

SUPPLEMENT NO. 18

INSERTION GUIDE

PLEASANTON PLANNING AND ZONING CODE

July 2017

(Covering Ordinances through 2163)

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

495—496	495—496
499—518	499—518-4
529—534	529—534
537—538	537—538
541—578	541—561/577
624-1—624-3.....	624-1—624-3
631—632	631—632
635—636	635—636
641—644	641—644
669—670-4	669—670-6
689—690	689—690
695—700	695—700
705—714	705—714-4

PREFACE

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

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Title 18
ZONING

Chapters:

- 18.04 General Provisions**
- 18.08 Definitions**
- 18.12 Administrative Provisions**
- 18.20 Design Review**
- 18.24 Districts Generally**
- 18.28 A Agricultural District**
- 18.32 R-1 One-Family Residential Districts**
- 18.36 RM Multi-Family Residential Districts**
- 18.40 O Office District**
- 18.44 C Commercial Districts**
- 18.48 I Industrial Districts**
- 18.52 Q Rock, Sand and Gravel Extraction District**
- 18.56 P Public and Institutional District**
- 18.60 S Study District**
- 18.64 RO Residential Overlay District**
- 18.68 PUD Planned Unit Development District**
- 18.72 C-O Civic Overlay District (Rep. by Ord. 1718 § 1, 1997)**
- 18.74 Downtown Revitalization District**
- 18.76 H-P-D Hillside Planned Development District**
- 18.78 West Foothill Road Corridor Overlay District**
- 18.80 Core Area Overlay District**
- 18.82 SF Service Facilities Overlay District**
- 18.84 Site, Yard, Bulk, Usable Open Space and Landscaping Regulations**
- 18.86 Reasonable Accommodation**
- 18.88 Off-Street Parking Facilities**
- 18.92 Off-Street Loading Facilities**
- 18.96 Signs**
- 18.100 Political Signs, Signs Announcing Community Events and Religious Holiday Banners**

- 18.103 Beekeeping**
- 18.104 Home Occupations**
- 18.105 Cottage Food Operations**
- 18.106 Accessory and Junior Accessory Dwelling Units**
- 18.107 Supportive Housing and Transitional Housing**
- 18.108 Trailers and Trailer Parks**
- 18.110 Personal Wireless Service Facilities**
- 18.112 Satellite Earth Station Development Standards**
- 18.114 Adult Entertainment Establishments**
- 18.116 Temporary Uses**
- 18.120 Nonconforming Uses**
- 18.124 Conditional Uses**
- 18.128 Determination as to Uses Not Listed**
- 18.132 Variances**
- 18.136 Amendments**
- 18.140 Penalties**
- 18.144 Appeals**

Chapter 18.08

DEFINITIONS

Sections:

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

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

18.08.382	Office, business, professional, or administrative.
18.08.383	Office, medical.
18.08.385	Off-street loading facilities.
18.08.390	Off-street parking facilities.
18.08.395	Oriel window.
18.08.400	Outdoor advertising structure.
18.08.405	Patio, covered.
18.08.407	Personal service.
18.08.410	Personal wireless service.
18.08.415	Personal wireless service facility.
18.08.420	Personal wireless service facility tower.
18.08.425	Personal wireless service provider.
18.08.430	Photovoltaic facility.
18.08.432	Plant shop.
18.08.435	Portable, temporary electricity generator, fuel cell, or battery facility.
18.08.437	Preexisting.
18.08.440	Private school.
18.08.445	Radioactive materials uses.
18.08.450	Railroad right-of-way.
18.08.455	Recycling collection facility, large.
18.08.460	Recycling collection facility, small.
18.08.465	Recycling processing facility, large.
18.08.470	Recycling processing facility, small.
18.08.472	Restaurant.
18.08.473	Retail.
18.08.475	Second units.
18.08.480	Senior care/assisted living facility.
18.08.485	Service station.
18.08.490	Sign.
18.08.495	Sign area.
18.08.500	Sign, subdivision.
18.08.505	Single ownership.
18.08.510	Site area.
18.08.515	Site or lot.
18.08.520	Skateboard ramp.
18.08.523	Special downtown accessory entertainment use.
18.08.525	Stealth techniques.
18.08.530	Street.
18.08.535	Structure.
18.08.540	Structure, accessory Class I.
18.08.545	Structure, accessory Class II.
18.08.550	Structure, main.
18.08.552	Supportive housing.
18.08.555	Swimming pool.
18.08.560	Trailer.
18.08.565	Trailer park.
18.08.568	Transitional housing.
18.08.570	Transmission lines.
18.08.575	Unlicensed wireless services.
18.08.580	Unreinforced masonry (URM) building.
18.08.585	Usable open space.
18.08.590	Use.

- 18.08.595** Use, accessory.
- 18.08.600** Width.
- 18.08.605** Wind energy facility.
- 18.08.606** Winery.
- 18.08.607** Yard.
- 18.08.610** Yard, front.
- 18.08.615** Yard, rear.
- 18.08.620** Yard, side.

