

SUPPLEMENT NO. 12

INSERTION GUIDE

PLEASANTON PLANNING AND ZONING CODE

July 2014

(Covering Ordinances through 2098)

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

427	427
---	460-1
521—526	521—526
531—544	531—544
547—562-1	547—562
573—574	573—574
583—586	583—585
639—646	639—646-6
670-5—684.....	671—683

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.

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

Quality Code Publishing
7701 15th Avenue NW
Seattle, Washington 98117
1-800-328-4348
www.qcode.us

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

Title 17

PLANNING AND RELATED MATTERS

Chapters:

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

Chapter 17.26**TRANSIT INCENTIVE****Sections:****17.26.010 Purpose.****17.26.020 Requirement.****17.26.010 Purpose.**

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

17.26.020 Requirement.

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

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

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

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

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

18.12.120 Specific provisions.

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

- A. Section 18.84.050, width of corner lots;
- B. Section 18.84.060, depth of lots adjoining freeways or railroads;
- C. Section 18.84.080A, front yard setback;
- D. Section 18.84.090A, side yard setback. (Prior code § 2-11.48)

18.12.130 Controlling provisions.

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

Chapter 18.20

DESIGN REVIEW*

Sections:

- 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 with special report to the city council.)
 - 10. Exterior improvements or expansions to unreinforced masonry buildings, as defined in Section 18.08.580 of this title.
 - 11. Commercial and noncommercial towers, spires, cupolas, chimneys, penthouses, water tanks, fire towers, flagpoles, monuments, scenery lofts, and similar structures.
 - 12. Commercial and noncommercial radio and television antennas and transmission towers, personal wireless service facilities, and receive-only antennas greater than 10 feet in height.

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

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

- C. Modifications or deviations from an approved plan, if deemed substantial by the zoning administrator, shall be reviewed in accordance with the procedures for the original use or structure classification.
- D. The zoning administrator may waive review altogether or administratively process an application if a new or modified use or structure shall not be visible from any public street or area held open to the public. (Ord. 2093 § 1, 2014; Ord. 1880, 2003; Ord. 1876 § 1, 2002; Ord. 1743, 1998; Ord. 1738 § 1, 1998; Ord. 1612 § 2, 1993; Ord. 1600 § 1, 1993; Ord. 1591 § 2, 1993)

18.20.020 Powers—Duties.

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

- A. In making decisions, approve, approve with modifications or conditions, or deny an application.
- B. Require such improvements, either on or off site, which are reasonably related to the project and are in the best interests of the public health, safety, or general welfare, or which are necessary in order to mitigate adverse environmental effects disclosed in an environmental assessment, negative declaration, EIR/EIS, etc.
- C. Conform the project to the goals and policies of the general plan, and relevant specific plan, and/or the purposes and objectives of the zoning district.
- D. Prepare pamphlets for distribution describing the policies and procedures to be used by architects and builders under this chapter.
- E. Determine such application requirements as may be required to carry out its duties.
- F. Initiate and recommend to the city council amendments to the zoning ordinance in order to further the purposes of design review. (Ord. 1612 § 2, 1993; Ord. 1591 § 2, 1993)

18.20.030 Scope of review—Criteria.

- A. The planning commission or zoning administrator shall review site plans, landscape plans, building architecture and such other plans and reports (grading plans, EIR/negative declarations, etc.) as may be required to preserve and enhance the city's aesthetic values and ensure the preservation of the public health, safety and general welfare. The planning commission and zoning administrator review of project plans shall include, but not be limited to, the following:
 1. Preservation of the natural beauty of the city and the project site's relationship to it;
 2. Appropriate relationship of the proposed building to its site, including transition with streetscape, public views of the buildings, and scale of buildings within its site and adjoining buildings;
 3. Appropriate relationship of the proposed building and its site to adjoining areas, including compatibility of architectural styles, harmony in adjoining buildings, attractive landscape transitions, and consistency with neighborhood character;
 4. Preservation of views enjoyed by residents, workers within the city, and passersby through the community;
 5. Landscaping designed to enhance architectural features, strengthen vistas, provide shade, and conform to established streetscape;
 6. Relationship of exterior lighting to its surroundings and to the building and adjoining landscape;
 7. Architectural style, as a function of its quality of design and relationship to its surroundings; the relationship of building components to one another/the building's colors and materials; and the design attention given to mechanical equipment or other utility hardware on roof, ground or buildings;
 8. Integration of signs as part of the architectural concept; and

9. Architectural concept of miscellaneous structures, street furniture, public art in relationship to the site and landscape. (Ord. 1612 § 2, 1993; Ord. 1591 § 2, 1993)

18.20.040 Procedures.

- A. An applicant for a project requiring planning commission design review shall submit to the zoning administrator a site plan, exterior elevations, landscape plans, and such plans, reports and other data as may be required by the planning commission in evaluating the proposed project. The zoning administrator shall refer all applications to the planning commission. The planning commission shall consider and render a decision within the time frames established by law for decision making on projects.
- B. An applicant for a project requiring design review by the zoning administrator shall submit a site plan and/or architectural drawings or sketches showing building elevations and/or details of the structure, or other such plans, reports, or data as may be required by the zoning administrator to evaluate each project.
 1. For those classes of projects described in Sections 18.20.010(B)(7), (B)(8), and (B)(9) of this chapter, the zoning administrator shall approve, conditionally approve, or disapprove the application in accordance with the purposes of this chapter. No notice shall be given prior to the zoning administrator's action on these classes of projects.
 2. For those classes of projects described in Sections 18.20.010(B)(1) through (B)(6), (B)(12), and (B)(13) of this chapter, the zoning administrator shall send notice of the applications to the surrounding property owners. The zoning administrator shall determine the area within which property owners are to be notified by mail. If within seven days of mailing such notice, the zoning administrator receives a request for a hearing, the zoning administrator shall schedule an administrative hearing within seven days. Either administratively, if no hearing is requested, or after conducting the administrative hearing, the zoning administrator shall approve, conditionally approve, or disapprove the application in accordance with the purposes of this chapter.
 3. For that class of project described in Section 18.20.010(B)(14) of this chapter, the zoning administrator shall send notice of the application to surrounding property owners within 1,000 feet of the project site. If within seven days of mailing such notice, the zoning administrator receives a request for a hearing, the zoning administrator shall schedule an administrative hearing within the time frame established by law for decision making on projects. Either administratively, if no hearing is requested, or after the administrative hearings, the zoning administrator shall approve, conditionally approve, or disapprove the application in accordance with the purposes of this chapter.
 4. Projects.
 - a. Minor Projects. For those classes of projects described in Section 18.20.010(B)(10) of this chapter determined by the zoning administrator to be minor in nature, the zoning administrator shall approve, conditionally approve, or disapprove the application in accordance with the purposes of this chapter. No notice shall be given prior to the zoning administrator's action on these classes of projects.
 - b. Substantial Projects. For those classes of projects described in Section 18.20.010(B)(10) of this chapter determined by the zoning administrator to be substantial in nature, the zoning administrator shall send a notice of the application to the surrounding property owners. The zoning administrator shall determine the area within which property owners are to be notified by mail. If within seven days of mailing such notice the zoning administrator receives a request for a hearing, the zoning administrator shall schedule a public hearing at the next available city council meeting. The city council after conducting the hearing shall approve, conditionally approve, or disapprove the application in accordance with the purposes of this chapter.

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

- C. For those projects which are judged by the zoning administrator to involve complex design issues or which may be of a sensitive or controversial nature, the zoning administrator shall refer the plans to a licensed design professional for review and comment. The zoning administrator shall maintain a list of qualified design consultants who

agree not to do any professional work in Pleasanton. Upon making a determination that such review is required, the zoning administrator shall refer the plans to one of the design consultants within one week of receiving a completed application. The design professional shall comment on the design of the proposal, attend staff meetings, and attend public hearings as deemed necessary by the zoning administrator. The cost of the consultant services shall be borne by the applicant.

- D. The zoning administrator may use the voluntary services of licensed design professionals on minor design review applications where necessary to resolve design issues. Design professionals who provide only voluntary services are not restricted from doing other professional work in Pleasanton.
- E. If determined to be necessary by the zoning administrator or planning commission, an applicant for a new house within the Downtown Specific Plan Area or a two-story addition to an existing house within the Downtown Specific Plan Area shall install story poles depicting the height and mass of the proposed house or addition subject to the satisfaction of the zoning administrator or planning commission. Unless otherwise directed by the zoning administrator or planning commission, the story poles shall be installed by the applicant prior to public noticing and shall remain in place until the project has been acted upon. (Ord. 2088 § 2, 2014; Ord. 2019 § 1, 2011; Ord. 1880, 2003; Ord. 1743, 1998; Ord. 1612 § 2, 1994; Ord. 1591 § 2, 1993)

18.20.050 Effective date of decision.

- A. Within five days of the date of the planning commission's decision approving or conditionally approving a project, the secretary shall transmit written notice of the decision to the city council and the applicant. Unless a timely appeal is filed as provided in Section 18.20.060 of this chapter, or unless the city council elects to review the decision of the commission, the decision shall be effective on the later of the following:
 - 1. The day following the first meeting of the council after the council has received notice of the decision; or
 - 2. The day after the expiration of the appeal period.
- B. Within five days of the date of the zoning administrator's decision approving or conditionally approving drawings, the secretary shall transmit written notice of the decision to the planning commission, city council, and the applicant. Unless a timely appeal is filed as provided in Section 18.20.060 of this chapter, or unless the planning commission and/or the city council elects to review the decision of the zoning administrator, the decision shall be effective on the later of the following:
 - 1. The day following the first meeting of the council after the council has received notice of the decision; or
 - 2. The day after the expiration of the appeal period.
- C. Unless a timely appeal is filed as provided in Section 18.20.060 of this chapter, the decision of the zoning administrator shall be effective at the expiration of the appeal period. (Ord. 1612 § 2, 1994; Ord. 1591 § 2, 1993)

18.20.060 Appeals.

- A. Any appeal pursuant to this action shall follow the procedures outlined in Section 18.144.020 of this title.
- B. Any aggrieved party and/or any member of the city council may appeal any decision of the planning commission to the city council.
- C. Any aggrieved party may appeal an action of the zoning administrator to the planning commission, except for zoning administrator actions on improvements or expansions to unreinforced masonry (URM) buildings, which shall be taken directly to the city council on appeal. Any appeal to the planning commission may be further appealed to the city council. Any member of the planning commission and/or city council may appeal an action of the zoning administrator to the planning commission or the city council, respectively, except for zoning administrator actions on improvements or expansions to unreinforced masonry (URM) buildings, which shall be taken directly to the city council on appeal. Appeals to the planning commission or council shall be governed by this title as if the appeal of the zoning administrator's action were a new application before the commission or council. (Ord. 1612 § 2, 1993; Ord. 1591 § 2, 1993)

18.20.070 Lapse of approval.

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

- J. Employee housing (agricultural) that complies with California Health and Safety Code Section 17008, 17021.5 or 17021.6 (depending on the number of employees accommodated) and the other applicable provisions of the Employees Housing Act at California Health and Safety Code Section 17000 et seq., and to include a residential safety management plan;
- K. Supportive housing that provides shelter for six or fewer persons in a dwelling unit, subject to the provisions of Chapter 18.107;
- L. Transitional housing that provides shelter for six or fewer persons in a dwelling unit, subject to the provisions of Chapter 18.107. (Ord. 2062 § 2, 2013; Ord. 2061 § 2, 2013; Ord. 1885 § 2, 2003; Ord. 1880, 2003; Ord. 1126 § 3, 1984; prior code § 2-6.02)

18.28.040 Conditional uses.

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

- A. Accessory structures and uses located on the same site as a conditional use and the following accessory structures and uses located on the same site as a permitted use or a conditional use that has been granted a use permit:
 - 1. Medium electricity generator facilities that meet the applicable standards of Section 18.124.290 of this title.
 - 2. Medium fuel cell facilities that meet the applicable standards of Section 18.124.290 of this title.
 - 3. Wind energy facilities that meet the following criteria:
 - a. The facilities shall not exceed a noise level of 45 dBA at any point on any residentially zoned property outside of the property plane where the facilities are located;
 - b. The design of the facilities shall be streamlined (without ladders and extra appurtenances) to discourage birds from roosting on the facilities;
 - c. Facilities on hillsides or ridges shall not be visible from a public right-of-way.
- B. Agriculture processing plants.
- C. Airports and heliports.
- D. Animal sales yards.
- E. Apiaries.
- F. Automobile and motorcycle racing stadiums and drag strips.
- G. Cemeteries, crematories, and columbariums.
- H. Charitable institutions and social service and social welfare centers.
- I. Churches, convents, monasteries, parish houses, parsonages, and other religious institutions.
- J. Commercial kennels.
- K. Commercial and private recreation facilities.
- L. Dairies and processing of dairy products.
- M. Drive-in theaters.
- N. Fertilizer plants and yards.
- O. Firearm sales at a rifle or pistol range.
- P. Garbage and refuse incineration.
- Q. Gas and oil wells.
- R. Golf courses and golf driving ranges.
- S. Guest ranches.
- T. Hog and livestock raising, not including feedlots where more than 50 percent of the feed is imported.

18.28.045

- U. Hospitals.
- V. Large family daycare homes in accordance with the provisions of Chapter 18.124, Article II of this title.
- W. Nursery schools.
- X. Nursing homes, senior care/assisted living facilities, and sanitariums.
- Y. Poultry raising, egg processing, and hatcheries.
- Z. Private schools.
- AA. Public utility and public service facilities including pumping stations, power transmission stations, power distribution stations, equipment buildings, service yards, drainageways and structures, water reservoirs, percolation basins, well fields, storage tanks, and railroad facilities. These facilities must be found by the planning commission to be necessary for the public health, safety, or welfare.
- BB. Rabbit raising.
- CC. Recreational vehicle storage facilities.
- DD. Riding academies and stables.
- EE. Rifle and pistol ranges.
- FF. Roadside stands for the sale of agricultural produce grown on the site.
- GG. Sanitary landfill operations.
- HH. Veterinarians' offices.
- II. Wineries, winery sales and tasting rooms.
- JJ. Wood sales and storage yards for unmilled lumber. (Ord. 2086 § 2, 2014; Ord. 2062 § 2, 2013; Ord. 1880, 2003; Ord. 1743, 1998; Ord. 1738 § 1, 1998; Ord. 1157 § 1, 1984; Ord. 1126 § 4, 1984; prior code § 2-6.03)

18.28.045 Prohibited uses.

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

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

18.28.050 Off-street parking.

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

18.28.060 Off-street loading.

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

18.28.070 Signs.

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

18.28.080 Design review.

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

Chapter 18.32

R-1 ONE-FAMILY RESIDENTIAL DISTRICTS

Sections:

- 18.32.010 Purpose.**
- 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. Second units meeting the requirements in Chapter 18.106 of this title.
- I. Employee housing (agricultural) that complies with California Health and Safety Code Sections 17008, 17021.5 and the other applicable provisions of the Employee Housing Act at California Health and Safety Code Sections 17000 et seq., and to include a residential safety management plan.
- J. Supportive housing that provides shelter for six or fewer persons in a dwelling unit, subject to the provisions of Chapter 18.107.
- K. Transitional housing that provides shelter for six or fewer persons in a dwelling unit, subject to the provisions of Chapter 18.107. (Ord. 2062 § 2, 2013; Ord. 2061 § 2, 2013; Ord. 1930 § 1, 2006; Ord. 1885 § 2, 2003; Ord. 1880, 2003; Ord. 1636 § 3, 1994; Ord. 1126 § 5, 1984; prior code § 2-6.13)

18.32.040 Conditional uses.

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

- A. Agriculture for commercial purposes limited to the raising of fruits, nuts, vegetables, horticultural specialties, and related facilities and structures.
- B. Charitable institutions.
- C. Churches, convents, monasteries, parish houses, parsonages and other religious institutions.
- D. Golf courses.
- E. Nursery schools.
- F. Nursing homes and senior care/assisted living facilities for not more than three patients.
- G. Private recreation parks and swim clubs.
- H. Private nonprofit schools.
- I. Public utility and public service facilities including pumping stations, power transmission stations, power distribution stations, equipment buildings, service yards, drainageways and structures, water reservoirs, percolation basins, well fields, and storage tanks. These facilities must be found by the planning commission to be necessary for the public health, safety, or welfare.
- J. Accessory structures and uses located on the same site as a conditional use and the following accessory structures and uses located on the same site as a permitted use or a conditional use that has been granted a use permit:

