rented unit, for which the city may reasonably require a copy of to verify compliance with this chapter, and shall be the applicant for any permit issued under this chapter. Owner occupancy for the primary dwelling or the accessory dwelling unit is not required for accessory dwelling units approved between January 2020 and January 2025.

B. The accessory dwelling unit shall not be sold or held under a different legal ownership than the primary residence; nor shall the lot containing the accessory dwelling unit be subdivided.

C. In addition to the other requirements of this chapter, the following objective standards shall apply to accessory dwelling units:

1. Accessory dwelling units shall incorporate the following:

a. Architecture of an accessory dwelling unit shall match the existing architectural style of the primary residence with the use of the following building elements to the maximum extent feasible:

i. Use of the same wall material or wall, or wall material that visually appears the same as the existing primary residence, including color and texture;

ii. Use of same trim material and trim style;

iii. Use of same roof form, roofing material and roof slope to the maximum extent feasible;

iv. Use of the same window size, proportion, operation, recess or reveal, divided light pattern, and spacing distance between placement of windows;

v. Use of same railing design and material.

b. A solid fence at least six feet in height and vegetative screening/plantings of species with a mature height of at least 10 feet in height shall be located or constructed along interior side and rear property lines adjacent to the accessory dwelling unit if the accessory dwelling unit is located less than 10 feet from respective property lines. On a corner property, if the accessory dwelling unit is located less than 10 feet from respective property lines, a solid fence at least six feet in height or vegetative screening/plantings of a species with a mature height of at least 10 feet shall be located in the area between the accessory dwelling unit and the street side property line, and both a solid fence at least six feet in height and vegetative screening/planting of a species with a mature height of at least 10 feet shall be located in the area between the accessory dwelling unit and the rear property line. In no instance shall solid fencing be required in planned unit developments where open fencing is otherwise required. In no instance shall the provisions of this subsection conflict with the fence requirements identified in Chapter 18.84 of this title.

c. Exterior lighting shall be shielded, directed downward, and located only at exterior doors and if applicable, along the path of travel from the public right-of-way.

d. To the maximum extent feasible, mechanical equipment and plumbing, conduit, or cabling for utilities is not permitted on the exterior walls of the accessory dwelling unit. This requirement does not apply to meters, electrical panels, and solar installations.

2. The following standards apply to accessory dwelling units proposed as a second-story accessory dwelling unit that is consistent with this chapter:

a. Any exterior stairway proposed to serve the accessory dwelling unit shall not be visible from the public right-of-way on the frontage abutting the front yard upon completion of the construction of the accessory dwelling unit. Where the project includes planting of vegetation for screening an exterior stairway, the assessment of visibility may take into account the mature height of vegetation that has been planted but has not yet reached full maturity at completion of construction.

b. All new windows may be operable, but at least one of the following measures must be implemented for new second-story windows in an accessory dwelling unit that are 25 feet or less from a property line: (1) the proposed window of the accessory dwelling unit is positioned such that the window sill is at least five feet above finished floor; or (2) the proposed window of the accessory dwelling unit utilizes frosted or obscured glass in the glazing portion of the window.

As used in this section, frosted or obscure glass is glass which is patterned or textured such that objects, shapes, and patterns beyond the glass are not easily distinguishable.

3. No balconies or upper-story decks shall be allowed for an accessory dwelling unit, except for decorative/faux balconies without decks that match the primary dwelling structure.

4. If garage space is converted to an accessory dwelling unit, at the option of the property owner, the existing garage door(s) may either be left in place, or removed and infilled such that the wall appears integrated with rest of the home, with the same exterior wall material, building color, and trim as the primary dwelling structure.

5. With the objective of retaining the appearance of a one-family residence, the entry door to an attached accessory dwelling unit proposed on a property with a one-family development shall be located on a different façade than the door to the primary residence.

6. Additions to accessory structures of 150 square feet or less beyond the existing physical dimensions to accommodate ingress/egress to an accessory dwelling unit are allowed. Additions to accessory structures greater than 150 square feet necessitate that the proposed accessory dwelling unit meet the maximum size required by Section 18.106.045.

7. The following parking standards apply to accessory dwelling units:

a. One additional off-street parking space on the lot shall be made continuously available to the occupants of the accessory dwelling unit. Required parking may be provided as tandem, or may be located in setbacks, but not in the front yard setback unless on the driveway.

b. When a garage, carport, or covered parking structure is demolished in conjunction with construction of an accessory dwelling unit or is converted to an accessory dwelling unit, those offstreet parking spaces are not required to be replaced.

c. Parking for an accessory dwelling unit shall not be required if the accessory dwelling unit is:

i. Located within one-half mile of public transit.

ii. Located within an architecturally and historically significant historic district.

iii. Located in part of an existing primary residence or an existing accessory structure.

iv. Located in an area requiring on-street parking permits, but not offered to the occupant of the accessory dwelling unit; or

v. Located within one block of a car share vehicle.

d. Parking shall not be required if the city finds that parking is not feasible due to site topography or would create fire or life-safety conditions.

8. The square footage of the primary residence and accessory dwelling unit(s) combined cannot exceed the maximum floor area ratio requirement for the lot, except that the maximum floor area ratio may not reduce the square footage of an accessory dwelling unit to less than 800 square feet if the accessory dwelling unit is 16 feet or less in height and located at least four feet from side and rear property lines.

9. The accessory dwelling unit shall have access to at least 80 square feet of open space on the lot, except that this open space requirement may not reduce the square footage of an accessory dwelling unit to less than 800 square feet if the accessory dwelling unit is 16 feet or less in height and located at least four feet from side and rear property lines.