18.08.005 Generally.

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

18.08.010 City boards, commissions and officials.

A. City Boards and Commissions.

1. "City" means the city of Pleasanton, Alameda County, California.
2. "City council" and "council" mean the city council of the city of Pleasanton.
3. "City planning commission," "planning commission" and "the commission" mean the planning commission duly appointed by the city council of the city of Pleasanton.

B. City Officials.

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

18.08.015 Access corridor.

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

18.08.016 Accessory dwelling units.

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

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

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

18.08.017 Agriculture.

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

18.08.020 Alley.

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

18.08.025 Alter.

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

18.08.030 Amateur radio facility.

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

18.08.035 Antenna.

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

18.08.040 Antenna, façade mounted.

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

18.08.045 Antenna, ground mounted.

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

18.08.050 Antenna, roof mounted.

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

18.08.055 Bar.

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

18.08.057

18.08.057 Basement commercial storage, public.

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

18.08.060 Small bed and breakfast.

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

18.08.065 Bed and breakfast inn.

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

18.08.070 Best available control technology.

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

18.08.072 Block.

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

18.08.075 Bio diesel.

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

18.08.077 Brew pub.

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

18.08.080 Brewery and distillery.

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

18.08.085 Building.

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

18.08.090 Business sign.

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

18.08.095 Car wash.

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

18.08.100 Charitable institution.

“Charitable institution” means a nonprofit institution devoted to the housing, training or care of children, or of aged, indigent, disabled or underprivileged persons, but does not include the following: lodging houses or dormitories providing temporary quarters for transient persons; organizations devoted to collecting or salvaging new or used materials; or organizations devoted principally to distributing food, clothing or supplies on a charitable basis. (Ord. 2061 § 2, 2013; prior code § 2-5.18(b))

18.08.105 Cogeneration facility.

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

18.08.107 Collocation.

“Collocation” means when more than one personal wireless service facility owned or used by more than one personal wireless service provider is sited on a single building, tower, monopole, or other supporting structure. (Ord. 1880, 2003; Ord. 1743, 1998)

18.08.110 Combined cycle facility.

“Combined cycle facility” means an electrical power generation facility that consists of one or more turbines and one or more boilers with a portion of the energy input to the boiler(s) provided by the exhaust gas of the turbine. (Ord. 1880, 2003)

18.08.112 Commercial mobile services.

“Commercial mobile services” means a category of services which encompasses all mobile telecommunications services that are provided for profit, are interconnected with the public switched telephone network, and make service available to the public or to such classes of eligible users as to be effectively available to a substantial portion of the public. The one common element of all commercial mobile services is that they use a radio frequency or channel instead of a wire to communicate to and from one or more devices which are mobile, such as pager or cellular phone. The definition of commercial mobile services includes fixed/local loop services. (Ord. 1880, 2003; Ord. 1743, 1998)

18.08.113 Community facility.

“Community facility” means any of the following uses or buildings not owned or operated by a local, state, or federal government agency or service facility: place of worship, rectory or convent, museum, or other similar use or structure determined to be substantially similar by the director of community development. (Ord. 2155 § 3, 2017)

18.08.115 Convenience market.

“Convenience market” means a food market which carries a limited inventory of food, beverages and convenience items, but excluding liquor stores, delicatessens and specialty food shops. (Ord. 2155 § 3, 2017; Ord. 1494 § 1, 1991)

18.08.117 Cottage food operation.

“Cottage food operation” means an enterprise within the registered or permitted (by the Alameda County department of environmental health food safety division) area of a private home or apartment, or other multi-family housing (i.e., condominiums or townhomes), where the individual, who proposes to operate the cottage food operation in his or her private residence and is the owner of the cottage food operation, prepares and/or packages cottage food products that are not potentially hazardous foods for direct or indirect sale to consumers. See California Health and Safety Code Section 113758. (Ord. 2056 § 1, 2013)

18.08.120 Court.

“Court” means an unoccupied open space on the same site with a building, which is bounded on three or more sides by exterior building walls. (Prior code § 2-5.18(c))

18.08.125 Coverage area.

“Coverage area” means the geographical area that is served by an antenna which transmits and receives radio frequency signals. (Ord. 1743, 1998)

18.08.130 Depth.

“Depth” means the horizontal distance between the front and rear property lines of a site measured along a line midway between the side property lines. (Prior code § 2-5.18(d))

18.08.135 Direct to home satellite services.

“Direct to home satellite services” means the distribution or broadcasting of programming or services by satellite directly to the subscriber’s premises without the use of ground receiving or distribution equipment, except at the subscriber’s premises. (Ord. 1743, 1998)

18.08.140 District.

“District” means a portion of the city within which the use of land and structures and the location, height and bulk of structures are governed by this chapter. (Prior code § 2-5.18(e))