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

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

- K. Home occupations conducted in accord with the regulations prescribed in Chapter 18.104 of this title.
- L. Rabbit or fowl raising (including more than six female chickens) consistent with the provisions of Section 7.36.010 of this code.
- M. Any grading requiring a permit by Section 7006 of the building code of the city on property having a “weighted incremental slope,” as defined in Chapter 18.76 of this title, of 10 percent or greater. This subsection shall not apply to any recorded lot or to any property on which an approved tentative map exists at the effective date hereof.
- N. Large family daycare homes in accordance with Chapter 18.124, Article II of this title.
- O. Skateboard ramps.
- P. Small bed and breakfasts in accordance with Chapter 18.124, Article III of this title.
- Q. Employee housing (agricultural) that complies with California Health and Safety Code Sections 17008, 17021.6 and the other applicable provisions of the Employee Housing Act at California Health and Safety Code Section 17000 et seq., and to include a residential safety management plan. (Ord. 2086 § 2, 2014; Ord. 2062 § 2, 2013; Ord. 1930 § 1, 2006; Ord. 1885 § 2, 2003; Ord. 1880, 2003; Ord. 1812, 2000; Ord. 1743, 1998; Ord. 1690 § 3, 1996; Ord. 1636 § 4, 1994; Ord. 1238 § 3, 1986; Ord. 1126 § 6, 1984; prior code § 2-6.14)

18.32.045 Temporary conditional uses.

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

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

18.32.050 Prohibited uses.

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

- A. Any use not specifically or conditionally permitted by this chapter, unless a determination is made under Chapter 18.128 of this title.
- B. Barbed wire fences or any fence which has attached to it, for purposes of prohibiting people or animals from climbing the same, barbed wire regardless of type, with the following exceptions:
 - 1. Where this title specifically allows for the keeping of horses,
 - 2. Where property, although zoned for residential use, has not yet developed pursuant to that zoning and, thus, a great deal of open acreage still remains and is used for the keeping of horses and other animals included in the agricultural district, such usage becoming nonconforming as a result in change in zoning.
- C. Gunsmiths.
- D. Firearm sales.
- E. Any process, equipment or material which has been determined by the planning commission to be detrimental or harmful to the public health, safety or welfare or injurious to property. This determination shall be made at a public hearing set and noticed pursuant to Section 18.12.040 of this title and shall be subject to review by or appeal to the city council as set forth in Section 18.124.090 of this title. (Ord. 1880, 2003; Ord. 1738 § 1, 1998; prior code § 2-6.12(a))

18.32.060 Off-street parking.

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

18.32.070 Off-street loading.

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

18.32.080 Signs.

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

18.32.090 Design review.

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

Chapter 18.36

RM MULTI-FAMILY RESIDENTIAL DISTRICTS

Sections:

- 18.36.010 Purpose.**
- 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. Second units meeting the requirements in Chapter 18.106 of this title.
- I. Employee housing (agricultural) that complies with California Health and Safety Code Sections 17008, 17021.5 and the other applicable provisions of the Employee Housing Act at California Health and Safety Code Section 17000 et seq., and to include a residential safety management plan.
- J. Supportive housing, subject to the provisions of Chapter 18.107.
- K. Transitional housing, subject to the provisions of Chapter 18.107. (Ord. 2086 § 2, 2014; Ord. 2062 § 2, 2013; Ord. 2061 § 2, 2013; Ord. 1885 § 2, 2003; Ord. 1880, 2003; Ord. 1743, 1998; Ord. 1636 § 5, 1994; Ord. 1126 § 7, 1984; prior code § 2-6.24)

18.36.040 Conditional uses.

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

- A. Charitable institutions.
- B. Churches, convents, monasteries, parish houses, parsonages and other religious institutions.
- C. Golf courses.
- D. Hospitals and sanitariums, not including hospitals and sanitariums for mental, drug addict or liquor addict cases.
- E. Lodging houses.
- F. In the RM-1,500 district only, motels.
- G. Nursery schools.
- H. Private recreation parks and swim clubs.
- I. Private schools, tutorial schools, and colleges, not including art, craft, music, dancing, business, professional or trade schools or colleges.
- J. Private noncommercial clubs and lodges, not including hiring halls.
- K. Public utility and public service facilities including pumping stations, power transmission stations, power distribution stations, equipment buildings, service yards, drainageways and structures, water reservoirs, percolation basins, well fields, and storage tanks. These facilities must be found by the planning commission to be necessary for the public health, safety, or welfare.
- L. Trailer parks in accord with the regulations prescribed in Chapter 18.108 of this title.
- M. Accessory structures and uses located on the same site as a conditional use and the following accessory structures and uses located on the same site as a permitted use or a conditional use that has been granted a use permit:

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

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

- N. Home occupations conducted in accord with the regulations prescribed in Chapter 18.104 of this title.
- O. Large family daycare homes in accordance with the provisions of Chapter 18.124, Article II of this title.
- P. Small bed and breakfasts and bed and breakfast inns in accordance with provisions of Chapter 18.124 of this title. (Ord. 2086 § 2, 2014; Ord. 1885 § 2, 2003; Ord. 1880, 2003; Ord. 1812, 2000; Ord. 1743, 1998; Ord. 1690 § 4, 1996; Ord. 1636 § 6, 1994; Ord. 1153 §§ 1, 2, 1984; Ord. 1126 § 8, 1984; prior code § 2-6.25)

18.36.045 Temporary conditional uses.

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

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

18.36.050 Prohibited uses.

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

- A. Any use not specifically or conditionally permitted by this chapter, unless a determination is made under Chapter 18.128 of this title.
- B. Barbed wire fences or any fence which has attached to it, for purposes of prohibiting people or animals from climbing the same, barbed wire regardless of type, with the following exceptions:

18.36.060

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

C. Gunsmiths.

D. Firearm sales.

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

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

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

18.36.070 Underground utilities.

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

18.36.080 Off-street parking.

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

18.36.090 Off-street loading.

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

18.36.095 Transit incentive.

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

18.36.100 Signs.

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

18.36.110 Design review.

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

Chapter 18.40

O OFFICE DISTRICT

Sections:

- 18.40.010 Purpose.**
- 18.40.020 Required conditions.**
- 18.40.030 Permitted uses.**
- 18.40.040 Conditional uses.**
- 18.40.050 Prohibited uses.**
- 18.40.060 Underground utilities.**
- 18.40.070 Off-street parking.**
- 18.40.080 Off-street loading.**
- 18.40.090 Signs.**
- 18.40.100 Design review.**

18.40.010 Purpose.

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

- A. To provide opportunities for offices of a semicommercial character to locate outside of commercial districts;
- B. To establish and maintain in portions of the city the high standards of site planning, architecture and landscape design sought by many business and professional offices;
- C. To provide adequate space to meet the needs of modern offices, including off-street parking of automobiles and, where appropriate, off-street loading of trucks;
- D. To provide space for semipublic facilities and institutions that appropriately may be located in office districts;
- E. To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the amount of land around them;
- F. To protect offices from the noise, disturbance, traffic hazards, safety hazards, and other objectionable influences incidental to certain commercial uses;
- G. To protect offices from fire, explosion, noxious fumes and other hazards. (Prior code § 2-6.35)

18.40.020 Required conditions.

- A. All uses shall comply with the regulations prescribed in Chapter 18.84 of this title;
- B. All professional pursuits and businesses shall be conducted entirely within a completely enclosed structure, except for off-street parking and loading areas;
- C. No use shall be permitted, and no process, equipment or material shall be employed which is found by the planning commission to be objectionable to persons residing or working in the vicinity or injurious to property located in the vicinity by reason of odor, insect nuisance, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare, unsightliness or truck traffic, or to involve any hazard of fire or explosion. (Prior code § 2-6.36)

18.40.030 Permitted uses.

The following uses shall be permitted in the O district:

- A. Offices of the following types:
 - 1. Administrative headquarters and executive offices.

2. Business offices, including wholesaling establishments without stock, and not including the retail sale of any commodity on the premises.
 3. Business service offices, including employment agencies, accountants, notaries, stenographic, addressing, computing, and related services.
 4. Consulting service offices, business and professional.
 5. Design professions offices not including retail sales on the premises.
 6. Insurance offices.
 7. Investment service offices.
 8. Legal service offices.
 9. Massage establishments where three or fewer massage technicians provide massage services at any one time. Massage establishments shall meet the requirements of Chapter 6.24.
 10. Medical, dental and related health services offices, including laboratories rendering services only and not involving the manufacture, fabrication or sale of any article or commodity other than those incidental to the services provided.
 11. Public utility consumer service offices.
 12. Real estate, title company, and related service offices.
 13. Research service offices, analytical and scientific, not involving the manufacture, fabrication, procession or sale of products on the premises.
 14. Travel agencies.
- B. Prescription pharmacies, provided that at least 80 percent of the interior display area shall be used for the preparation and sale of prescription or trade drugs.
- C. Charitable institutions.
- D. Churches and other religious institutions.
- E. Private noncommercial clubs and lodges.
- F. Mortuaries.
- G. Nursing homes and senior care/assisted living facilities.
- H. Parking facilities improved in conformity with the standards prescribed in Chapter 18.88 of this title relating to standards for off-street parking facilities.
- I. Any other use which is determined by the planning commission, as provided in Chapter 18.128 of this title, to be similar to the uses listed in this section.
- J. Accessory structures and uses located on the same site as a permitted use and the following accessory structures and uses located on the same site with a permitted use or with a conditional use which has been granted a use permit in accord with the provisions of Chapter 18.124 of this title:
1. Emergency standby electricity generator, fuel cell, and/or battery facilities provided that the facilities shall be tested from 8:00 a.m. to 5:00 p.m. Monday through Friday or from 10:00 a.m. to 12:00 noon on Saturday or Sunday only; the facilities shall not be tested for more than one hour during any day, and no testing shall be on "Spare the Air Days" in Alameda County.
 2. Photovoltaic facilities.
 3. Small electricity generator facilities that meet the following criteria:
 - a. The fuel source for the generators shall be natural gas, biodiesel, or the byproduct of an approved co-generation or combined cycle facility;
 - b. The facilities shall use the best available control technology to reduce air pollution;

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

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

- K. Financial institutions including banks, savings and loan associations, finance companies, credit unions and related services.
- L. Private schools, tutorial schools, and colleges, including music and dance studios not less than 150 feet from an R district with no more than 20 students in the private school, tutorial school, college, music studio, or dance studio, at any one time shall be permitted uses subject to the following conditions:
 - 1. The facility shall adhere to all occupancy, ADA, California Building Code, and exiting requirements;
 - 2. The zoning administrator finds that adequate parking is available for such use.

The standard city noise ordinance applies. (Ord. 2086 § 2, 2014; Ord. 1995 § 2, 2009; Ord. 1950 § 2 (Exh. A), 2007; Ord. 1880, 2003; Ord. 1743, 1998; Ord. 1726 § 1, 1997; Ord. 1668 § 1, 1995; prior code § 2-6.37)

18.40.040 Conditional uses.

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

- A. Hospitals and sanitariums, not including hospitals or sanitariums for mental, drug addict or liquor addict cases.
- B. Restaurants, including on-sale liquor and soda fountains, not including drive-in establishments or establishments providing entertainment.
- C. Private schools, tutorial schools, and colleges, including music and dance studios not less than 150 feet from an R district which cannot meet the criteria for private schools, tutorial schools, colleges, music studios, and dance studios as written in Section 18.40.030.
- D. Public utility and public service facilities including pumping stations, power transmission stations, power distribution stations, equipment buildings, service yards, drainageways and structures, water reservoirs, percolation basins, well fields, and storage tanks. These facilities must be found by the planning commission to be necessary for the public health, safety, or welfare.
- E. Accessory structures and uses located on the same site as a conditional use and the following accessory structures and uses located on the same site as a permitted use or a conditional use that has been granted a use permit:

18.40.050

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

F. Barbershops.

G. Massage establishments where four or more massage technicians provide massage services at any one time. Massage establishments shall meet the requirements of Chapter 6.24. (Ord. 2086 § 2, 2014; Ord. 1995 § 2, 2009; Ord. 1950 § 2 (Exh. A), 2007; Ord. 1880, 2003; Ord. 1743, 1998; Ord. 1726 § 1, 1997; Ord. 1668 § 1, 1995; prior code § 2-6.38)

18.40.050 Prohibited uses.

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

- A. Any use not specifically or conditionally permitted by this chapter, unless a determination is made under Chapter 18.128 of this title.
- B. Firearm sales. (Ord. 1880, 2003; Ord. 1738 § 1, 1998)

18.40.060 Underground utilities.

Electric and communication service wires to a new structure shall be placed underground from the nearest utility pole. If the city engineer finds, upon application by the property owner, that compliance is not feasible or economically justifiable, he or she shall permit different service arrangements. The property owner shall comply with the requirements of this section without expense to the city and shall make the necessary arrangements with the public utility involved. (Ord. 2000 § 1, 2009; Ord. 1738 § 1, 1998; prior code § 2-6.39)

18.40.070 Off-street parking.

Off-street parking facilities shall be provided for each use in the O district as prescribed in Chapter 18.88 of this title. (Ord. 1738 § 1, 1998; prior code § 2-6.40)

18.40.080 Off-street loading.

Off-street loading facilities shall be provided for each use as prescribed in Chapter 18.92 of this title. (Ord. 1738 § 1, 1998; prior code § 2-6.41)

18.40.090 Signs.

No sign, outdoor advertising structure or display of any character shall be permitted in the O district except as prescribed in Chapter 18.96 of this title. (Ord. 1738 § 1, 1998; prior code § 2-6.42)

18.40.100 Design review.

All permitted and conditional uses in the O district shall be subject to design review as prescribed in Chapter 18.20 of this title. Applicants are advised to confer with the zoning administrator before preparing detailed plans. (Ord. 1738 § 1, 1998; prior code § 2-6.43)

1. Certain uses which by their nature require and ordinarily include outdoor activities (whether services, processes, display, or whatever) may conduct aspects of the business outside of a completely enclosed structure. Such uses include the following and such other similar uses as determined by the zoning administrator:
 - a. Service stations.
 - b. Outdoor dining areas as part of a restaurant.
 - c. Nurseries.
 - d. Garden shops.
 - e. Christmas tree sales lots.
 - f. Lumberyards.
 - g. Utility substations and equipment installations.
 - h. Amusement parks.
 - i. Auto sales, rental, or leasing.
 - j. Boat sales.
 - k. Drive-in theaters.
 - l. Outdoor art and craft shows.
 - m. Outdoor recreation and sports facilities.
 - n. Equipment rental yards.
 - o. Drive-in restaurants.
 - p. Stone and monument yards.
 - q. Commercial storage yards.
 - r. Mobilehome sales.
 - s. Truck and trailer sales.
 - t. Special downtown accessory entertainment uses. The uses listed in subsections (B)(1)(a) through (s) shall require design review and/or use permit approval pursuant to the procedures of this title. Special downtown accessory entertainment uses may require use permit approval pursuant to the procedures of this title, and/or design review approval if exterior changes are proposed.
 2. Temporary outdoor uses may be permitted pursuant to Section 18.116.040 of this title.
 3. Outdoor decorative displays for the purpose of enhancing the appearance of a structure or site, occupying no more than 50 square feet and not located in a public right-of-way or in any required parking area, will be allowed by the zoning administrator upon making the finding that such displays are not detrimental to the public health, safety or general welfare. Such displays shall not contain signing (unless they are submitted as a sign). The zoning administrator's decision with regard to what constitutes a decorative display may be appealed to the planning commission by the affected merchant or property owner. The requirements of Section 18.144.030 of this title shall not govern such an appeal.
- C. In a C-N district all products produced on the site of any of the permitted uses shall be sold primarily at retail on the site where produced.
- D. No use shall be permitted, and no process, equipment, or material shall be employed which is found by the planning commission to be objectionable to persons residing or working in the vicinity or injurious to property located in the vicinity by reason of odor, insect nuisance, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare, unsightliness, or heavy truck traffic, or to involve any hazard of fire or explosion. No exterior illumination closer than 200 feet to the boundaries of a site or interior illumination closer than 10 feet to a window within 200 feet of the boundary of a site and visible beyond the boundary of a site, whether related to a sign or not, shall exceed the intensity permitted by Chapter 18.96 of this title regarding illumination. (Ord. 2055 § 2, 2012; Ord. 1656 § 1, 1995; Ord. 1104 § 1, 1983; prior code § 2-7.07)

18.44.090 Permitted and conditional uses.

- A. Permitted and conditional uses in a Cdistrict are provided in Table 18.44.090 at the end of this section.
- B. Multi-family dwellings shall be permitted in the C-C district provided that there shall be not less than 1,000 square feet of site area per dwelling unit, and provided that dwelling units not located above a permitted nonresidential use shall be subjected to the requirements for usable open space per dwelling unit of the RM-1,500 district.