D. The resident owner shall install address signs that are clearly visible from the street during both daytime and evening hours and which plainly indicate that two separate units exist on the lot, as required by the fire marshal. The resident owner shall obtain the new street address for the accessory dwelling unit from the engineering department.

E. Adequate roadways, public utilities and services shall be available to serve the accessory dwelling unit. Accessory dwelling units shall not be considered new residential uses for the purposes of calculating connection fees or capacity charges for sewer and water. Installation of a separate direct connection between an accessory dwelling unit contained within an existing structure and the utility shall not be required. Accessory dwelling units not within an existing structure shall be required to install a new or separate utility connection and be charged a connection fee and/or capacity charge. These charges shall be proportionate to the burden imposed by the accessory dwelling unit on the water or sewer system based upon either its size or number of plumbing fixtures as determined by the city.

F. The owner of the lot on which an accessory dwelling unit is located shall participate in the city's monitoring program to determine rent levels of the accessory dwelling units being rented.

G. The accessory dwelling unit shall not create an adverse impact on any real property that is listed in the California Register of Historical Resources.

H. The accessory dwelling unit shall comply with other zoning and building requirements generally applicable to residential construction in the applicable zone where the property is located.

I. A restrictive covenant shall be recorded against the lot containing the accessory dwelling unit with the Alameda County recorder's office prior to the issuance of a building permit from the building division stating that:

The property contains an approved accessory dwelling unit pursuant to Chapter 18.106 of the Pleasanton Municipal Code and is subject to the restrictions and regulations set forth in that chapter. These restrictions and regulations generally address subdivision and development prohibitions, owner occupancy and lease requirements, limitations on the size of the accessory dwelling unit, parking requirements, and participation in the city's monitoring program to determine rent levels of the accessory dwelling units being rented. Current restrictions and regulations may be obtained from the city of Pleasanton planning division. These restrictions and regulations shall be binding upon any successor in ownership of the property. (Ord. 2213 § 2, 2021; Ord. 2179 § 2, 2018; Ord. 2161 § 1, 2017; Ord. 2080 § 2, 2013; Ord. 2000 § 1, 2009; Ord. 1885 § 2, 2003)

18.106.070 Required standards for all junior accessory dwelling units.

All junior accessory dwelling units shall meet the following standards:

A. The junior accessory dwelling unit shall be located entirely within the existing structure of the detached one-family residence and shall have its own separate interior and exterior entrances.

B. The junior accessory dwelling unit shall not exceed 500 square feet in area. The square footage of the primary residence and ADU combined cannot exceed the maximum floor area ratio requirement for the lot.

C. The junior accessory dwelling unit shall include an efficiency kitchen which includes a sink, cooking appliance, counter surface, and storage cabinets that meet minimum building code standards. Gas and 220v circuits shall not be allowed. The junior accessory dwelling unit may share a bathroom with the primary residence or may have its own bathroom.

D. Parking shall not be required for a junior accessory dwelling unit. When code-required parking for the primary residence's garage is eliminated and/or modified, in conjunction with the creation of a junior accessory dwelling unit, the replacement space(s) shall be located on the same lot as the primary unit. With the approval of the community development director or designee, the parking may be configured in a flexible manner so as not to burden the creation of the junior accessory dwelling unit. The location and configuration of the replacement parking is

subject to the review and approval of the director of community development, and may be located and configured in such a manner to facilitate the junior accessory dwelling unit.

E. Additional water, sewer and power connection fees shall not be required.

F. Only one other residential unit and one other accessory dwelling unit shall be permitted on a lot with a junior accessory dwelling unit. If the owner occupies the primary residential unit, the owner may rent the junior accessory dwelling unit to one party. If the owner occupies the junior accessory dwelling unit, the owner may rent the primary residential unit to one party. The owner may rent both the primary residential unit and the junior accessory dwelling unit together to one party who may not further sublease any unit(s) or portion(s) thereof. In any case, the rental period shall be longer than 30 days. The owner shall be a signatory to any lease for the rented unit, for which the city may reasonably require a copy of to verify compliance with this chapter, and shall be the applicant for any permit issued under this chapter.

G. The junior accessory dwelling unit shall not be sold or held under a different legal ownership than the primary residence, nor shall the lot containing the junior dwelling unit be subdivided.

H. The resident owner shall install address signs that are clearly visible form the street during both daytime and evening hours and which plainly indicate that two separate units exist on the lot, as required by the fire marshal. The resident owner shall obtain the new street address for the junior accessory dwelling unit form the engineering department.

I. Except as modified by this chapter, all other regulations embodied in the zoning of the property for main dwellings shall apply to the development of junior accessory units.

J. The owner of the lot on which the junior accessory dwelling unit is located shall participate in the city's monitoring program to determine rent levels of the junior accessory dwelling unit being rented.

K. The junior accessory dwelling unit shall comply with the other zoning and building requirements generally applicable to residential construction in the applicable zone where the property is located.

L. A restrictive covenant shall be recorded against the lot containing the junior accessory dwelling unit with the Alameda County recorder's office prior to the issuance of a building permit form the building division stating that:

The property contains an approved junior accessory dwelling unit pursuant to Chapter 18.106 of the Pleasanton Municipal Code and is subject to the restrictions and regulations set forth in that chapter. These restrictions and regulations generally address subdivision and development prohibitions, owner occupancy and lease requirements, limitations on the size of the junior accessory dwelling unit, parking requirements, and participation in the city's monitoring program to determine rent levels of the junior accessory dwelling unit being rented. Current restrictions and regulations may be obtained from the city of Pleasanton planning division. These restrictions and regulations shall be binding upon any successor in ownership of the property. (Ord. 2213 § 2, 2021; Ord. 2179 § 2, 2018; Ord. 2161 § 1, 2017)