18.08.145 Drive-In.

“Drive-in” means an establishment selling food or beverages to customers, some or all of whom customarily consume their purchases outdoors in or near their cars. (Prior code § 2-5.19(a))

18.08.150 Driveway.

“Driveway” means a private road, the use of which is limited to persons residing or working on the site and their invitees, licensees and business visitors, and which provides access to off-street parking or loading facilities. (Prior code § 2-5.19(b))

18.08.155 Dwelling.

“Dwelling” means a one-family or multi-family dwelling other than mobilehomes, automobile trailers, hotels, motels, camp cars, tents, railroad cars and temporary structures. (Ord. 2062 § 2, 2013; prior code § 2-5.19(c))

18.08.160 Dwelling unit.

“Dwelling unit” means one or more rooms with a single kitchen, designed for occupancy by one family for living and sleeping purposes. (Prior code § 2-5.19(d))

18.08.165 Electricity generator facility.

“Electricity generator facility” means one or more electrical power generators on a site that converts a substance or substances (not including nuclear fuel or heat produced by a nuclear reaction) into electricity through the utilization of an engine or a turbine, and which is further defined as follows:

- A. “Large.” Eleven to less than 50 megawatts in combined total size, and for which some or all of the electricity produced is exported off site.
- B. “Medium.” Either: (1) one to 10 megawatts in combined total size; or (2) 11 to less than 50 megawatts in combined total size, if no electricity is exported off site.
- C. “Small.” Less than one megawatt in combined total size.

The size of an electricity generator facility does not pertain to emergency standby electricity generator facilities, as defined by this chapter. (Ord. 1880, 2003)

18.08.166 Employee housing (agricultural).

“Employee housing (agricultural)” means housing as described in California Health and Safety Code Sections 17021.5 and 17021.6, and employee housing as defined in California Health and Safety Code Section 17008. (Ord. 2062 § 2, 2013)

18.08.167 Family.

“Family” means an individual or two or more persons who are related by blood or marriage; or otherwise live together in a dwelling unit. (See Housing Code Chapter 20.28 and 24 C.C.R. Section 202, as amended.) (Ord. 2062 § 2, 2013; Ord. 1880, 2003; prior code § 2-5.19(e))

18.08.168 Financial institution.

“Financial institution” means a use where the primary occupation is the receipt, disbursement, and exchange of funds and currencies, including banks, savings and loan offices, finance companies, credit unions, and related services as determined by the director of community development. (Ord. 2155 § 3, 2017)

18.08.170 Emergency standby electricity generator, fuel cell, or battery facility.

“Emergency standby electricity generator, fuel cell, or battery facility” means one or more electrical power generators (not including nuclear power generators), fuel cells, and/or batteries on a site which produce electricity via an engine, turbine, fuel cell, or battery, and which are only operated during interruptions of electrical service to the electrical power grid in Pleasanton or when the generators, fuel cells, or batteries are tested or serviced. (Ord. 1880, 2003)

18.08.172 Family daycare home.

“Family daycare home” means a home which regularly provides care, protection and supervision of children in the provider’s own home for periods of less than 24 hours per day while the children’s parents or guardians are away, including the following:

- A. Small Family Daycare Home. A home providing family daycare to seven or fewer children, including children under the age of 10 years who reside at the home in compliance with California Health and Safety Code Section 1597.44, as amended;
- B. Large Family Daycare Home. A home providing family daycare to eight to 14 children, inclusive, including children under the age of 10 years who reside at the home in compliance with California Health and Safety Code

Section 1597.465, as amended. (Ord. 2120 § 1, 2015; Ord. 1880, 2003; Ord. 1126 § 1, 1984; prior code § 2-5.19(f))

18.08.175 Firearm.

“Firearm” means a gun, pistol, revolver, rifle or any device, designed or modified to be used as a weapon, from which is expelled through a barrel a projectile by the force of explosion or other form of combustion. (Ord. 1738 § 1, 1998)

18.08.180 Firearm sales.

“Firearm sales” or “sale of firearms” means the sale, transfer, lease, offer, registration, or advertising for sale, transfer, lease, offer or registration of a firearm. (Ord. 1738 § 1, 1998)

18.08.185 Firearm sales, antique.

“Antique firearm sales” means the sale of any firearm not designed or redesigned for using rimfire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898), and also any firearm using fixed ammunition manufactured in or before 1898, for which the ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade. (Ord. 1738 § 1, 1998)

18.08.190 Floor area, basic.

“Basic floor area” means the total amount of gross floor area a building contains, expressed as a percentage of the total area of the lot. (Prior code § 2-5.20(a))

18.08.195 Floor area, gross.

“Gross floor area” means the sum of the gross horizontal area of the several floors of a building and its accessory buildings on the same site excluding: basement or cellar areas used only for storage; space used for off-street parking or loading; steps, patios, decks, terraces, porches, and exterior balconies, if not enclosed on more than three sides. Unless excepted above, floor area includes, but is not limited to, elevator shafts and stairwells measured at each floor (but not mechanical shafts), penthouses, enclosed porches, interior balconies and mezzanines. (Prior code § 2-5.20(b))