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

Table 18.44.090

PERMITTED AND CONDITIONAL USES

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

	CR*(m)	CR**(p)	CN	CC	CS	CF	CA
d. The facilities shall not exceed a noise level of 45 dBA at any point on a residentially zoned property outside of the property plane where the facilities are located							
e. On a site with fuel cell facilities, small electricity generator facilities shall not be permitted unless the aggregate wattage of the two facilities is less than one megawatt. If the aggregate wattage of the two facilities is one megawatt or greater, the small electricity generator facilities shall be subject to all requirements and processes prescribed in this title for medium or large electricity generator facilities, whichever is the most applicable, in the subject zoning district							
f. The facilities shall be cogeneration or combined cycle facilities, if feasible	P	P	P	P	P	P	P
4. Small fuel cell facilities that meet the following criteria:							
a. The facilities shall not create any objectionable odors at any point outside of the property plane where the facilities are located							
b. The fuel cell facilities shall not exceed a noise level of 45 dBA at any point on any residentially zoned property outside of the property plane where the facilities are located							
c. On a site with electricity generator facilities, small fuel cell facilities shall not be permitted unless the aggregate wattage of the two facilities is less than one megawatt. If the aggregate wattage of the two facilities is one megawatt or greater, the small fuel cell facilities shall be subject to all requirements and processes prescribed in this title for medium or large fuel cell facilities, whichever is the most applicable, in the applicable subject district							
Small fuel cell facilities are encouraged to be cogeneration or combined cycle facilities	P	P	P	P	P	P	P
Accessory uses and structures, not including warehouses, located on the same site as a permitted use and the following accessory structures and uses located on the same site with a permitted use or with a conditional use which has been granted a use permit in accordance with the provision of Chapter 18.124 of this title:							
5. Special downtown accessory entertainment uses, as defined in Chapter 18.08 of this title:				P			

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

	CR*(m)	CR**(p)	CN	CC	CS	CF	CA
1. Medium electricity generator facilities that meet the applicable standards of Section 18.124.290 of this title	C	C	C	C	C	C	C
2. Medium fuel cell facilities that meet the applicable standards of Section 18.124.290 of this title	C	C	C	C	C	C	C
Adult entertainment establishments (see Chapter 18.114 of this title)	P	P		P	P		
Ambulance services				C	P		
Amusement parks					C		
Antique stores, no firearm sales				P			
Antique stores with sales of antique firearms				C			
Appliance sales and repair, provided repair services shall be incidental to retail sales	P	P		P	P		
Art galleries and artists' supply stores	P	P	P	P			
Auction rooms				C	C	C	
Automobile racing stadiums and drag strips					C		
Automobile rental, sales and/or leasing; no service	P			P	C	C	P
Automobile repairing, overhauling and painting		C			C		P
Automobile sales and service including new and used car sales		P			C	C	P
Automobile supply stores, no service or shop work	P	P	C	P	P		P
Automobile upholstery and top shops						C	P
Barbershops and beauty shops	P	P	P	P			
Bars and brew pubs, as defined in Chapter 18.08 of this title	C	C		C		C	
Basement storage, as defined in Section 18.08.057, that meet all of the following criteria:				P			
1. Basement storage shall be limited to the central commercial (C-C) zoning district within the downtown specific plan area and limited to commercial buildings only							
2. Basement storage shall be limited to nontoxic, nonhazardous materials only. It is the responsibility of the storage space operator to prepare a list of prohibited storage items, to have the list approved by the Livermore-Pleasanton fire department, and to require all storage space users to agree in writing that no items on the list or other hazardous materials will be stored. The storage space shall be used for storage only and no other activities and/or uses are allowed							
3. Prior to allowing basement storage, the building owner shall contact the building and safety division and fire department to ensure that the basement meets applicable building and fire codes. If required, the building owner and/or responsible party shall secure all applicable permits and/or make any required changes to the							

	CR*(m)	CR**(p)	CN	CC	CS	CF	CA
basement space to ensure the space meets current code standards for fire, safety, and accessibility							
4. The hours of access for basement storage use shall be: Monday through Friday from 6:00 a.m. to 10:00 p.m. and Saturday and Sunday from 10:00 a.m. to 6:00 p.m. only							
5. One parking space per on-site storage employee and one parking space for storage customers. This parking requirement is in addition to the parking required for other uses on-site							
6. Prior to allowing and/or renting space for basement storage, the property owner and/or responsible party shall submit a zoning certificate application and secure a business license. The zoning certificate application shall be accompanied by a narrative that describes the type of storage proposed, where parking will be allowed, and the use(s) of the building and shall include a site plan and basement storage floor plan that clearly defines, but is not limited to, the following:							
a. The defined area(s) and square-footage in which storage will take place							
b. How the individual storage areas will be delineated (e.g., cages, walls, etc.)							
c. Access and ADA accessibility							
Beauty shops including massage services of four or more massage technicians at any one time. Massage establishments within a beauty shop shall meet the requirements of Chapter 6.24	C	C	C	C			
Beauty shops or beauty shops including massage services of three or fewer massage technicians at any one time. Massage establishments within a beauty shop shall meet the requirements of Chapter 6.24	P	P	P	P			
Bed and breakfast inns				C			
Bicycle shops	P	P	P	P	P		
Birthing center				C			
Blacksmiths' shops, not less than 300 feet from an R or O district				C	C		
Boat sales, service and repair					C	C	P
Boat sales, no service or repair	P				P		
Bookbinding					C	C	
Bookstores and rental libraries	P	P	P	P			
Bottling works					C		
Bowling alleys	P	C		C	C		
Building materials sales		C			C		
Bus depots, provided buses shall not be stored on-site and no repair work shall be conducted on-site		P		P	P	P	
Candy stores	P	P	P	P			

	CR*(m)	CR**(p)	CN	CC	CS	CF	CA
Carpet, drapery and floor-covering stores	P	P	C	P	P		
Carpet and rug cleaning and dyeing					C		
Catalog stores, no firearm sales	P	P		P			
Catalog stores with firearm sales	C	C		C	C		
Catering establishments	P	P	P	P	P		
Charitable institutions and operations, including, but not limited to, lodging houses or dormitories providing temporary quarters for transient persons, organizations devoted to collecting or salvaging new or used materials, or organizations devoted principally to distributing food, clothing and other similar charitable operations				C	C		
Childcare centers provided that state-mandated outdoor play areas face new or existing landscaping sufficient to buffer the play area from view, are separated from customer parking areas by a heavy wood fence or comparable barrier, are isolated from loading docks and associated delivery truck circulation areas, and contain landscaping for outdoor children’s activities	C	C	C				
Christmas tree sales lots	P	TC	TC	TC	TC	TC	TC
Churches, parsonages, parish houses, monasteries, convents and other religious institutions				C			
Circuses, carnivals and other transient amusement enterprises	P	TC	TC	TC	TC	TC	TC
Clothing and costume rental establishment	P	P	P	P			
Clothing, shoe and accessory stores	P	P	P	P			
Columbariums and crematories, not less than 300 feet from an R district					C		
Commercial radio and television aerials, antennas, and transmission towers with design review approval specified under Chapter 18.20 of this title, having a minimum distance of 300 feet from the property lines of all of the following:	P			P	P		
1. Existing or approved residences or agricultural zoning districts or in planned unit developments with a residential or agricultural zoning designation							
2. Undeveloped residential or agricultural zoning districts or undeveloped planned unit developments with a residential or agricultural zoning designation and without an approved development plan, unless designated as a public and institutional land use in the general plan							
3. Existing or approved public schools, private schools, and childcare centers, not including schools which only provide tutorial services							
4. Neighborhood parks, community parks, or regional parks, as designated in the general plan							

	CR*(m)	CR**(p)	CN	CC	CS	CF	CA
5. Existing or approved senior care/assisted living facilities, including nursing homes							
All commercial radio and television aerials, antennas, and transmission towers shall be located so as to minimize their visibility and, unless determined by the zoning administrator to be significantly hidden from view, designed to ensure that they will not appear as an aerial, antenna, and/or transmission tower. All such facilities determined by the zoning administrator to be visible from residential land uses, the I-580 and/or I-680 rights-of-way, or other sensitive land uses such as parks, schools, or major streets, shall incorporate appropriate stealth techniques to camouflage, disguise, and/or blend them into the surrounding environment, and shall be in scale and architecturally integrated with their surroundings in such a manner as to be visually unobtrusive. All applications for commercial radio and/or television aerials, antennas, and transmission towers shall include engineering analyses completed to the satisfaction of the zoning administrator. Said analyses shall be peer-reviewed by an outside consultant							
If mounted on structures or on architectural details of a building, these facilities shall be treated to match the existing architectural features and colors found on the building's architecture through design, color, texture, or other measures deemed to be necessary by the zoning administrator							
Roof-mounted aerials and antennas shall be located in an area of the roof where the visual impact is minimized. Roof-mounted and ground-mounted aerials, antennas, and transmission towers shall not be allowed in the direct sightline(s) or sensitive view corridors, or where they would adversely affect scenic vistas, unless the facilities incorporate the appropriate, creative techniques to camouflage, disguise, and/or blend them into the surrounding environment, as determined to be necessary by the zoning administrator							
All commercial radio and television aerials, antennas, and transmission towers shall conform to the applicable requirements of Cal-OSHA and/or the FCC before commencement of, and during operation. Evidence of conformance shall be provided to the zoning administrator before final inspection of the facility by the chief building official							

	CR*(m)	CR**(p)	CN	CC	CS	CF	CA
If the zoning administrator finds that an approved aerial, antenna, or transmission tower is not in compliance with this title, that conditions have not been fulfilled, or that there is a compelling public safety and welfare necessity, the zoning administrator shall notify the owner/operator of the aerial/antenna/transmission tower in writing of the concern, and state the actions necessary to cure. After 30 days from the date of notification, if compliance with this title is not achieved, the conditions of approval have not been fulfilled, or there is still a compelling public safety and welfare necessity, the zoning administrator shall refer the use to the planning commission for review. Such reviews shall occur at a noticed public hearing where the owner/operator of the aerial/antenna/transmission tower may present relevant evidence. If, upon such review, the planning commission finds that any of the above have occurred, the planning commission may modify or revoke all approvals and/or permits							
Copying and related duplicating services and printing/publishing services using only computers, copy machines, etc., not including lithographing, engraving, or such similar reproduction services	P	P	P	P	P		
Dairy products plants					C		
Dairy products manufacturing for retail sale on-premises only	P			C	P		
Dance halls (where no liquor is served)	P	C		C			
Delicatessen stores	P	P	P	P			
Department stores	P	P		P			
Department stores tire, battery and accessory shops	P	P					
Diaper supply services					P		
Drive-in theaters					C		
Drugstores and prescription pharmacies	P	P	P	P			
Dry goods stores	P	P	P	P			
Electrical equipment repair and electricians' shops					C		
Feed and fuel stores					C		
Financial institutions, including banks, savings and loan offices, finance companies, credit unions and related services	P	P	P	P***	P		
*** Conditionally permitted use if the subject location:							
1. Is zoned Central-Commercial (C-C) or is zoned planned unit development (PUD) that references uses of the C-C district; AND							
2. Is located within the Downtown Revitalization District; AND							
3. Has ground floor frontage on Main Street							
Financial institutions that propose to locate on properties that do not meet all three of the above parameters shall be permitted uses and shall not be subject to the following additional considerations:							
When reviewing an application for a conditional use permit for a financial institution that meets the above three parameters, the							

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

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

	CR*(m)	CR**(p)	CN	CC	CS	CF	CA
Mortuaries				C	P		
Motorcycle sales, no service or repair	P			P			P
Motorcycle sales and service					C	C	C
Music stores	P	P	P	P			
Music and dance facilities which cannot meet the criteria for music and dance facilities as written in the use category below	P	C	C	C	C	C	
Music and dance facilities with no more than 20 students in the facility at any one time are permitted uses subject to the following conditions:	P	P	P	P	P	P	
1. The facility shall adhere to all occupancy, ADA, California Building Code, and exiting requirements							
2. The zoning administrator finds that adequate parking is available for the said use							
The standard city noise ordinance applies							
Newsstands	P	P	P	P	P		
Office buildings		P	C	P			
Office supply and business machines stores	P	P	P	P			
Offices, including, but not limited to, business, professional and administrative offices	P	P	P	P			
Outdoor art and craft shows		TC	TC	TC			
Paint, glass and wallpaper shops	P	P		P	P		
Parcel delivery services including garage facilities for trucks, and repair shops facilities					C		
Parking facilities, including required off-street parking facilities located on a site separated from the uses which the facilities serve and fee parking in accordance with the standards and requirements of Chapter 18.88 of this title				C			
Pest control shops				C	P		
Pet and bird stores	P	P	P	P	P		
Photographic studios	P	P	P	P			
Photographic supply stores	P	P	P	P	P		
Picture framing shops	P	P	P	P			
Plant shops	P	P	P	P			
Plumbing, heating and ventilating equipment showrooms with storage of floor samples only	P	P		P	P		
Plumbing shops					P		
Pool halls	P	C		C			
Post offices	P	P	C	P			
Prefabricated structure sales					C		
Printing, including also lithographing and engraving and other reproduction services				C	P		
Private clubs and lodges				C	C		
Private museums				C	C		
Public utility and public service facilities including pumping stations, power transmission stations, power distribution stations, equipment buildings, service yards, drainageways and structures, water reservoirs, percolation basins, well fields, and storage tanks. These facilities must be found by the planning commission to be necessary for the public health, safety, or welfare		C	C	C	C	C	
“Radioactive materials uses” as defined in Section 18.08.445 of this title					C		
Radio and television broadcasting studios		P	P	C	P	P	

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

	CR*(m)	CR**(p)	CN	CC	CS	CF	CA
Scientific instrument shops	P	P		P	P		
Secondhand stores and pawnshops				C			
Self-service car wash				C			
Sheet metal shops				C			
Shoe repair shops	P	P	P	P			
Shoe stores	P	P	P	P			
Shooting galleries, indoor	P			C	P		
Shooting galleries, indoor, with firearm sales	C			C	C		
Sign painting shops	P			C	P		
Skating rinks, indoor	P	P			P	C	
Specialty stores selling those items normally sold in department stores	P	P		P			
Sporting goods stores, no firearm sales	P	P	P	P			
Sporting goods stores with firearm sales	C	C		C			
Sports arenas or stadiums					C	C	
Stamp and coin stores	P	P	P	P			
Stationery stores	P	P	P	P			
Stone and monument yards					P		
Storage buildings for household goods						P	
Storage yards for commercial goods, supplies and equipment including fuel storage, no less than 300 feet from any R or O district					C		
Supportive housing that provides shelter for six or fewer persons in a dwelling unit, and that meets the standards of Chapter 18.107				P			
Swimming pool sales, supplies and/or service	P		C	C	P	C	
Tailor or dressmaking shops	P	P	P	P			
Taxicab stands		P	P	P	P	P	P
Taxidermists	P	P		P	P		
Television and radio sales and repair shops	P	P	P	P	P		
Theaters and auditoriums	P	P	C	P		C	
Tire sales and service, not including retreading and recapping or mounting of heavy truck tires		C		C	P		P
Tires, batteries and accessories	P	P					
Tobacco stores	P	P	P	P			
Tool and cutlery sharpening or grinding				C	P		
Toy stores	P	P	P	P			
Trailers and mobilehome parks in accordance with the regulations prescribed in Chapter 18.108 of this title					C	C	
Transitional housing that provides shelter for six or fewer persons in a dwelling unit, and that meets the standards of Chapter 18.107				P			
Truck, trailer and/or RVs, sales and service					C	C	P
Truck scales					P	C	
Trucking terminals, not less than 150 feet from an R or O district					C		
Tutoring which cannot meet the criteria for tutoring as written in the use category below	C	C	C	C	C	C	
Tutoring with no more than 20 students at the facility at any one time are permitted uses subject to the following conditions:	P	P	P	P	P	P	
1. The facility shall adhere to all occupancy, ADA, California Building Code, and exiting requirements							
2. The zoning administrator finds that adequate parking is available for the said use							

	CR*(m)	CR**(p)	CN	CC	CS	CF	CA
The standard city noise ordinance applies							
Variety stores	P	P	P	P			
Vending machine sales and service				C	P		
Veterinarians' offices and out-patient clinics, excluding any overnight boarding of animals, and including incidental care such as bathing and trimming, provided that all operations are conducted entirely within a completely enclosed building which complies with specifications for soundproof construction prescribed by the chief building official			C				
Veterinarians' offices, out-patient clinics, and small animal hospitals, including short-term overnight boarding of animals and incidental care such as bathing and trimming, provided that all operations are conducted entirely within a completely enclosed building which complies with specifications for sound-proof construction prescribed by the chief building official				C	P		
Veterinarians' offices and small animal hospitals including operations not conducted within an entirely enclosed building, not less than 300 feet from an R or O district					C		
Warehouses except for the storage of fuel or flammable liquids					C		
Watch and clock repair shops	P	P	P	P			
Waterbed shops including the sale of small incidentals, such as linens, wall hangings, and other similar items	P	P	P	P			
Wholesale establishments					C		
Wholesale establishments without stocks		P		P			

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

18.44.095 Prohibited uses.

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

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

18.44.100 Underground utilities.

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

18.44.110

18.44.110 Off-street parking.

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

18.44.120 Off-street loading.

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

18.44.130 Signs.

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

18.44.140 Design review.

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

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

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

Contractors' equipment, rental and storage areas.

Dairy products plants.

Electrical repair shops.

Feed and fuel stores.

Freight forwarding terminals.

Frozen food distributors.

Heating and ventilating shops.

Ice storage houses.

Kennels, not less than 300 feet from an R or O district.

Laundry plants.

Lumberyards, not including planing mills or sawmills.

Machinery sales and rental.

Mattress repair shops.

Microbreweries.*

*Permitted use subject to the following conditions:

- A. The zoning administrator finds that adequate parking is available for said use.
- B. If the zoning administrator determines that the use will be or is creating odor problems, an odor abatement device determined to be appropriate by the zoning administrator shall be installed with the exhaust ventilation system to mitigate brewery odors.
- C. The applicant is in compliance with all applicable requirements of Chapter 9.04 of this code.
- D. If operation of the use results in conflicts pertaining to parking, noise, odors, traffic, or other factors, the zoning administrator may modify or add conditions to mitigate such impacts, or may revoke the zoning certificate for the use.

Packing and crating.

Parcel delivery service including repair shop facilities.

Prefabricated structure sales.

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

Storage yard for commercial and/or recreational vehicles.

Tire sales and service, including retreading and recapping.

Truck terminals.

Warehouses, except for the storage of fuel and flammable liquids.

Wholesale establishments. (Ord. 2000 § 1, 2009; Ord. 1880, 2003; Ord. 1821 § 1, 2001; Ord. 1665 § 4, 1995; prior code § 2-7.20(3))

18.48.170 Conditional uses—Generally.

The conditional uses provided in Sections 18.48.180 through 18.48.200 of this chapter shall be permitted upon the granting of a use permit in accord with the provisions of Chapter 18.124 of this title. (Prior code § 2-7.21)

18.48.180 Conditional uses—I-P district.

The following conditional uses shall be permitted in an I-P district:

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

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

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

Churches and similar religious and meeting facilities in existing structures.

Firearm sales in which no more than 10 firearms are stored on site at any one time and the majority of firearms are sold through catalogs, mail order, or at trade shows.

Fortune telling, palmistry, augury, and related uses.

Garden centers.

Motion picture production.

Nurseries.

Public or private recreation facilities which cannot meet the criteria for public or private recreation facilities as written in Section 18.48.140.

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

“Radioactive materials uses” as defined in Section 18.08.445 of this title.

Recycling collection facilities, large.

Recycling collection facilities, small.

Restaurants and soda fountains, not including drive-in establishments.

Service stations, not including trailer rental, providing all operations except the sale of gasoline and oil and the washing of cars shall be within a building enclosed on at least three sides.

Warehousing (not including the storage of fuel or flammable liquids).

Wood sales and storage yards for unmilled lumber. (Ord. 2093 § 1, 2014; Ord. 1950 § 2 (Exh. A), 2007; Ord. 1880, 2003; Ord. 1743, 1998; Ord. 1738 § 1, 1998; Ord. 1354 § 5, 1988; Ord. 1276 § 1, 1986; Ord. 1088 § 1, 1983; prior code § 2-7.21(1))

18.48.190 Conditional uses—I-G district.

The following conditional uses shall be permitted in an I-G district:

Chapter 18.56

P PUBLIC AND INSTITUTIONAL DISTRICT

Sections:

18.56.010	Purpose.
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. Accessory structures and uses located on the same site as a permitted use and the following accessory structures and uses located on the same site with a permitted use or with a conditional use which has been granted a use permit in accord with the provisions of Chapter 18.124 of this title:
 1. Emergency standby electricity generator, fuel cell, and/or battery facilities provided that the facilities shall be tested from 8:00 a.m. to 5:00 p.m. Monday through Friday or from 10:00 a.m. to 12:00 noon on Saturday or Sunday only; the facilities shall not be tested for more than one hour during any day, and no testing shall be on "Spare the Air Days" in Alameda County.
 2. Photovoltaic facilities.
 3. Small electricity generator facilities that meet the following criteria:

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

Small fuel cell facilities are encouraged to be cogeneration or combined cycle facilities. (Ord. 1880, 2003; prior code § 2-7.43)

18.56.040 Conditional uses.

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

- A. Accessory structures and uses located on the same site as a conditional use and the following accessory structures and uses located on the same site as a permitted use or a conditional use that has been granted a use permit:
 - 1. Medium electricity generator facilities that meet the applicable standards of Section 18.124.290 of this title.
 - 2. Medium fuel cell facilities that meet the applicable standards of Section 18.124.290 of this title.
- B. Agricultural experiment facilities.
- C. Airports.
- D. Animal shelters.
- E. Churches, convents, monasteries, parish houses, parsonages, and other religious institutions.
- F. Fairgrounds.
- G. Hospitals.
- H. Parks, playgrounds, golf courses, zoos, and other public recreation facilities.
- I. Public buildings and grounds.
- J. Public schools, including nursery schools, elementary schools, junior high schools, high schools, and colleges.
- K. Private schools, private nursery schools, tutorial schools, and colleges.

- L. Public utility and public service facilities including pumping stations, power transmission stations, power distribution stations, equipment buildings, service yards, drainageways and structures, water reservoirs, percolation basins, well fields, and storage tanks. These facilities must be found by the planning commission to be necessary for the public health, safety, or welfare.
- M. Required off-street parking facilities located on a site separated from the use which the facilities serve, as prescribed by Chapter 18.88 of this title relating to location of off-street parking facilities.
- N. Any other public or quasi-public use which the planning commission determines is similar in nature to those listed above and which will not be detrimental to the proper development and maintenance of surrounding land uses.
- O. Convalescent hospitals, convalescent homes, rest homes, and senior care/assisted living facilities. (Ord. 2086 § 2, 2014; Ord. 1880, 2003; Ord. 1743, 1998; prior code § 2-7.44)

18.56.050 Temporary conditional use.

The following conditional use shall be permitted upon the granting of a temporary conditional use permit in accord with the provisions of Section 18.116.040 of this title:

Outdoor sales in city parks to benefit only charitable or nonprofit organizations. (Prior code § 2-7.45)

18.56.060 Prohibited uses.

The following uses shall not be permitted in the public and institutional district:

- A. Any use not specifically or conditionally permitted by this chapter, unless a determination is made under Chapter 18.128 of this title.
- B. Firearm sales. (Ord. 1880, 2003; Ord. 1738 § 1, 1998)

18.56.070 Underground utilities.

Electric and communication service wires to a new structure shall be placed underground from the nearest utility pole. If the city engineer finds, upon application by the owner, that compliance is not feasible or economically justifiable, he or she shall permit different service arrangements. The property owner, other than the city, shall comply with the requirements of this section without expense to the city and shall make the necessary arrangements with the public utility involved. (Ord. 2000 § 1, 2009; Ord. 1738 § 1, 1998; prior code § 2-7.46)

18.56.080 Off-street parking.

Off-street parking facilities shall be provided for each use in the P district as prescribed in Chapter 18.88 of this title. (Ord. 1738 § 1, 1998; prior code § 2-7.47)

18.56.090 Off-street loading.

Off-street loading facilities shall be provided for each use in the P district as prescribed in Chapter 18.92 of this title. (Ord. 1738 § 1, 1998; prior code § 2-7.48)

18.56.100 Signs.

No sign, outdoor advertising structure, or display of any character shall be permitted in the P district except as prescribed in Chapter 18.96 of this title. (Ord. 1738 § 1, 1998; prior code § 2-7.49)

18.56.110 Design review.

All uses in the P district shall be subject to design review as prescribed in Chapter 18.20 of this title. Applicants are advised to confer with the zoning administrator before preparing detailed plans. (Ord. 1738 § 1, 1998; prior code § 2-7.50)

Chapter 18.88

OFF-STREET PARKING FACILITIES

Sections:

- 18.88.010 Purpose.**
- 18.88.020 Basic requirements.**
- 18.88.030 Schedule of off-street parking space requirements.**
- 18.88.035 Requirements for alternative vehicle parking.**
- 18.88.040 Standards.**
- 18.88.050 Location.**
- 18.88.060 More than one use on site or adjoining site.**
- 18.88.070 Off-street parking facilities to serve one use.**
- 18.88.080 Reduction of off-street parking.**
- 18.88.090 Joint use in C-C and C-S districts.**
- 18.88.100 Parking assessment district.**
- 18.88.110 Existing uses.**
- 18.88.120 In lieu parking agreement for the downtown revitalization district.**
- 18.88.130 Designation of facilities.**

18.88.010 Purpose.

In order to alleviate progressively or to prevent traffic congestion and shortage of curb spaces, off-street parking facilities shall be provided incidental to new uses and major alterations and enlargements of existing uses. The number of parking spaces prescribed in this chapter or to be prescribed by the zoning administrator shall be in proportion to the need for such facilities created by the particular type of land use. Off-street parking areas are to be laid out in a manner that will ensure their usefulness, protect the public safety, and, where appropriate, insulate surrounding land uses from their impact. (Ord. 2089 § 2, 2014; prior code § 2-9.14)

18.88.020 Basic requirements.

- A. Unless otherwise provided for by this chapter, at the time of initial occupancy, major alteration, or enlargement of sites, or of completion of construction of a structure or of a major alteration or enlargement of a structure, there shall be provided off-street parking facilities for automobiles in accordance with the schedule of off-street parking space requirements prescribed in Section 18.88.030 of this chapter. Except as modified in subsection D of this section, the terms “major alteration” or “enlargement” shall mean a change of use or an addition which would increase the number of parking spaces required by not less than 10 percent of the total number required. The number of parking spaces provided for a major alteration or enlargement of a site or structure shall be in addition to the number existing prior to the alteration or enlargement, unless the preexisting number is greater than the number prescribed in Section 18.88.030 of this chapter, in which instance the number in excess of the prescribed minimum shall be counted in calculating the number provided to serve the major alteration or enlargement.
- B. If, in the application of the requirements of this chapter, a fractional number is obtained, one parking space shall be provided for a fraction of one-half or more, and no parking space shall be required for a fraction of less than one-half.
- C. For a use not specified in Section 18.88.030 of this chapter, the number of off-street parking spaces required shall be determined by the zoning administrator, based upon an analysis of other jurisdictions’ experiences with that type of use or upon an analysis of similar uses specified in Section 18.88.030 of this chapter.
- D. For property zoned C-C or O and located within the downtown revitalization district as shown in Chapter 18.74 of this title, the following requirements shall modify the basic requirements of subsection A of this section:
 - 1. A change of use shall not constitute a “major alteration” or “enlargement” if the age of the building in which the use is located is greater than five years, according to city records.

2. When a certificate of appropriateness is approved for demolition of a commercial structure, or design review approval is given to a new commercial structure replacing one which was destroyed by fire, earthquake, act of God, the public enemy, or other calamity, the replacement structure shall receive a parking credit for the floor area of the original structure when one of the following is met, at the discretion of the approving body: (a) the approving body determines that the replacement structure would have the same architectural style as the original structure in terms of design, materials, massing, and detailing; or (b) the approving body determines that the replacement structure will be an architectural improvement compared to the existing structure and will preserve or enhance the overall character of the area. Additional floor area of the replacement structure which exceeds the floor area of the original structure shall be subject to the requirements of subsection A of this section, and parking shall be provided accordingly.
3. The following provisions shall apply to privately owned parking facilities held open to the public:
 - a. The city council may waive the provision of additional off-street parking facilities and/or in lieu parking fees for building expansions which would increase the number of required parking spaces by 10 percent or more and/or for proposed new building construction if the property owner allows the existing parking on the property to be open to the public. Such waivers shall only be available to parking lot owners who participate in any program which may be established by the city council with the objective of encouraging employee parking in public parking lots or other parking areas designated by the city for employee parking, or who otherwise devise an employee parking plan with such an objective which is approved by the city council. Other consideration for waiver will include access, circulation, the number of resulting parking spaces serving the building, the effect on adjacent parking lots, and whether or not an unreinforced masonry building upgrade is involved.
 - b. Uses for which a parking waiver under this section is not granted may provide parking at the reduced rate of one space for each 400 square feet of gross floor area, except for office uses on sites with frontage on Main Street, which shall meet the requirements of Section 18.88.030(F) of this chapter.
 - c. Under this subsection, new construction or building expansions shall not exceed a basic floor area ratio of 200 percent and shall not exceed two stories in height.
 - d. When any property owner receives such a parking waiver or parking reduction, if the property later reverts to private use, the owner would then become responsible to provide the required parking and/or in lieu fee in effect at the time of the reversion to private use, such that the parking rate of one space for each 300 square feet of gross building area is met.
- E. Eligible parcels within the downtown revitalization district, as shown in Figure 18.88.020, can provide an on-site amenity open to the general public subject to the approval of the city council per Section 18.88.120(B) in lieu of providing required off-street parking when in furtherance of the Downtown Specific Plan.

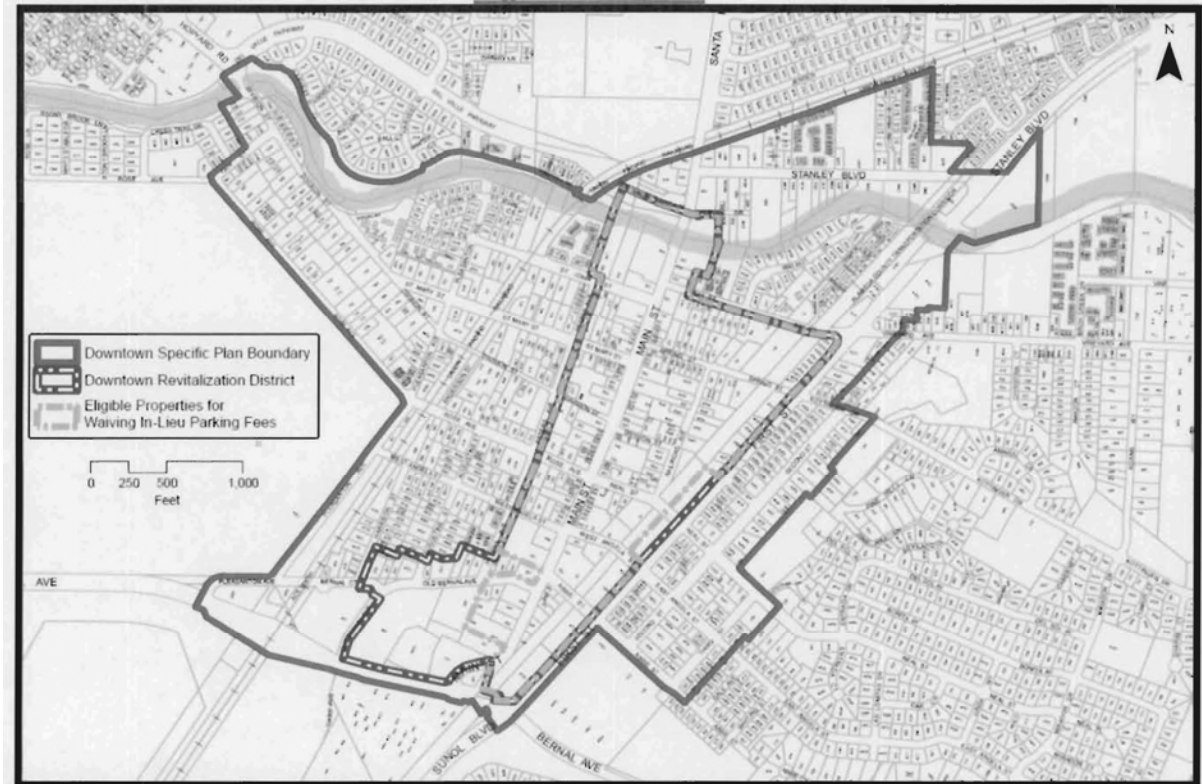


Figure 18.88.020

- F. For property with unreinforced masonry buildings, the following shall modify the basic requirements of subsections A and D of this section:
1. Unreinforced masonry buildings of primary or secondary significance which are located on property zoned C-C and within the downtown revitalization district boundaries as shown on the zoning maps on file with the city may be expanded up to a basic floor area ratio of 200 percent without providing any additional off-street parking facilities and/or in lieu parking fees if the building is reinforced to comply with the requirements of Chapter 20.52 of this code.
 2. Property owners with building expansions exempt from the off-street parking requirement as stated in subsection (F)(1) of this section shall not significantly alter the existing façades of buildings of primary or secondary significance nor eliminate existing parking unless such elimination is necessary, as determined by the zoning administrator, to allow the retention of the façades of a building of primary or secondary significance. Building expansions shall not exceed two stories in height. (Ord. 2089 § 2, 2014; Ord. 1898 § 1, 2003; Ord. 1586 § 10, 1993; Ord. 1156 § 1, 1984; prior code § 2-9.15)

18.88.030 Schedule of off-street parking space requirements.

- A. Dwellings and Lodgings.
1. Single-family dwelling units shall have at least two parking spaces. Second units shall have at least one covered or uncovered parking space which shall not be located in the required front or street side yard and shall not be a tandem space.
 2. Condominiums, community apartments and separately owned townhouses shall have at least two parking spaces per unit.