18.08.200 Frontage.

“Frontage” means the property line of a site abutting on a street, other than the side line of a corner lot. “Frontage” shall be measured as the shortest distance between the points at which the side property lines intersect the street property line. (Prior code § 2-5.20(c))

18.08.205 Fuel cell facility.

“Fuel cell facility” means one or more electrical power generators which convert either hydrogen or a hydrocarbon based fuel into electricity through an electrochemical reaction, and which is further defined as follows:

- A. “Large.” Eleven to less than 50 megawatts in combined total size, and for which some or all of the electricity produced is exported off site.
- B. “Medium.” Either: (1) one to 10 megawatts in combined total size; or (2) 11 to less than 50 megawatts in combined total size, if no electricity is exported off-site.
- C. “Small.” Less than one megawatt in combined total size.

The size of a fuel cell facility does not pertain to emergency standby fuel cell facilities, as defined by this chapter. (Ord. 1880, 2003)

18.08.207 Game arcade.

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

18.08.210 Garage or carport.

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

18.08.215 Garage, parking.

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

18.08.220 Garage, repair.

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

18.08.225 Garden center.

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

18.08.227 Governmental facility.

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

18.08.230 Grid.

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

18.08.232 Habitable room.

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

18.08.235 Home occupation.

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

18.08.237 Homeless shelter.

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

18.08.240

18.08.240 Hotel.

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

18.08.245 Household pet.

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

18.08.250 Illumination, diffused.

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

18.08.255 Illumination, direct.

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

18.08.260 Illumination, indirect.

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

18.08.262 Industrial, heavy.

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

18.08.263 Industrial, light.

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

18.08.265 Intersection, street.

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

18.08.268 Junior accessory dwelling units.

“Junior accessory dwelling unit” means an area not exceeding 500 square feet in size that is entirely contained within the space of an existing detached residential dwelling unit. It shall include its own separate interior and exterior

entrances, sink, cooking appliance, counter surface, and storage cabinets that meet minimum building code standards. The cooking facility shall have appliances that do not require electrical service greater than 120 volts, or natural or propane gas. The junior accessory unit may share a bathroom with the existing residential dwelling unit or may have its own bathroom. (Ord. 2161 § 1, 2017)

18.08.270 Junkyard.

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

18.08.275 Kennel.

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

18.08.280 Living room.

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

18.08.285 Lodging house.

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

18.08.290 Lot.

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

18.08.295 Lot, corner.

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

18.08.300 Lot, double frontage.

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

18.08.305 Lot, interior.

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

18.08.310 Lot, key.

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

18.08.315

18.08.315 Lot line, front.

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

18.08.320 Lot line, rear.

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

18.08.325 Lot line, side.

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

18.08.330 Lot, reversed corner.

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

18.08.335 Megawatt.

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

18.08.337 Microbrewery.

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

18.08.338 Mixed-use development.

“Mixed-use development” means a project that integrates office, retail, or industrial uses with residential uses. (Ord. 2155 § 3, 2017)

18.08.340 Motel or hotel.

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

18.08.345 Motor vehicle wrecking yard.

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

18.08.350 Multi-family dwelling.

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

18.08.355 Nonconforming sign.

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

18.08.360 Nonconforming structure.

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

18.08.365 Nonconforming use.

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

18.08.370 Nuclear power facility.

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

18.08.372 Nursery.

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

18.08.375 Nursery school.

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

18.08.380 Nursing home.

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

18.08.382 Office, business, professional, or administrative.

“Business, professional, or administrative office” means a space used for conducting the affairs of a business, profession, service industry, or government, where the activities are primarily mental or intellectual. Examples of such uses would include, but not be limited to, the offices of lawyers, accountants, brokers, insurance agents, counselors, realtors, and contractors. (Ord. 2155 § 3, 2017)

18.08.383 Office, medical.

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

18.08.385 Off-street loading facilities.

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

18.08.390 Off-street parking facilities.

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

18.08.395 Oriel window.

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

18.08.400 Outdoor advertising structure.

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

18.08.405 Patio, covered.

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

18.08.407 Personal service.

“Personal services” means a use that provides individual services generally related to personal, non-medical needs, including, but not limited to, barbers, beauty salons, day spas, holistic healing centers, nail salons, hair removal and/or replacement, massage establishments, acupressure services, tailors, and other services of a similar nature. Accessory retail sales of related products may also be sold. (Ord. 2155 § 3, 2017)

18.08.410 Personal wireless service.

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

18.08.415 Personal wireless service facility.

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

18.08.420 Personal wireless service facility tower.

“Personal wireless service facility tower” means a monopole, lattice tower, freestanding tower, antennas (including building-mounted antennas) or other structure designed to support antennas. (Ord. 2038 § 1, 2012; Ord. 1743, 1998)