3. Apartment house parking requirements shall be computed as follows:
 - a. For apartments with two bedrooms or less, a minimum of two spaces shall be required for each of the first four units; one and one-half spaces for each additional unit.
 - b. For apartments with three or more bedrooms (or two bedrooms and a den convertible to a third bedroom), a minimum of two spaces per unit shall be required. Parking requirements for units having less than three bedrooms shall be computed separately from the requirements for units having three bedrooms or more and then added together.
 - c. Visitor parking, in a ratio of one parking space for each seven (1:7) units, shall be provided. All visitor parking spaces shall be clearly marked for this use. Visitor parking may be open or covered and does not count as part of the covered parking requirement described in subsection A4 of this section.
 4. At least one space per dwelling unit of the off-street parking required in subsections (A)(1), (A)(2) and (A)(3) of this section shall be located in a garage or carport.
 5. Motels, hotels, lodging houses and private clubs providing guest sleeping accommodations shall have at least one space for each guest sleeping room or for each two beds, whichever is greater, plus at least one space for each two employees.
 6. Trailer parks shall have a minimum of one space for each unit, plus at least one additional space for each three units, none of which shall occupy area designated for access drives.
 7. Small bed and breakfasts and bed and breakfast inns shall have at least one space for each guest sleeping room plus at least one space for each employee on maximum shift. In addition, at least two parking spaces, one of which must be covered, shall be provided for residents of small bed and breakfasts and bed and breakfast inns; the zoning administrator may require only one parking space, which may be uncovered, for a resident manager of a bed and breakfast inn.
- B. Offices, Commercial Uses and Places of Public Assembly in the C-N and C-R Districts.
1. C-N District. One space for each 180 square feet of gross floor area, plus 10 spaces in addition to spaces occupied by cars being serviced on the site of each service station, plus additional spaces for each open use as prescribed by the zoning administrator. For banks and other financial institutions (commercial banks, credit unions, and savings and loans)—one space for each 300 square feet of gross floor area, except for floor area used for storage.
 2. C-R District. Parking requirements shall be established by the zoning administrator and/or planning commission on a case by case basis in accordance with the purposes of Chapter 18.20 of this title.
- C. Office, Commercial and Industrial Uses not in the C-N or C-R District.
1. Food stores—one space for each 150 square feet of gross floor area.
 2. Banks and other financial institutions (commercial banks, credit unions, and savings and loans)—one space for each 300 square feet of gross floor area, except floor area used for storage.
 3. Massage establishments—two spaces for each massage technician, plus the requirements for supplementary uses.
 4. Retail stores except food stores and stores handling only bulky merchandise; personal service establishments including barbershops and beauty shops, cleaning and laundry agencies, and similar enterprises—one space for each 300 square feet of gross floor area, except for floor area used exclusively for storage or truck loading.
 5. Commercial service enterprises, repair shops, wholesale establishments, and retail stores which handle only bulky merchandise such as furniture, household appliances, machinery, and motor vehicles—one space for each 500 square feet of gross floor area, except for floor area used exclusively for storage or truck loading.
 6. Public and private business and administrative offices, and technical services offices (including, but not limited to, accountants, architects, attorneys, engineers, insurance, real estate and similar professions)—one space for each 300 square feet of gross floor area.

7. Medical and dental offices (including, but not limited to, chiropractors, dentists, optometrists, physicians and similar professions)—one space for each 150 square feet of gross floor area, or six spaces for each doctor, whichever is greater.
 8. Restaurants, bars, brew pubs, soda fountains, cafés and other establishments for the sale and consumption on the premises of food or beverages—one space for each three seats or each 200 square feet of gross floor area, whichever is greater.
 9. Full service stations—10 spaces exclusive of work bays.
 10. Self-service stations—one parking space and an additional parking space for each employee on the maximum shift.
 11. Quick service stations—one parking space for each 500 square feet of gross floor area.
 12. Full service car washes—two parking spaces for every three employees on the maximum shift.
Self-service car washes—one parking space for each employee on the maximum shift.
Drive-through car washes located and operated with a full service or self-service service station or self-service car wash—no additional parking spaces are required.
 13. Manufacturing plants and other industrial uses, warehouses, storage buildings, and storage facilities combined with commercial or industrial uses—one space for each employee on the maximum shift, or one space for each 300 square feet of gross floor area.
 14. Open uses and commercial and industrial uses conducted primarily outside of buildings—one space for each employee on the maximum shift, plus the number of additional spaces prescribed by the zoning administrator.
 15. Liquor stores—one space for each 150 square feet of gross floor area except for floor area used exclusively for storage and/or truck loading. For the purposes of this section, “liquor store” shall mean a business establishment the main function of which is the off-sale of liquor, wine and/or beer.
 16. Veterinarians’ offices and small animal hospitals—one space for each 250 square feet of gross floor area.
 17. Convenience markets—one parking space for each 150 square feet of gross floor area. If less than 1,300 square feet in size and operated as an incidental use to a full service or self-service station, then one parking space shall be provided for each 400 feet of gross floor area.
 18. Microbreweries—one parking space for each 300 square feet of gross floor area, plus one space for each person in tours greater than five persons.
 19. Commercial basement storage for the public—one parking space per on-site storage employee and one parking space for storage customers. This parking requirement is in addition to the parking required for other uses on site.
- D. Places of Assembly and Public Uses Not in the C-N or C-R District.
1. Auditoriums, churches, private clubs and lodge halls, community centers, mortuaries, sports arenas and stadiums, theaters, auction establishments and other places of public assembly, including church, school and college auditoriums—one space for each six seats or one space for each 60 square feet of floor area usable for seating if seats are not fixed, in all facilities in which simultaneous use is probable as determined by the zoning administrator. Where subsection E of this section requires a greater number of spaces on the site of a church, school or college, that subsection shall apply and the requirements of this subsection shall be waived.
 2. Bowling alleys and pool halls—five spaces for each alley; two spaces for each billiard or pool table.
 3. Dance halls—one space for each 50 square feet of gross floor area used for dancing.
 4. Homeless shelters—one parking space for every four beds plus one parking space for each employee on the largest shift, plus one parking space for each company vehicle.

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

E. Educational Facilities.

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

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

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

18.88.035 Requirements for alternative vehicle parking.

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

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

- i. Office. All new construction, major alteration or enlargement of office facilities resulting in 30,000 square feet or more of gross floor area at one site shall be subject to the provisions of this subsection;
- ii. Industrial. All new construction, or major alteration or enlargement of industrial facility with 40,000 square feet of gross floor area or more at one site shall be subject to the provisions of this subsection.

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

- b. For each 10 spaces of alternative vehicle parking required by this subsection, a minimum of one space shall be designated as a carpool stall and a minimum of one space as a vanpool stall. A minimum of two spaces shall be provided as electric vehicle charging stations, one of which shall be an accessible van stall meeting the California Building Code requirements for accessibility. The remaining six spaces shall be designated for additional carpool/vanpool vehicles, car-share vehicles, additional space(s) for charging electric vehicles, or alternative-fuel vehicles (including, but not limited to ethanol, biodiesel, fuel cell (hydrogen), natural gas vehicles) but not including hybrid or bi-fuel vehicles where one of the fuels is gasoline or diesel. Each of the remaining six spaces that are not configured as electric vehicle charging stations shall also be provided with electrical conduit and service capacity so that when demand warrants, as determined by the community development director, these spaces may be used for electric vehicle charging.
 - c. All of the alternative vehicle parking spaces required under this subsection shall be preferentially located as close to the employee entrance as practical without displacing accessible parking and any designated customer or client parking.
2. Multi-Family Dwelling Projects and Electric Vehicles. All multi-family dwelling projects of 100 or more new dwelling units, including projects with ownership units and projects with rental units, shall provide infrastructure for charging electric vehicles, as follows:
- a. For the first 100 new dwelling units, two off-street parking spaces shall be provided exclusively as electric vehicle charging stations for use by residents and employees, and one of those two spaces shall be marked as a van accessible stall meeting the California Building Code requirements for accessibility. One additional off-street space with electric vehicle charging shall be provided for each additional 50 new dwelling units, and at least one additional van accessible stall shall be provided for every six additional electric vehicle spaces. The spaces required in this subsection shall be located near a sales or management office, within a parking structure, at an accessible entrance, or other convenient location; and
 - b. Multi-family dwelling projects that include parking garage structures that provided interior parking spaces for multiple units, at least 10 percent of the interior parking spaces shall be provided as electrical vehicle charging stations. For the purpose of this provision covered parking and carport parking are not considered interior parking; and
 - c. For each new multi-family dwelling unit that is a townhouse-style unit which includes an attached private garage dedicated to the unit, infrastructure shall be provided for electric vehicle charging including an outlet, service capacity, and electrical conduit or permanently installed wiring. The equipment must only be accessible inside the private garage.
3. All of the alternative vehicle parking spaces required under this section, including electric vehicle charging stations, shall be counted toward the off-street parking required by Section 18.88.030 of this chapter and the accessible parking spaces shall be as required by the current California Building Code.
4. All of the alternative vehicle parking spaces required under this section, including electric vehicle charging stations, shall be clearly marked with both signage and pavement stencils, except that in private garages as

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

5. Parking spaces required under this section shall meet the dimensional standards of Section 18.88.040 of this chapter. Electric vehicle charging equipment shall not reduce the size of the parking space.
6. Electric vehicle charging stations shall be equipped with electrical outlets, and may also be equipped with card readers, controls, connector devices and other equipment as necessary for use. Electric cords shall not cross a pathway. All such equipment shall be in compliance with the Building Regulations in Title 24, including all applicable provisions of the California Green Building Standards Code pertaining to electric vehicle charging. (Ord. 2094 § 2, 2014)

18.88.040 Standards.

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

- A. The minimum off-street parking dimensions shall be as follows:
 1. Parking spaces required to be located in a garage or carport shall not be less than 20 feet in length and 10 feet in width and otherwise meeting the requirements for full sized parking spaces.
 2. Full sized parking spaces shall meet the minimum dimensions prescribed in Table 18.88.040 of this section.
 3. Compact car parking spaces may be allowed in off-street parking facilities subject to approval by the city. Up to 40 percent of the total parking spaces required may be compact car spaces, based upon the size, shape and design of the off-street parking facility. Compact car spaces shall have minimum dimensions of eight feet by 16 feet and may be angled as is allowed for full sized parking spaces. Aisle width for compact car spaces shall be a minimum of 21 feet for a 90 degree parking angle. For different angles, aisle width and other relevant dimensions shall be reduced proportionately from those shown in Table 18.88.040 of this section for full sized parking spaces, subject to the approval of the city. Each compact car space shall be marked clearly with bold lettering no less than eight inches in height "Compact Car Only."
- B. Sufficient aisle space for readily turning and maneuvering vehicles shall be provided on the site, except that no more than two parking spaces on the site of a dwelling or lodging house may be located so as to necessitate backing a vehicle across a property line abutting a street. Alleys may be used for maneuvering.
- C. Each parking space shall have unobstructed access from a street or alley or from an aisle or drive connecting with a street or alley without moving another vehicle.
- D. Entrances from and exits to streets and alleys shall be provided at locations approved by the community development director.
- E. In an R district, a drive providing access to off-street parking spaces shall not exceed 24 feet in width, and there shall be not more than one drive for each 70 feet of frontage except on corner lots. If more than one drive is proposed on a corner lot, the superintendent of streets may approve an encroachment permit if he or she finds that the proposal is consistent with the objectives of this chapter and will not create an unsafe condition for pedestrians and drivers.
- F. In an RM district, a pedestrian walk separated from a parking space, aisle, or access drive by at least four feet of landscaped space shall extend from the front lot line to each dwelling unit, and no parking space, aisle, or access drive shall be closer than six feet to an entrance to a dwelling unit or to a window opening into a habitable room having a floor level less than eight feet above the parking space, aisle or access drive.
- G. No off-street parking space provided in compliance with Section 18.88.030 of this chapter shall be located in a required front yard or in a required side yard on the street side of a corner lot and not more than two spaces per site shall be located so as to necessitate use of a required front yard or a required side yard on the street side of a corner lot for backing.

- H. The parking spaces, aisles and access drives shall be paved so as to provide a durable, dustless surface and shall be so graded and drained as to dispose of surface water without damage to private or public properties, streets or alleys.
- I. Bumper rails shall be provided at locations prescribed by the zoning administrator where needed for safety or to protect property.
- J. If the parking area is illuminated, lighting shall be deflected away from residential sites so as to cause no annoying glare.
- K. No repair work or servicing of vehicles shall be conducted on a parking area.
- L. In R districts, parking of vehicles other than automobiles shall be regulated by Section 18.84.270 of this title.
- M. No off-street parking space shall be located on a portion of a site required to be landscaped with plant materials.

Table 18.88.040

MINIMUM PARKING SPACE DIMENSIONS

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

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

18.88.050 Location.

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

18.88.060 More than one use on site or adjoining site.

If more than one use is located on a site, on adjoining sites, or sites separated only by an alley, and in the C-C and P districts within 300 feet of the site, the number of parking spaces provided shall be equal to the sum of the requirements prescribed in this chapter for each use except that the total number of spaces may be reduced when the hours of operation of at least two of the uses are discrete. "Discrete uses" are defined as those which:

- A. Are not in operation at the same time; and
- B. The hours of operation are or may be controlled by conditional use permits; and
- C. The uses share the same off-street parking facility.

- D. The total number of spaces otherwise required may be reduced by not more than the parking requirement of the discrete use requiring the fewer parking spaces. (Prior code § 2-9.19(1))

18.88.070 Off-street parking facilities to serve one use.

Off-street parking facilities for one use shall not be considered as providing off-street parking facilities for any other use, except as provided in Section 18.88.090 of this chapter, and except that property owners may lease or rent excess parking spaces on a site to other property owners within 300 feet of the site upon approval of a use permit as provided for in Section 18.88.050 of this chapter. Excess parking spaces are those spaces which are over and above the minimum required for the use or uses on the site. The planning commission shall deny a use permit to lease or rent excess parking spaces if it finds that the nature of the use or uses on the donor site requires the use of the excess parking spaces. (Ord. 1898 § 1, 2003; prior code § 2-9.19(2))

18.88.080 Reduction of off-street parking.

No off-street parking facility shall be reduced in capacity or in area without sufficient additional capacity or additional area being provided to comply with the regulations of this chapter. (Prior code § 2-9.19(3))

18.88.090 Joint use in C-C and C-S districts.

Adjoining off-street parking facilities serving uses on two or more sites in separate ownership that provide shared parking through reciprocal parking easements may provide parking at the rate of one space for each 400 square feet of gross floor area where the zoning administrator determines that provision has been made for the joint development to function as a single parking facility, all parts of which are accessible to each use served. Parking spaces in such parking lots shall not be reserved or designated for the use of any one business. Off-street parking facilities provided in accord with this section shall be designated as prescribed in Section 18.88.130 of this chapter. (Ord. 1898 § 1, 2003; prior code § 2-9.19(4))

18.88.100 Parking assessment district.

The following parking requirements listed in subsections A through C of this section shall apply to properties located within the parking assessment district located within the block bounded by Peters Avenue, St. Mary Street, Division Street, and Main Street:

- A. Except for the uses listed in Section 18.88.030(A) of this chapter and restaurants, any parcel of real property which is located wholly or partially within the boundaries of a parking assessment district which provides public off-street parking facilities shall be permitted to construct a building the total square footage of which shall not exceed 80 percent of the buildable area of the lot not included within the public parking facility, without the need to provide additional parking. Any building erected or subsequent addition which exceeds 80 percent of the buildable area of the lot shall provide additional parking or pay a sum established pursuant to Section 18.88.120 of this chapter; additional parking shall be computed in accordance with Section 18.88.030 of this chapter, but shall not include that portion of the building which is exempt from parking requirements as indicated in this section and shall not include building additions which increase the number of required parking spaces by less than 10 percent.
- B. Any parcel of real property located wholly or partially within the boundaries of a parking assessment district referred to in subsection A of this section which is used for restaurant purposes shall be permitted to construct a building, the total square footage of which will not exceed 56 percent of the buildable area of the lot without the need to provide additional parking. Any building in excess of the limitation imposed in this section shall be subject to the same requirements for additional parking as set forth in subsection A of this section.
- C. Any building in existence at the time of the establishment of the parking assessment district within which it is located, which exceeds the buildable area provisions set forth in subsection A of this section shall be deemed nonconforming and shall not be subject to additional parking requirements in the following cases:

1. The building is altered, modified, or enlarged such that the number of required spaces increases by less than 10 percent.
 2. Less than 50 percent of the building is destroyed by fire, earthquake, or other calamity, act of God, or by the public enemy, or, in cases where greater than 50 percent is destroyed, design review approval is given to a new commercial structure replacing the one which was destroyed, pursuant to the criteria stated in Section 18.88.020(D)(2) of this chapter.
- D. For parking assessment districts other than those referred to in subsections A through C of this section, the building floor area credits for properties contributing to the district with either land, improved parking spaces, or cash shall be determined on a case by case basis depending on the circumstances for the particular parking assessment district. Such circumstances shall include, but shall not be limited to, the amount of parking spaces, land, or cash contributed; the total number of parking spaces created; the assessment formula for the district agreed to by the property owners within the district; and the location of the contributing property. The standard parking ratio for each parking lot at build out shall be one space for each 500 square feet of gross building area. Property owners contributing more parking or land than needed for their building may receive cash reimbursements or parking-spaces credits which may be recognized and transferred as in lieu parking spaces if so approved at the time the parking assessment district is formed. (Ord. 1898 § 1, 2003; prior code § 2-9.20)

18.88.110 Existing uses.

No existing use of land or structure, except one located within a parking assessment district, shall be deemed to be nonconforming solely because of the lack of off-street parking facilities prescribed in this chapter, provided that facilities used for off-street parking on the effective date hereof, shall not be reduced in capacity to less than the number of spaces prescribed in this chapter or reduced in area to less than the minimum standards prescribed in this chapter. (Prior code § 2-9.21)

18.88.120 In lieu parking agreement for the downtown revitalization district.

- A. The owner of a parcel or parcels within the downtown revitalization district who is unable to provide all of the off-street parking required by this code may apply to the city for an in lieu parking agreement.
1. The procedures to be followed for payment of in-lieu parking fees through an in lieu parking agreement shall be as follows:
 - a. New construction which provides at least 85 percent of its required parking on-site and expansions to existing buildings which are less than or equal to 25 percent of the building's existing floor area may satisfy their parking deficits through in lieu parking agreements. Such agreements shall be approved ministerially by the community development director upon finding that the criteria of this section are met.
 - b. New construction which provides less than 85 percent of its required parking on site and expansions to existing buildings which exceed 25 percent of the building's existing floor area may satisfy their deficit parking through in lieu parking agreements. Such agreements shall be subject to the approval of the city council. The request for such an agreement shall be in writing and shall be filed with the planning division. Subsequent to receipt of such a request, a hearing shall be scheduled for consideration of the matter by the city council. A public hearing shall be held on any such request with notice provided pursuant to Section 18.12.040 of this title. The in lieu parking agreement shall address the amount per deficient parking space to be paid by the owner, the duration of payment, and such other terms and conditions which are deemed appropriate. The city council may grant or deny the request.
 2. Any sums received by the city pursuant to such a contract shall be deposited in a special fund and shall be used exclusively for acquiring, developing, and maintaining off-street parking facilities and located anywhere within the downtown revitalization district. The agreement shall be executed by the owner and the city manager, and all in lieu fees shall be paid prior to the issuance of a building permit.
 3. The city shall determine a standard surface parking lot in lieu parking fee and a parking structure in lieu parking fee based on land and construction costs in the downtown revitalization district. Such fees shall be

updated on a regular basis by the city and shall be made available to the public. On April 1st of any year in which the fees have not been recalculated, the fees shall be adjusted by the rate of increase in the ENR construction cost index for the prior year.

4. Any development for which an in lieu parking agreement is approved where the number of in lieu spaces is less than or equal to 30 percent of its parking requirement shall pay the standard surface parking lot in lieu fee for each deficient parking space.
 5. Any development for which an in lieu parking agreement is approved where the number of in lieu parking spaces exceeds 30 percent of its parking requirement shall pay the parking structure in lieu parking fee for each deficient parking space.
 6. In lieu parking agreements for which the requested number of in lieu parking spaces exceeds 50 percent of the required parking shall not be approved unless the city council finds that there are special circumstances related to: (a) constraints due to the size, configuration, or features of the site; or (b) constraints related to building placement or design; and (c) the availability of off-street parking.
 7. In the event that a use for which an in lieu parking agreement has been executed is changed or facilities are altered to meet the parking standards prescribed in this chapter before the city has committed or expended any of the money received pursuant to said agreement in the area benefited, the amount received shall be refunded to the owner. Otherwise, there shall be no refunds of in lieu fees.
- B. The owner of an eligible parcel or parcels, as shown in Figure 18.88.020, who is unable to provide all of the off-street parking required by this code may apply to the city to provide a specific on-site amenity open to the general public which equals, exceeds or is less than the value of the in-lieu parking fee that would otherwise be required for parking that cannot be provided on-site. The procedure and criteria to be followed for consideration of an on-site amenity open to the general public instead of providing parking shall be as follows:
1. Requests for provision of an on-site amenity open to the general public in place of providing off-street parking shall be made in writing as part of a development or pre-development application and shall be filed with the planning division. Such requests shall include a conceptual design for the amenity. Subsequent to receipt of such a request, and prior to project approval, a hearing shall be scheduled for consideration of the matter by the city council. A public hearing shall be held on any such request with notice provided pursuant to Section 18.12.040 of this title. The city council shall consider whether or not the proposed amenity would meet the objectives of the Downtown Specific Plan and whether or not to enter into an agreement with the applicant to reduce parking requirements in exchange for the development of an on-site amenity open to the general public on an eligible parcel, as shown in Figure 18.88.020.
 2. The on-site amenity shall be open and accessible to the general public at all times, and no portion of the amenity shall be restricted to the exclusive use of on-site business customers only.
 3. The on-site amenity should typically consist of a mini-plaza with seating, shade, landscaping, lighting, and other pedestrian facilities. Other forms of amenities may be considered by the city council if consistent with the objectives of the Downtown Specific Plan.
 4. The value of the on-site amenity shall be equal to, exceed or be less than, if approved by council, the amount of in-lieu parking fees otherwise required by this chapter, and as set forth in the master fee schedule, for parking not otherwise provided on-site or off-site on private property. The value of the on-site amenity shall be based on opportunity costs. Opportunity costs shall be calculated by using a standard method approved by the community development director. Documentation of the calculation shall be provided to the planning division.
 5. In the event the proposed on-site amenity is determined to be of lesser value than the amount of in lieu parking fees otherwise required by this chapter, the developer shall enter into an in lieu parking agreement that pays the difference between the provided amenity and the required fees into the in-lieu parking fund.
 6. The on-site amenity shall be installed prior to the issuance of a certificate of occupancy by the chief building official.

7. The on-site amenity does not create any legal public easement or public property interest, and the owner of the property remains responsible for all maintenance and repair of the on-site amenity.
8. The on-site amenity, its requirement to be available to the general public as provided in subsection (B)(2), and the parking waived by provision of the on-site amenity shall be memorialized in a restrictive covenant recorded against the property. Such restrictive covenant shall include remedies for the city in the event the owner of the property, or any successor, fails to comply with its requirements. (Ord. 2089 § 2, 2014; Ord. 2000 § 1, 2009; Ord. 1898 § 1, 2003; prior code § 2-9.22)

18.88.130 Designation of facilities.

A restrictive covenant, easement, or other document acceptable to the city attorney shall be recorded with the Alameda County recorder's office for any off-street parking facility which is: (a) held open to the public, (b) a joint use parking lot, or (c) located on a site other than the site it is intended to serve. The restrictive covenant or other document shall designate the off-street parking facilities and the properties being served by such parking facilities, shall stipulate that the parking facility will be used for the intended purpose, and shall contain legal descriptions of all sites involved. The restrictive covenant or other document shall be approved by the city attorney. The zoning administrator shall remove the restriction upon finding that the required number of off-street parking spaces or in lieu parking fees have been provided in compliance with the requirements of this chapter. (Ord. 1898 § 1, 2003; prior code § 2-9.23)

Chapter 18.92

OFF-STREET LOADING FACILITIES

Sections:

- 18.92.010 Purpose.**
- 18.92.020 Basic requirements.**
- 18.92.030 Schedule of off-street loading berth requirements.**
- 18.92.040 Standards.**
- 18.92.050 Location.**
- 18.92.060 More than one use on site.**
- 18.92.070 Facilities to serve one use.**
- 18.92.080 Reduction of facilities.**
- 18.92.090 Existing uses.**
- 18.92.100 Designation of facilities.**

18.92.010 Purpose.

In order to alleviate progressively or to prevent traffic congestion and shortage of curb spaces, off-street loading facilities shall be provided incidental to new uses and major alterations and enlargements of existing uses. The number of loading berths prescribed in this chapter or to be prescribed by the zoning administrator shall be in proportion to the need for such facilities created by the particular type of use. Off-street loading areas are to be laid out in a manner that will ensure their usefulness, protect the public safety, and where appropriate, insulate surrounding use from their impact. (Prior code § 2-9.27)

18.92.020 Basic requirements.

- A. At the time of initial occupancy, major alteration or enlargement of a site, or of completion of construction of a structure or of a major alteration or enlargement of a structure, there shall be provided off-street loading facilities for trucks in accord with the schedule of off-street loading berth requirements in Section 18.92.030 of this chapter. For the purposes of this section, the terms “major alteration” or “enlargement” shall mean a change of use or an addition which would increase the number of loading berths required by not less than 10 percent of the total number required. The number of loading berths provided for a major alteration or enlargement of a site or structure shall be in addition to the number existing prior to the alteration or enlargement, unless the preexisting number is greater than the number prescribed in Section 18.92.030 of this chapter, in which instance the number in excess of the prescribed minimum shall be counted in calculating the number provided to serve the major alteration or enlargement.
- B. Off-street loading berths in addition to those prescribed in the schedule of off-street loading berth requirements shall be provided if the zoning administrator finds that such additional berths are necessary to ensure that trucks will not be loaded, unloaded or stored on public streets. A finding shall be based on an investigation of the anticipated frequency of truck pick ups and deliveries and of the truck storage requirements of the use for which the off-street loading berths are required.
- C. If, in the application of the requirements of this section, a fractional number is obtained, one loading berth shall be provided for a fraction of one-half or more, and no loading berth shall be required for a fraction of less than one-half. (Prior code § 2-9.28)

18.92.030 Schedule of off-street loading berth requirements.

- A. Exemptions from loading berth requirements: banks, service stations, public and private offices, car washes, hotels and motels.
- B. Food stores:

Chapter 18.108

TRAILERS AND TRAILER PARKS

Sections:

- 18.108.010** **Occupancy requirements.**
- 18.108.020** **Parking restriction.**
- 18.108.030** **Required conditions for trailer parks.**
- 18.108.040** **Trailers on school sites.**

18.108.010 **Occupancy requirements.**

Except as provided in Sections 18.108.040 and 18.116.010, no trailer (mobilehome) shall be occupied or used for living or sleeping purposes unless it is located in a licensed trailer park, provided that a trailer may be used as an office for a construction project. (Prior code § 2-10.26)

18.108.020 **Parking restriction.**

No trailer, whether designed for living or sleeping purposes or not, shall be parked or stored in an R district, except as prescribed in Sections 18.84.270 and 18.108.040. (Prior code § 2-10.27)

18.108.030 **Required conditions for trailer parks.**

Trailer parks permitted as conditional uses in the RM and C-F districts shall comply with the regulations prescribed in Chapter 18.84 of this title, except as provided in this section:

- A. The minimum site area for trailer park shall be five acres, provided that preexisting trailer park shall be five acres, conforming by reason of failure to meet the minimum site area requirement. A preexisting trailer park conforming in all respects except site area may be expanded, but shall not be reduced in area.
- B. There shall be 4,000 square feet of site area for each trailer space. A preexisting trailer park shall not be deemed nonconforming by reasons of failure to meet the minimum site area per trailer space requirement, and may be enlarged, provided that there shall be 4,000 square feet of additional site area for each trailer space added.
- C. A trailer park shall meet the usable open space requirements for the district in which it is located; provided, that a trailer park in a C-F district shall meet the open space requirements for the RM-1,500 district; and provided, that each trailer park shall have in addition at least one recreation space not less than 5,000 square feet in area and suitably developed for the use of residents of the trailer park.
- D. Not more than one dwelling unit shall be located on the site of a trailer park in a C-F district.
- E. No trailer or dwelling unit shall be located in a required yard or less than 20 feet from a street property line or another trailer or less than 15 feet from a property line not abutting a street.
- F. All areas used for automobile circulation or parking shall be improved as prescribed for required parking facilities in Section 18.88.040.
- G. The site shall be landscaped as required in Sections 18.84.130 through 18.84.260, and shall have additional landscaping, including trees, shrubs, and lawn, as determined by the board of design review to provide a suitable setting. (Prior code § 2-10.28)

18.108.040 **Trailers on school sites.**

A trailer may be occupied or used for living or sleeping purposes on a developed public or private school site or college site, provided that such trailer is occupied for the purpose of reducing vandalism and other damage to school facilities. A conditional use permit, in accordance with Chapter 18.124 of this title, is required for installation of a trailer. (Prior code § 2-10.29)

Chapter 18.110

PERSONAL WIRELESS SERVICE FACILITIES

Sections:

- 18.110.005 Purpose.**
- 18.110.010 Applicability.**
- 18.110.020 Notice and approval process.**
- 18.110.030 Revocation of approval.**
- 18.110.040 Submittals.**
- 18.110.050 Locational standards.**
- 18.110.060 Co-location.**
- 18.110.070 Stealth techniques.**
- 18.110.080 Height.**
- 18.110.090 Colors and materials.**
- 18.110.100 Landscaping.**
- 18.110.110 Setbacks and projections into yards.**
- 18.110.120 Projections into public rights-of-way.**
- 18.110.130 Number of antennas and facilities permitted.**
- 18.110.140 Noise.**
- 18.110.150 Interference.**
- 18.110.160 Maintenance and safety.**
- 18.110.170 Antennas located on an undeveloped parcel.**
- 18.110.180 Access roads.**
- 18.110.190 Advertising.**
- 18.110.200 Federal Aviation Administration.**
- 18.110.210 Historical and archaeological sites.**
- 18.110.220 Minor modifications.**
- 18.110.230 Cessation of operation on-site.**
- 18.110.240 Fees.**
- 18.110.250 Preexisting and nonconforming personal wireless service facilities.**
- 18.110.260 Length of approvals.**
- 18.110.270 Change in federal or state regulations.**
- 18.110.280 Indemnity and liability.**
- 18.110.290 Severability.**

18.110.005 Purpose.

The purpose and intent of this chapter is to provide a comprehensive set of standards for the development and installation of personal wireless service facilities. The regulations contained herein are designed to protect and promote public safety and community welfare, property values, and the character and aesthetic quality of Pleasanton, while at the same time not unduly restricting the development of personal wireless service facilities, and not unreasonably discriminating among personal wireless service providers of functionally equivalent services. (Ord. 2086 § 2, 2014; Ord. 1743 § 1, 1998)

18.110.010 Applicability.

A. This chapter shall apply to all property owned by private persons, firms, corporations or organizations, and property owned by the city, including public streets and alleys, and property owned by any agencies of the city, or by any local, state, or federal government, agency, or political subdivision thereof required to comply with local government regulations as required by law or by written agreement, with the exception of the following facilities:

1. Amateur (including ham and shortwave) radio facilities on private property provided that the antenna does not exceed 65 feet in height or is not more than 25 feet above the height limit prescribed by the regulations

for the district in which the facility is located, whichever is less. Amateur radio facilities on private property are subject to design review as provided in Section 18.20.040(B)(2) of this title.