18.08.425 Personal wireless service provider.

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

18.08.430 Photovoltaic facility.

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

18.08.432 Plant shop.

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

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

“Portable, temporary electricity generator, fuel cell, or battery facility” means one or more electrical power generators (not including nuclear power generators), fuel cells, and/or batteries on a site which produce electricity via an engine, turbine, fuel cell, or battery, and which are portable, less than 10 kW in combined total size, and which are used only on a temporary and intermittent basis. (Ord. 1880, 2003)

18.08.437 Preexisting.

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

18.08.440 Private school.

“Private school” means a private institution where children attend and receive their primary instruction for any combination of schooling between grades kindergarten and 12. This does not include stand-alone nursery schools. (Ord. 2155 § 3, 2017; Ord. 1743, 1998)

18.08.445 Radioactive materials uses.

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

18.08.450 Railroad right-of-way.

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

18.08.455 Recycling collection facility, large.

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

18.08.460 Recycling collection facility, small.

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

18.08.465 Recycling processing facility, large.

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

18.08.470 Recycling processing facility, small.

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

18.08.472 Restaurant.

“Restaurant” means any room, building, place or portion thereof intended to provide seated and/or take-out service of food selections, prepared on the premises, typically appropriate for a complete breakfast, lunch or dinner meal, but also includes bakeries, specialty coffee establishments, cafes, tea rooms, ice cream shops, delicatessens, providing incidental seating/table accommodations for the convenience of the retail customer and similar retail establishments as determined by the director of community development. (Ord. 2155 § 3, 2017)

18.08.473 Retail.

“Retail” means the selling of goods, wares, or merchandise directly to the ultimate consumer or persons without a resale license. (Ord. 2155 § 3, 2017)

18.08.475 Second units.

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

- A. An efficiency unit, as defined in Section 17958.1 of the California Health and Safety Code.
- B. A manufactured home, as defined in Section 18007 of the California Health and Safety Code. (Ord. 1885 § 2, 2003; Ord. 1812, 2000; Ord. 1690 § 1, 1996)

18.08.480 Senior care/assisted living facility.

“Senior care/assisted living facility” means a group residential facility for seniors which arranges services such as meals, housekeeping, supervision of self-administration of medication, medication administration, incontinence care,

limited nursing service, and 24-hour oversight of persons who need assistance with the activities of daily living and instrumental activities of daily living. Some or all of the living units may include kitchenettes and private bathrooms. (Ord. 1743, 1998)

18.08.485 Service station.

- A. "Service station, full-service" means a place where gasoline or any other motor fuel, grease, lubricating oil and accessories for the normal operation of motor vehicles are offered for sale to the public, the direct delivery of gasoline, motor fuel and lubricants into the motor vehicle is made by the station operator or vehicle operator, and where minor repairs to motor vehicles are performed only inside a work bay. One tow truck based at the site may be considered an incidental use to the service station.
- B. "Service station, self-service" means a place where gasoline or other motor fuel and lubricating oil for the normal operation of motor vehicles are offered for sale to the public and the direct delivery of motor fuel and lubricants into the motor vehicle is made by the vehicle operator.
- C. "Service station, quick-service" means a place where lubrication of the motor vehicle chassis, engine and drive train is performed by the service station operator and where minor repair to motor vehicles may be performed. (Ord. 1690 § 2, 1996; Ord. 1494 § 2, 1991; prior code § 2-5.27(g))

18.08.490 Sign.

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

18.08.495 Sign area.

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

18.08.500 Sign, subdivision.

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

18.08.505 Single ownership.

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

18.08.510 Site area.

"Site area" means the total horizontal area included within the property lines of a site, exclusive of the area of access corridors, streets, portions of the site within future street plan lines; provided, however, all lots in subdivisions

with acute angles less than 45 degrees formed by adjacent sides shall be discouraged by the planning commission at the time of tentative map approval. (Prior code § 2-5.29(a))

18.08.515 Site or lot.

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

18.08.520 Skateboard ramp.

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

18.08.523 Special downtown accessory entertainment use.

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

18.08.525 Stealth techniques.

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

18.08.530 Street.

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

18.08.535 Structure.

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

18.08.540 Structure, accessory Class I.

“Class I accessory structure” means a subordinate structure, the use of which is appropriate, subordinate, and customarily incidental to that of the main structure or the main use of the land, and which is located on the same site with the main structure or use. “Class I accessory structures” shall include those accessory structures designed for possible habitation and include covered patios, garages and carports, any covered or enclosed area with a height greater than six feet and an area greater than 80 square feet. (Prior code § 2-5.29(d))

18.08.545 Structure, accessory Class II.

“Class II accessory structure” means a subordinate structure, the use of which is appropriate, subordinate and customarily incidental to that of the main structure or Class I accessory structure, or the main use of the land, and which is located on the same site with the main structure or use. Class II accessory structures shall include those accessory struc-

tures not designed for habitation, and include plant shelters and lathe area and tool storage sheds with a height no greater than six feet and an area no greater than 80 square feet. (Prior code § 2-5.29(e))