2. Amateur (including ham and shortwave) radio facilities on public property provided:
 - a. The facilities do not exceed 65 feet in height or are not more than 25 feet above the height limit prescribed by the regulations for the district in which the facilities are located, whichever is less;
 - b. The facilities provide emergency communication backup services for the city;
 - c. The facilities are officially recognized and approved by the city's emergency preparedness officer, fire chief, or community development director and operations services director;
 - d. Amateur radio facilities are prohibited on public property in any zoning district unless the facility meets the requirements of this section.
3. Personal wireless service facilities which are not licensed by the Federal Communications Commission and are determined by the zoning administrator to have little or no adverse visual impact.
4. Direct-to-home satellite services.
5. Personal wireless service facilities used only by the city, hospitals, and ambulance services in emergencies or for the protection and promotion of the public health, safety, and general welfare.
6. Any personal wireless service facility located on land owned by one of the public entities listed below and operated for the public entity's public purpose only and not for commercial reasons:
 - a. The United States of America or any of its agencies;
 - b. The state or any of its agencies or political subdivisions not required by state law to comply with local zoning ordinances;
 - c. Any other city (other than the city of Pleasanton), county, or special district;
 - d. The Pleasanton unified school district. (Ord. 2086 § 2, 2014; Ord. 2000 § 1, 2009; Ord. 1743 § 1, 1998)

18.110.020 Notice and approval process.

- A. All personal wireless service facilities shall be subject to design review approval by the zoning administrator as provided in Chapter 18.20 of this title. The zoning administrator, upon making a finding that the proposed personal wireless service facility meets all applicable provisions of this chapter, shall approve or conditionally approve the design review application for the personal wireless service facility. The zoning administrator may refer any personal wireless service application to the planning commission for review and action.
- B. All property owners within 300 feet of a property on which a personal wireless service facility is proposed shall be notified of the personal wireless service facility application by mail. Notice is not required where a facility's antennas will be concealed within the architecture of a building. Public hearings can be requested as provided in Section 18.20.040(B)(2) of this title. (Ord. 2086 § 2, 2014; Ord. 1743 § 1, 1998)

18.110.030 Revocation of approval.

- A. If the zoning administrator finds that a use is not in compliance with this chapter, that conditions of approval have not been fulfilled, or that there is a compelling public necessity, the zoning administrator shall notify the personal wireless service facility provider of the same, in writing, and state the actions necessary to cure. After 30 days from the date of notification, if the use is not brought into compliance with this chapter, the conditions of approval have not been fulfilled, or there is still a compelling public necessity, the zoning administrator shall refer the use to the planning commission for review. Such reviews shall occur at a noticed public hearing where the personal wireless service provider may present relevant evidence. If, upon such review, the commission finds that any of the above has occurred, the commission may modify or revoke all approvals and/or permits.
- B. The terms of this section shall not apply to preexisting legal nonconforming personal wireless service facilities which are subject to Section 18.110.250 of this chapter. (Ord. 2086 § 2, 2014; Ord. 1743 § 1, 1998)

18.110.040 Submittals.

- A. For all proposed personal wireless service facilities, the personal wireless service provider shall provide the following to the zoning administrator:
1. A completed design review application which includes the signature of the personal wireless service provider and the property owner.
 2. All applicable fees including deposit fees for peer review. The zoning administrator is authorized at his or her discretion to employ on behalf of the city an independent technical expert to review any materials submitted by the applicant and to provide an analysis of issues including but not limited to, whether the wireless facility meets the emission standards set forth by the Federal Communications Commission, whether a significant gap in coverage exists, whether there are alternative sites and the feasibility of those sites, whether there are ways to mitigate aesthetic impacts. The applicant shall pay all costs of the peer review consultant and shall submit a deposit for peer and staff review.
 3. Site plan, landscape plan, and elevations drawn to scale. The elevation drawings shall include all buildings on which the personal wireless service facilities are proposed to be located.
 4. Cross-sections and floor plans, drawn to scale, if an antenna is proposed to be façade- or roof-mounted.
 5. Before and after photo-simulations and elevation drawings showing the height, design, color, and location of the proposed facility as viewed from public places and if requested by the zoning administrator, from private properties.
 6. Proposed means of establishing and maintaining maximum visual screening of facilities which includes submitting sample exterior materials and colors of towers, antennas, and accessory structures (such as equipment cabinets and structures), landscaping, and security fences.
 7. The number, type, and dimensions of antennas, equipment cabinets, and related facilities proposed for use by the personal wireless service provider. If an applicant is proposing an emergency standby generator, include the unit's dimensions and specifications including noise emission levels.
 8. A report from a structural engineer, licensed by the state, regarding the number and type of antennas that a proposed or existing structure is designed to support.
 9. Justification of why the proposed height and visual impact of the personal wireless service facility cannot be reduced on the proposed site.
 10. A letter, including service area maps and other information demonstrating that the proposed location is essential for the personal wireless service provider to fulfill a significant gap in coverage needs. A map based on drive tests (or similar engineering data) at the proposed site and its vicinity showing the estimated coverage area for the proposed personal wireless service facility. As used herein, drive tests are field tests to demonstrate the coverage of a proposed antenna in which one person holds a transmitter at the proposed site and another drives away from the site with a receiver to determine the outer perimeter of the radio signals that can be transmitted from the site.
 11. A letter explaining the site selection process including information about three other sites which could service the same or similar coverage area and the reasons for their rejection, provided that three such alternatives exist and are reasonably available for the provider's use in the coverage area.
 12. A letter demonstrating whether the facility could be co-located, where that co-located antennas and equipment could be placed, and how that future facility may look.
 13. A letter which states the personal wireless service provider's commitment to allow other personal wireless service providers to co-locate antennas on their proposed facilities wherever structurally and technically feasible, and to provide at any time additional information, as requested by the zoning administrator, to aid in determining whether or not another personal wireless service provider could co-locate on/near their facilities if approved.
 14. A letter certifying that the proposed facility will at all times comply with all applicable health requirements and standards pertaining to radio frequency (RF) emissions as required by the FCC. The letter must include

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

15. Reference to any easements necessary.
 16. All proposed signage, including emergency signage as required by Section 18.110.160(B) of this chapter.
- B. Additional information as deemed necessary by the zoning administrator which may include, but is not limited to, the following:
1. Information sufficient to determine that the personal wireless service provider has obtained all applicable operating licenses or other approvals required by the Federal Communications Commission and California Public Utilities Commission.
 2. A USGS topographic map or survey, to scale, with existing topographic contours showing the proposed antennas and accessory structures.
 3. Title reports.
 4. Installation of “story poles” to show the height or overall size of the proposed antennas or accessory structures.
 5. A letter stating specifically the reasons for not co-locating on any existing personal wireless service facility tower or at any site with existing antennas within the city. The reasons for not co-locating may include evidence that the existing facilities will not meet the provider’s coverage needs, letters from personal wireless service providers with existing facilities stating reasons for not permitting co-location, or evidence that personal wireless service providers have not responded, or, if the reasons for refusal to co-locate are structural, the structural calculations for review by the planning division.
 6. Noise impact analysis.
 7. A letter to the zoning administrator which describes in detail the maintenance program for the facility as well as a security plan to prevent unauthorized access and vandalism.
 8. Written proof of the availability of any required irrigation facilities on-site prior to permit issuance. This may be in the form of a letter from the owner of the land allowing the personal wireless service provider the use of required water facilities for landscaping. (Ord. 2086 § 2, 2014; Ord. 2000 § 1, 2009; Ord. 1743 § 1, 1998)

18.110.050 Locational standards.

- A. Locational Priorities. For the purposes of this section, when a parcel is zoned PUD (planned unit development), planning staff shall look to the zoning districts listed under the particular PUD and apply those zoning districts to this section.
1. Properties Zoned Commercial, Office, or Industrial (C, O, I, or M-U). Where feasible, personal wireless facilities shall be located on properties with a commercial, office, industrial, or mixed use zoning designation.
 - a. Concealed Facility. Where feasible, personal wireless service facilities shall be concealed from view and shall not be visible by persons at ground level. By way of example, a facility will be considered “concealed” if the antennas are contained within new or existing architectural details of a building, e.g., real or faux clock or bell tower, or on the roof of a building and concealed by parapets or screenwalls, or concealed by any other means, so long as the project does not substantially compromise the aesthetics of the building.
 - b. Camouflaged Facility. If it is not feasible to conceal a facility, personal wireless facilities shall be camouflaged in a manner that the facility is designed to be compatible with the surroundings. By way

- of example, antennas may be camouflaged in a faux tree, faux bush, flagpole, or otherwise designed in a manner to be compatible with the appurtenant architecture, building, or natural surroundings.
- c. If a facility is concealed, the antennas and accessory equipment may be placed anywhere on the property without regard to separation from other uses.
 - d. If a facility is camouflaged (and not concealed), the facility must be located a minimum of 200 feet away from the following: existing dwelling units (but not accessory structures, detached garages, sheds, poolhouses, etc.); senior care or nursing homes and assisted living facilities; public or private schools for children (including nursery schools); and neighborhood parks, community parks, or regional parks, as designated in the general plan. Notwithstanding the above, if a dwelling unit is located within a commercial (C), office (O), or industrial (I) zone, the 200-foot separation requirement does not apply since the primary purpose of the C, O, or I zones is for non-residential uses.
2. Properties Zoned Agriculture, Public, Public and Institutional (A, P, P&I). If it is not feasible to locate a personal wireless service facility on a parcel zoned C, O, I or M-U, a facility may be located on properties zoned A, P, or P&I.
 - a. Concealed Preferred Over Camouflaged. Facilities are encouraged to be concealed but, at a minimum, shall be camouflaged. If a facility is concealed, the antennas and accessory equipment may be placed anywhere on the property without regard to separation from other uses.
 - b. Facilities in these zoning designations may not be located within 200 feet of the following: existing dwelling units (but not accessory structures, detached garages, sheds, poolhouses, etc.); senior care or nursing homes and assisted living facilities; public or private schools for children (including nursery schools); and neighborhood parks, community parks, or regional parks, as designated in the general plan.
 3. Iron Horse Trail Between Santa Rita Road and Mohr Avenue. The Iron Horse Trail between Santa Rita Road and Mohr Avenue has no zoning designation and is primarily bordered by property zoned industrial. There are two approved camouflaged personal wireless service facilities located in the Iron Horse Trail between Santa Rita Road and Mohr Avenue. Future personal wireless service facilities may be placed in this section of the Iron Horse Trail, so long as the facilities are either concealed or camouflaged. If a facility is concealed, then the antennas and accessory equipment may be placed anywhere on the property without regard to separation from other uses. If a facility is camouflaged, it may not be located within 200 feet of any existing dwelling units (but not accessory structures, detached garages, sheds, poolhouses, etc.).
 4. All Other Zoning Classifications. Unless specifically identified in subsection (A)(1) or (2), personal wireless service facilities shall be prohibited in all other zoning districts with one exception. Regardless of the underlying zoning designation, personal wireless service facilities may be located on any parcel that contains a city water tank or on any parcel that is adjacent to a city water tank, so long as the following conditions are satisfied:
 - a. Facilities are encouraged to be concealed but, at a minimum, shall be camouflaged; and
 - b. The personal wireless service facility (antennas and equipment cabinets) must be located within 200 feet of a city water tank; and
 - c. Personal wireless facilities are encouraged to locate as far away from existing dwelling units as is feasible but in no event shall a personal wireless service facility (antennas or equipment cabinets) be located within 200 feet of an existing dwelling unit (but not detached garages, sheds, poolhouses, etc.).
 5. Feasibility. An applicant may demonstrate feasibility by providing evidence demonstrating that there are no other locations that: meet the applicant's coverage needs; are structurally or technically feasible; or are available to lease or otherwise economically feasible. At the applicant's expense, the city may hire an expert to review the provider's evidence and determine whether other locations may be feasible.

6. Visibility from Freeways. Personal wireless service facilities shall be prohibited at locations that are readily visible from the I-580 and I-680 freeways unless the provider can demonstrate that there are no other feasible sites and that every effort has been made to conceal or camouflage the facility.
7. Exception Required to Meet State or Federal Law. The decision-making body may grant an exception to any requirement of this chapter, including the locational priorities in this section, if the applicant can show that strict compliance with the code would violate federal or state law. (Ord. 2086 § 2, 2014; Ord. 2038 § 1, 2012; Ord. 1743 § 1, 1998)

18.110.060 Co-location.

The zoning administrator may require a personal wireless service provider to co-locate its personal wireless service facilities with other existing or proposed facilities if the proposed antennas would comply with the provisions of this chapter and it would be structurally and technically feasible that the co-location site can service the same or a similar coverage area as proposed; and if the zoning administrator determines that the proposed personal wireless service facilities would have less of an adverse visual impact than two or more single nonco-located personal wireless service facilities. (Ord. 2086 § 2, 2014; Ord. 1743 § 1, 1998)

18.110.070 Stealth techniques.

- A. All personal wireless service facilities shall be located so as to minimize their visibility and, unless determined by the zoning administrator to be concealed from view, designed to ensure that they will not appear as an antenna facility. To minimize visual impacts, all personal wireless service facilities determined by the zoning administrator to be visible to the public or properties in the vicinity shall incorporate appropriate stealth techniques to camouflage, disguise and/or blend them into the surrounding environment. Personal wireless service facilities shall be in scale and architecturally integrated with surrounding building design(s) or natural setting in such a manner as to be visually unobtrusive.
- B. Antennas mounted on structures or on architectural details of a building shall be treated to match existing architectural features and colors found on the building. Façade-mounted antennas shall be integrated into the building's architecture through design, color, and texture.
- C. Roof-mounted antennas shall be located in an area of the roof where the visual impact is minimized. Roof-mounted and ground-mounted antennas shall not be allowed when they are placed in direct line of sight of significant or sensitive view corridors or where they adversely affect scenic vistas, unless facilities incorporate appropriate, creative stealth techniques to camouflage, disguise, and/or blend them into the surrounding environment, as determined by the zoning administrator.
- D. Aboveground and partially buried equipment cabinets shall be located where they will be the least visible from surrounding properties and public places. Aboveground and partially buried equipment cabinets shall require screening from surrounding properties and public view. Any visible portion of an equipment cabinet shall be treated to be architecturally compatible with surrounding structures and/or screened using appropriate techniques to camouflage, disguise, and/or blend it into the environment. If the zoning administrator determines that an equipment cabinet is not or cannot be adequately screened from adjacent properties or from public view or architecturally treated to blend in with the environment, the equipment cabinet shall be placed underground or inside the existing building where the antenna is located. (Ord. 2086 § 2, 2014; Ord. 1743 § 1, 1998)

18.110.080 Height.

- A. The height of a personal wireless service facility shall include the height of any structure upon which it is placed.
- B. The height of a personal wireless service facility shall be based on a visual analysis demonstrating that views of the facility are minimized or are substantially screened, and on an engineering analysis justifying the height of the proposed personal wireless service facility and demonstrating that a lower height is not feasible. (Ord. 2086 § 2, 2014; Ord. 1743 § 1, 1998)

18.110.090 Colors and materials.

- A. The visible exterior surfaces of personal wireless service facilities shall be constructed out of nonreflective materials.
- B. All colors and materials are subject to the zoning administrator's approval. The colors and materials of antennas, equipment cabinets, and other appurtenances shall be chosen to minimize the visibility of the personal wireless service facility, except as specifically required by the Federal Aviation Administration. Facilities which will be primarily viewed against soils, trees, or grasslands shall be painted colors matching these landscapes.
- C. Lightning arrester rods and beacon lights shall not be included as part of the design of any personal wireless service facility, unless the personal wireless service provider can prove that it is necessary for health and safety purposes, or required by the Federal Aviation Administration. (Ord. 2086 § 2, 2014; Ord. 1743 § 1, 1998)

18.110.100 Landscaping.

- A. Landscaping may be required to screen personal wireless service facilities from adjacent properties or public view and/or to provide a backdrop to camouflage the facilities. All proposed landscaping is subject to the zoning administrator's review and approval. Existing on-site vegetation shall be preserved or improved, and disturbance of the existing topography shall be minimized. Additional trees and other vegetation shall be planted and maintained around the facility, in the vicinity of the project site, and along access roads in appropriate situations where such vegetation is deemed necessary to provide screening of personal wireless service facilities and related access roads.
- B. All ground-mounted antennas and related equipment and roads shall be substantially screened by landscaping so that their visual impact is minimized.
- C. All trees used in landscaping shall be a minimum of 15 gallons in size and all shrubs a minimum of five gallons, unless otherwise approved.
- D. Any adjacent, existing landscaping shall be preserved and refurbished if damaged during construction.
- E. The personal wireless service provider shall enter into an agreement with the city, approved by the city attorney, which guarantees that all landscaping and open space areas included in the project shall be maintained at all times in a manner consistent with the approved landscape plan for the personal wireless service facility and its related equipment and roads. (Ord. 2086 § 2, 2014; Ord. 1743 § 1, 1998)

18.110.110 Setbacks and projections into yards.

- A. All setbacks shall be measured from the furthest extent of a personal wireless service facility to the closest applicable property line or structure, with the exception of equipment shelters. Equipment shelters shall be measured from the outside wall of the shelter to the closest applicable property line or structure.
- B. Personal wireless service facilities shall meet all applicable regulations for Class I or II accessory structures, whichever is applicable, in accordance with Chapter 18.84 of this title, with the following exceptions:
 - 1. Underground equipment shelters or cabinets may adjoin property lines, if approved by the building division.
 - 2. Ground-mounted antennas and related equipment shall not be located in front of main structures and/or along major street frontages where they will be readily visible.
 - 3. The clear vertical height under a projection shall be at least 15 feet. (Ord. 2086 § 2, 2014; Ord. 2000 § 1, 2009; Ord. 1743 § 1, 1998)

18.110.120 Projections into public rights-of-way.

- A. Ground-mounted antennas and related equipment shall not extend over a sidewalk, street, or other public right-of-way, except that ground-mounted antennas and related equipment on streetlight poles, traffic signals, and existing telephone poles may extend over a sidewalk or street, subject to zoning administrator and city engineer approvals.