18.08.550 Structure, main.

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

18.08.552 Supportive housing.

“Supportive housing” means housing with no limit on length of stay, that is occupied by the target population and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. (See California Health and Safety Code 50675.14(b)(2).) (Ord. 2061 § 2, 2013)

18.08.555 Swimming pool.

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

18.08.560 Trailer.

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

18.08.565 Trailer park.

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

18.08.568 Transitional housing.

“Transitional housing” means buildings configured as rental housing development, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months. (See California Health and Safety Code 50675.2(h).) (Ord. 2061 § 2, 2013)

18.08.570 Transmission lines.

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

18.08.575 Unlicensed wireless services.

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

18.08.580 Unreinforced masonry (URM) building.

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

- A. Buildings with masonry walls which lack reinforcing;

18.08.585

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

18.08.585 Usable open space.

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

18.08.590 Use.

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

18.08.595 Use, accessory.

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

18.08.600 Width.

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

18.08.605 Wind energy facility.

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

18.08.606 Winery.

“Winery” means a business taking up no more than 10,000 square feet in area that makes wine primarily for retail sales. Ancillary wholesale sales are also permitted. No on-site consumption of wine is permitted except as part of quality testing and/or tours. A business where customers make wine on-site for their personal use shall be classified as a winery for purposes of this zoning code. (Ord. 2155 § 3, 2017)

18.08.607 Yard.

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

18.08.610 Yard, front.

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

18.08.615 Yard, rear.

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

18.08.620 Yard, side.

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

Chapter 18.12

ADMINISTRATIVE PROVISIONS

Sections:

Article I. Generally

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

Article II. Zoning Certificate and Certificate of Occupancy

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

Article III. Moratorium

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

Article I. Generally

18.12.010 **Permits, certificates and licenses.**

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

18.12.020 **Duties of city officials.**

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

18.12.030 **Administrative extension of approvals.**

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

Chapter 18.28

A AGRICULTURAL DISTRICT

Sections:

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

18.28.010 Purpose.

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

- A. To permit the conduct of certain agricultural pursuits on land in the city;
- B. To prevent premature urban development of certain lands which eventually will be appropriate for urban uses, until the installation of drainage works, streets, utilities, and community facilities makes orderly development possible;
- C. To ensure adequate light, air and privacy for each dwelling unit, and to provide adequate separation between dwellings and facilities for housing animals;
- D. To permit certain nonagricultural uses that are incompatible with intensive urban development to locate in undeveloped portions of the city. (Prior code § 2-6.00)

18.28.020 Required conditions.

- A. All uses shall comply with the regulations prescribed in Chapter 18.84 of this title;
- B. No use shall be permitted and no process, equipment or materials shall be employed which are found by the city planning commission to be objectionable to persons residing or working in the vicinity or injurious to property located in the vicinity by reason of odor, fumes, dust, smoke, cinders, dirt, refuse, water carried wastes, noise, vibrations, illumination, glare, unsightliness or traffic, or to involve any hazard of fire or explosion, provided that permitted agricultural pursuits conducted in accord with good practice shall not be deemed a nuisance. (Prior code § 2-6.01)

18.28.030 Permitted uses.

The following uses shall be permitted in the A district:

- A. One-family dwellings and accessory dwelling or junior accessory dwelling units. Not more than one dwelling unit and an accessory dwelling unit or junior accessory dwelling unit, shall be permitted on each site;
- B. Agriculture for commercial purposes, limited to the growing of field and truck crops and horticultural specialties; nurseries, greenhouses and botanical conservatories; orchards and vineyards; farming and ranching facilities and structures;
- C. Raising of fruits, nuts, vegetables and horticultural specialties for private noncommercial use;
- D. Home occupations conducted in accordance with the regulations prescribed in Chapter 18.104 of this title;

- E. Livestock and poultry raising for private, noncommercial use, and private kennels and stables; provided, that any building or enclosure in which animals or fowl, except household pets, are contained shall be at least 100 feet from any R, O, C, I-P or P district;
- F. Photovoltaic facilities;
- G. Accessory structures and uses located on the same site with a permitted use, including barns, stables, coops, tank houses, storage tanks, windmills (not including wind energy facilities), other farm outbuildings, private garages and carports, or guesthouse or accessory living quarters without a kitchen for each dwelling on the site, storehouses, garden structures, greenhouses, recreation rooms and hobby shops, and storage of petroleum products for persons residing on the site and the following accessory structures and uses located on the same site with a permitted use or with a conditional use which has been granted a use permit in accord with the provisions of Chapter 18.124 of this title:
 - 1. Emergency standby electricity generator, fuel cell, and/or battery facilities provided that the facilities shall be tested from 8:00 a.m. to 5:00 p.m. Monday through Friday or from 10:00 a.m. to 12:00 noon on Saturday or Sunday only; the facilities shall not be tested for more than one hour during any day, and no testing shall be on federal holidays or on "Spare The Air Days" in Alameda County,
 - 2. Portable, temporary electricity generator, fuel cell, or battery facilities,
 - 3. Photovoltaic facilities,
 - 4. Small electricity generator facilities that meet the following criteria:
 - a. The fuel source for the generators shall be natural gas, bio diesel, or the byproduct of an approved cogeneration or combined cycle facility,
 - b. The facilities shall use the best available control technology to reduce air pollution,
 - c. The facilities shall not create any objectionable odors at any point outside of the property plane where the facilities are located,
 - d. The facilities shall not exceed a noise level of 45 dBA at any point on any residentially zoned property outside of the property plane where the facilities are located,
 - e. On a site with fuel cell facilities, small electricity generator facilities shall not be permitted unless the aggregate wattage of the two facilities is less than one megawatt. If the aggregate wattage of the two facilities is one megawatt or greater, the small electricity generator facilities shall be subject to all requirements and processes prescribed in this title for medium or large electricity generator facilities, whichever is the most applicable, in the subject zoning district, and
 - f. The facilities shall be cogeneration or combined cycle facilities, if feasible,
 - 5. Small fuel cell facilities that meet the following criteria:
 - a. The facilities shall not create any objectionable odors at any point outside of the property plane where the facilities are located,
 - b. The fuel cell facilities shall not exceed a noise level of 45 dBA at any point on any residentially zoned property outside of the property plane where the facilities are located, and
 - c. On a site with electricity generator facilities, small fuel cell facilities shall not be permitted unless the aggregate wattage of the two facilities is less than one megawatt. If the aggregate wattage of the two facilities is one megawatt or greater, the small fuel cell facilities shall be subject to all requirements and processes prescribed in this title for medium or large fuel cell facilities, whichever is the most applicable, in the subject zoning district,

Small fuel cell facilities are encouraged to be cogeneration or combined cycle facilities;
- H. Administrative offices for on-site and off-site agricultural activities which are clearly ancillary to the agricultural pursuits taking place on the site;
- I. Small family daycare homes;

- J. Employee housing (agricultural) that complies with California Health and Safety Code Section 17008, 17021.5 or 17021.6 (depending on the number of employees accommodated) and the other applicable provisions of the Employees Housing Act at California Health and Safety Code Section 17000 et seq., and to include a residential safety management plan;
- K. Supportive housing that provides shelter for six or fewer persons in a dwelling unit, subject to the provisions of Chapter 18.107;
- L. Transitional housing that provides shelter for six or fewer persons in a dwelling unit, subject to the provisions of Chapter 18.107;
- M. Beekeeping meeting the requirements of Chapter 18.103 of this title. (Ord. 2161 § 1, 2017; Ord. 2113 § 1, 2015; Ord. 2062 § 2, 2013; Ord. 2061 § 2, 2013; Ord. 1885 § 2, 2003; Ord. 1880, 2003; Ord. 1126 § 3, 1984; prior code § 2-6.02)

18.28.040 Conditional uses.

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

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

- S. Hog and livestock raising, not including feedlots where more than 50 percent of the feed is imported.
- T. Hospitals.
- U. Large family daycare homes in accordance with the provisions of Chapter 18.124, Article II of this title.
- V. Nursery schools.
- W. Nursing homes, senior care/assisted living facilities, and sanitariums.
- X. Poultry raising, egg processing, and hatcheries.
- Y. Private schools.
- Z. Public utility and public service facilities including pumping stations, power transmission stations, power distribution stations, equipment buildings, service yards, drainageways and structures, water reservoirs, percolation basins, well fields, storage tanks, and railroad facilities. These facilities must be found by the planning commission to be necessary for the public health, safety, or welfare.
- AA. Rabbit raising.
- BB. Recreational vehicle storage facilities.
- CC. Riding academies and stables.
- DD. Rifle and pistol ranges.
- EE. Roadside stands for the sale of agricultural produce grown on the site.
- FF. Sanitary landfill operations.
- GG. Veterinarians' offices.
- HH. Wineries, winery sales and tasting rooms.
- II. Wood sales and storage yards for unmilled lumber. (Ord. 2113 § 1, 2015; Ord. 2086 § 2, 2014; Ord. 2062 § 2, 2013; Ord. 1880, 2003; Ord. 1743, 1998; Ord. 1738 § 1, 1998; Ord. 1157 § 1, 1984; Ord. 1126 § 4, 1984; prior code § 2-6.03)