- B. Roof-mounted and façade-mounted antennas and their related equipment shall not extend over a street.
- C. Roof-mounted and façade-mounted antennas and their related equipment may extend over a sidewalk provided that there shall be a setback of at least two feet between the curb and any portion of an antenna and its related equipment.
- D. The clear vertical height under a projection shall be at least 15 feet. (Ord. 2000 § 1, 2009; Ord. 1743 § 1, 1998)

18.110.130 Number of antennas and facilities permitted.

- A. The zoning administrator shall determine the number of antennas allowed per site on a case-by-case basis, with the goal of minimizing adverse visual impacts.
- B. No more than three personal wireless service facility providers shall be permitted to co-locate on a single building, tower, monopole, or other supporting structure, unless the zoning administrator determines that having additional facilities at that location is desirable and will not create aesthetic impacts. (Ord. 2086 § 2, 2014; Ord. 1743 § 1, 1998)

18.110.140 Noise.

- A. All personal wireless service facilities shall be constructed and operated in such a manner as to minimize the amount of noise impacts and to comply with the noise standards of the municipal code. Noise attenuation measures shall be required for all air-conditioning units. Backup generators shall only be operated during power outages and for testing and maintenance purposes. At any time, noise attenuation measures may be required by the zoning administrator when deemed necessary.
- B. Testing and maintenance activities of personal wireless service facilities which generate audible noise shall occur between the hours of 8:00 a.m. and 5:00 p.m., weekdays (Monday through Friday, non-holiday) excluding emergency repairs, unless allowed at other times by the zoning administrator. Testing and maintenance activities which do not generate audible noise may occur at any time, unless otherwise approved by the zoning administrator. (Ord. 2086 § 2, 2014; Ord. 1743 § 1, 1998)

18.110.150 Interference.

All personal wireless service facilities shall be operated in a manner which complies with the Federal Communications Commission's regulations regarding signal interference. (Ord. 2086 § 2, 2014; Ord. 1743 § 1, 1998)

18.110.160 Maintenance and safety.

- A. Personal wireless service facilities shall comply with all Federal Communications Commission and California Public Utilities Commission requirements.
- B. All personal wireless service providers shall provide signage, as required by the zoning administrator, which shall identify the name and phone number of the personal wireless service provider for use in case of an emergency.
 1. The design, materials, colors, and location of the identification signs shall be subject to zoning administrator review and approval.
 2. If at any time a new personal wireless service provider takes over operation of an existing personal wireless service facility, the new personal wireless service provider shall notify the planning division of the change in operation within 30 days and the required and approved signs shall be updated within 30 days to reflect the name and phone number of the new wireless service provider. The colors, materials and design of the updated signs shall match those of the required and approved signs.
- C. In addition to providing visual screening, each antenna site may be required to provide warning signs, fencing, anticlimbing devices, or other techniques to achieve the same end to control access to the facilities in order to prevent unauthorized access and vandalism. However, the use of fencing shall not unnecessarily add to the visual impact of the facility, and the design of the fencing and other access control devices shall be subject to zoning

administrator review and approval. All signs shall be legible from a distance of at least 10 feet from the personal wireless service facility. No sign shall be greater than two square feet in size.

- D. All personal wireless service facilities, including, but not limited to, antennas, towers, equipment cabinets, structures, accessory structures, and signs shall be maintained by the wireless service provider in good condition. This shall include keeping all personal wireless service facilities graffiti-free and maintaining security fences in good condition.
- E. All personal wireless service facilities shall be required to be reviewed by an electrical engineer licensed by the state. Within 45 days of initial operation or modification of a personal wireless service facility, the personal wireless service provider shall submit to the planning division a written certification by an electrical engineer licensed by the state that the personal wireless service facility, including the actual radio frequency radiation of the facility, is in compliance with the application submitted, any conditions imposed, and all other provisions of this chapter in order to continue operations past the 45-day period. At the personal wireless service provider's expense, the zoning administrator may employ on behalf of the city an independent technical expert to confirm and periodically reconfirm compliance with the provisions of this chapter.
- F. All personal wireless service facilities providing service to the government or general public shall be designed to survive a natural disaster without interruption in operation. To this end the following measures shall be implemented:
 1. Nonflammable exterior wall and roof covering shall be used in the construction of all aboveground equipment shelters and cabinets.
 2. Openings in all aboveground equipment shelters and cabinets shall be protected against penetration by fire and windblown embers.
 3. The material used as supports for the antennas shall be fire resistant, termite proof, and subject to all the requirements of the Uniform Building Code.
 4. Personal wireless service facility towers shall be designed to withstand the forces expected during the "maximum credible earthquake." All equipment mounting racks and attached equipment shall be anchored in such a manner that such a quake will not tip them over, throw the equipment off its shelves, or otherwise act to damage it.
 5. All connections between various components of the personal wireless service facility and with necessary power and telephone lines shall be protected against damage by fire, flooding, and earthquake.
 6. Measures shall be taken to keep personal wireless service facilities in operation in the event of a disaster.
 7. All equipment shelters and personal wireless service facility towers shall be reviewed and approved by the fire department.
 8. A building permit shall be required for the construction, installation, repair, or alteration of all support structures for personal wireless service facilities equipment. Personal wireless service facilities must be stable and must comply with the Uniform Building Code and any conditions imposed as a condition of issuing a building permit. (Ord. 2086 § 2, 2014; Ord. 2000 § 1, 2009; Ord. 1743 § 1, 1998)

18.110.170 Antennas located on an undeveloped parcel.

- A. All ground-mounted antennas that are located on undeveloped sites, where allowed, shall be converted to roof- or façade-mounted antennas with the development of the site when feasible and technically possible.
- B. All aboveground and partially buried equipment shelters and cabinets that are located on undeveloped sites, where allowed, shall be located where they will be the least visible from surrounding properties and public places. (Ord. 2086 § 2, 2014; Ord. 1743 § 1, 1998)

18.110.180 Access roads.

All personal wireless service facilities shall use existing access roads, where available. Unless visual impacts can be adequately mitigated, no new access roads shall be allowed with any proposed personal wireless service facility. (Ord. 2086 § 2, 2014; Ord. 1743 § 1, 1998)

18.110.190 Advertising.

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

18.110.200 Federal Aviation Administration.

- A. Personal wireless service facilities shall comply with all Federal Aviation Administration requirements.
- B. No personal wireless service facility shall be installed in a location where special painting or lighting will be required by the Federal Aviation Administration unless technical evidence acceptable to the zoning administrator is submitted showing that this is the only technically feasible location for this facility, and the proposed facility meets all of the other requirements of this chapter. When lighting is required and is permitted by the Federal Aviation Administration or other federal or state authority, it shall be turned inward so as not to project on surrounding property. (Ord. 2086 § 2, 2014; Ord. 1743 § 1, 1998)

18.110.210 Historical and archaeological sites.

No personal wireless service facility shall be sited such that its design and/or construction will damage an archaeological site or have an adverse effect on the historic character of an historic structure, feature, or site. (Ord. 2086 § 2, 2014; Ord. 1743 § 1, 1998)

18.110.220 Minor modifications.

Minor modifications to personal wireless service facility equipment design, location, height, and other elements may be allowed, subject to the approval of the zoning administrator, if such modifications are in keeping with the architectural statement and layout design of the original approval, and meet the requirements of this chapter. (Ord. 2086 § 2, 2014; Ord. 1743 § 1, 1998)

18.110.230 Cessation of operation on-site.

- A. Personal wireless service providers shall provide the city with a notice of intent to vacate a site a minimum of 30 days prior to the vacation.
- B. A new permit shall be required if a site is to be used again for the same purpose as permitted under the original permit if a consecutive period of six months have lapsed since cessation of operations.
- C. All equipment associated with a personal wireless service facility shall be removed by the property owner after cessation of the said use for more than six consecutive months, and the site shall be restored to its original pre-construction condition. Any access road installed shall also be removed by the property owner and the ground returned to its natural condition after continuous cessation of the said use for more than six months unless the property owner establishes to the satisfaction of the zoning administrator that these sections of road are necessary to serve another use which is permitted or conditionally permitted and has been approved for the property or to provide access to adjoining parcels. An exception to this subsection may be made by the zoning administrator for an extension of up to 12 months if the property owner continues to make a good faith attempt to sell or lease the property as a personal wireless service facility site, as certified by a licensed real estate broker who is under contract with a right to sell or lease the property.
- D. The personal wireless service provider shall be responsible for providing the financial guarantee required in Section 18.110.240(B) of this chapter.

18.110.240

- E. Any personal wireless service provider that is buying, leasing, or is considering a transfer of ownership of an already approved facility shall submit a letter of notification of intent to the zoning administrator. (Ord. 2086 § 2, 2014; Ord. 1743 § 1, 1998)

18.110.240 Fees.

- A. The zoning administrator is authorized at his or her discretion to employ on behalf of the city an independent technical expert to review any technical materials submitted. The zoning administrator shall consult with all interested personal wireless service facility providers to compile a list of independent technical experts from which the zoning administrator shall choose the reviewing technical expert. The personal wireless service provider shall pay all reasonable costs of said review, not including administrative costs.
- B. Prior to erecting a personal wireless service facility, the personal wireless service provider shall provide a financial guarantee, satisfactory to the city attorney, for the removal of the facility in the event that its use is abandoned, or its approval is terminated. This subsection shall not apply to personal wireless service facilities approved prior to the effective date hereof. (Ord. 2086 § 2, 2014; Ord. 1743 § 1, 1998)

18.110.250 Preexisting and nonconforming personal wireless service facilities.

- A. As of the effective date of the ordinance codified in this chapter, there are four legal nonconforming personal wireless facilities in the city. These facilities shall not be altered or modified unless approved by the zoning administrator subject to the determination that the alteration or modification will cause the personal wireless service facility to be in greater conformance with this chapter.
- B. A facility that meets the requirements of this chapter shall not later be deemed nonconforming in the event that one of the following uses locates near the existing facility in a manner that would make the facility noncompliant with the locational standards of Section 18.110.050: dwelling units (but not accessory structures, detached garages, sheds, poolhouses, etc.); senior care or nursing homes and assisted living facilities; public or private schools for children (including nursery schools); and neighborhood parks, community parks, or regional parks, as designated in the general plan. (Ord. 2086 § 2, 2014; Ord. 1743 § 1, 1998)

18.110.260 Length of approvals.

- A. Length of Permit. A design review approval for a wireless communication facility shall be valid for an initial maximum period of 10 years.
- B. Extensions. The permit may be administratively extended by the zoning administrator for a period of time to be determined by the zoning administrator upon verification of continued compliance with the findings and conditions of approval under which the application was originally approved, as well as any other provisions provided for in this chapter or in the municipal code which are in effect at the time of permit renewal. Additionally, the zoning administrator shall look at whether the personal wireless service provider has agreed in writing to upgrade the existing facility to minimize the facility's adverse visual impact to the extent permitted by the technology that exists at the time of the renewal.
- C. Notwithstanding the foregoing, no public hearing to schedule a denial of an extension pursuant to this section shall be calendared until the zoning administrator has first provided a written notice to the personal wireless service provider including with reasonable specificity: (1) the nature of the deficiency or violation; (2) a reasonably ascertainable means to correct such deficiency or violation; and (3) a reasonable opportunity to cure the same if the deficiency or violation is curable, which time period in no event shall be less than 30 days from the date of notification or such lesser period as may be warranted by virtue of a public emergency.
- D. A nonconforming personal wireless service facility shall not receive an extension or be altered or modified unless approved by the zoning administrator subject to a determination that the extension, alteration, or modification will cause the personal wireless service facility to be in greater conformance with this chapter.
- E. The zoning administrator's decision to deny a renewal may be appealed as described in Section 18.144.050 of this title.

- F. At the zoning administrator's request, the personal wireless service provider shall provide a written summary certifying the commencement date and expiration date of any lease, license, property right, or other use agreement for the personal wireless service facility, including any options or renewal terms contained therein.
- G. An approval for a personal wireless service facility may be modified or revoked by the planning commission as described in Section 18.110.030 of this chapter. (Ord. 2086 § 2, 2014; Ord. 2000 § 1, 2009; Ord. 1743 § 1, 1998)

18.110.270 Change in federal or state regulations.

All personal wireless service facilities shall meet the current standards and regulations of the Federal Communications Commission, the California Public Utilities Commission, and any other agency of the federal or state government with the authority to regulate personal wireless service providers. If such standards and regulations are changed, the personal wireless service provider shall bring its facilities into compliance with such revised standards and regulations within 90 days of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal or state agency. Failure to bring personal wireless service facilities into compliance with such revised standards and regulations shall constitute grounds for the immediate removal of such facilities at the personal wireless service provider's expense. (Ord. 2086 § 2, 2014; Ord. 1743 § 1, 1998)

18.110.280 Indemnity and liability.

- A. The personal wireless service provider shall defend, indemnify and hold harmless the city or any of its boards, commissions, agents, officers, and employees from any claim, action or proceeding against the city, its boards, commissions, agents, officers, or employees to attack, set aside, void, or annul, the approval of the project, unless such claim, action, or proceeding is based on the city's negligence or misconduct, when such claim or action is brought within the time period provided for in applicable state and local statutes. The city shall promptly notify the providers of any such claim, action or proceeding. Nothing contained in this subsection shall prohibit the city from participating in a defense of any claim, action, or proceeding if the city bears its own attorney fees and costs, and the city defends the action in good faith.
- B. Personal wireless service providers shall be strictly liable for any and all sudden and accidental pollution and gradual pollution from the usage of their personal wireless service facilities within the city. This liability shall include cleanup, injury or damage to persons or property. Additionally, personal wireless service providers shall be responsible for any sanctions, fines, or other monetary costs imposed as a result of the release of pollutants from their operations.
- C. Personal wireless service providers shall be strictly liable for any and all damages resulting from electromagnetic waves or radio frequency emissions in excess of the Federal Communications Commission's standards. (Ord. 2086 § 2, 2014; Ord. 1743 § 1, 1998)

18.110.290 Severability.

If any section or portion of this chapter is found to be invalid by a court of competent jurisdiction, such finding shall not affect the validity of the remainder of the chapter, which shall continue in full force and effect. (Ord. 2086 § 2, 2014; Ord. 1743 § 1, 1998)