18.28.045 Prohibited uses.

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

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

18.28.050 Off-street parking.

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

18.28.060 Off-street loading.

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

18.28.070 Signs.

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

18.28.080 Design review.

All uses shall be subject to design review as prescribed in Chapter 18.20 of this title. 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. Accessory dwelling or junior accessory dwelling units meeting the requirements in Chapter 18.106 of this title.
- I. Employee housing (agricultural) that complies with California Health and Safety Code Sections 17008, 17021.5 and the other applicable provisions of the Employee Housing Act at California Health and Safety Code Sections 17000 et seq., and to include a residential safety management plan.
- J. Supportive housing that provides shelter for six or fewer persons in a dwelling unit, subject to the provisions of Chapter 18.107.
- K. Transitional housing that provides shelter for six or fewer persons in a dwelling unit, subject to the provisions of Chapter 18.107.
- L. Beekeeping meeting the requirements of Chapter 18.103 of this title. (Ord. 2161 § 1, 2017; Ord. 2113 § 1, 2015; Ord. 2062 § 2, 2013; Ord. 2061 § 2, 2013; Ord. 1930 § 1, 2006; Ord. 1885 § 2, 2003; Ord. 1880, 2003; Ord. 1636 § 3, 1994; Ord. 1126 § 5, 1984; prior code § 2-6.13)

18.32.040 Conditional uses.

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

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

Chapter 18.36

RM MULTI-FAMILY RESIDENTIAL DISTRICTS

Sections:

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

18.36.010 Purpose.

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

- A. To reserve appropriately located areas for family living in a variety of types of dwellings at a reasonable range of population densities consistent with sound standards of public health and safety;
- B. To preserve as many as possible of the desirable characteristics of the one-family residential district while permitting higher population densities;
- C. To ensure adequate light, air, privacy and open space for each dwelling unit;
- D. To provide space for semipublic facilities needed to complement urban residential areas and space for institutions that require a residential environment;
- E. To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the land around them;
- F. To provide necessary space for off-street parking of automobiles and, where appropriate, for off-street loading of trucks;
- G. To protect residential properties from the hazards, noise and congestion created by commercial and industrial traffic;
- H. To protect residential properties from noise, illumination, unsightliness, odors, dust, dirt, smoke, vibration, heat, glare and other objectionable influences;
- I. To protect residential properties from fire, explosion, noxious fumes and other hazards. (Prior code § 2-6.22)

18.36.020 Required conditions.

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

18.36.030 Permitted uses.

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

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

- B. Multi-family dwellings.
- C. Combinations of attached or detached dwellings, including duplexes, multi-family dwellings, dwelling groups, row houses and townhouses.
- D. Nursing homes and senior care/assisted living facilities for not more than three patients.
- E. Accessory structures and uses located on the same site as a permitted use and the following accessory structures and uses located on the same site with a permitted use or with a conditional use which has been granted a use permit in accord with the provisions of Chapter 18.124 of this title:
 - 1. Emergency standby electricity generator, fuel cell, and/or battery facilities provided that the facilities shall be tested from 8:00 a.m. to 5:00 p.m. Monday through Friday or from 10:00 a.m. to 12:00 noon on Saturday or Sunday only; the facilities shall not be tested for more than one hour during any day, and no testing shall be on federal holidays or on "Spare the Air Days" in Alameda County;
 - 2. Photovoltaic facilities.
- F. Not more than two weaned household pets, excepting fish and caged birds.
- G. Small family daycare homes.
- H. Accessory dwelling or junior accessory dwelling units meeting the requirements in Chapter 18.106 of this title.
- I. Employee housing (agricultural) that complies with California Health and Safety Code Sections 17008, 17021.5 and the other applicable provisions of the Employee Housing Act at California Health and Safety Code Section 17000 et seq., and to include a residential safety management plan.
- J. Supportive housing, subject to the provisions of Chapter 18.107.
- K. Transitional housing, subject to the provisions of Chapter 18.107.
- L. Beekeeping meeting the requirements of Chapter 18.103 of this title. (Ord. 2161 § 1, 2017; Ord. 2113 § 1, 2015; Ord. 2086 § 2, 2014; Ord. 2062 § 2, 2013; Ord. 2061 § 2, 2013; Ord. 1885 § 2, 2003; Ord. 1880, 2003; Ord. 1743, 1998; Ord. 1636 § 5, 1994; Ord. 1126 § 7, 1984; prior code § 2-6.24)

18.36.040 Conditional uses.

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

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

Chapter 18.40

O OFFICE DISTRICT

Sections:

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

Permitted and conditional uses in an O district are provided in Table 18.44.080. (Ord. 2155 § 3, 2017; Ord. 2113 § 1, 2015; 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

18.40.040 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. 2155 § 3, 2017; Ord. 1880, 2003; Ord. 1738 § 1, 1998)

18.40.050 Underground utilities.

Electric and communication service wires to a new structure shall be placed underground from the nearest utility pole. If the city engineer finds, upon application by the property owner, that compliance is not feasible 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. 2155 § 3, 2017; Ord. 2000 § 1, 2009; Ord. 1738 § 1, 1998; prior code § 2-6.39)

18.40.060 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. 2155 § 3, 2017; Ord. 1738 § 1, 1998; prior code § 2-6.40)

18.40.070 Off-street loading.

Off-street loading facilities shall be provided for each use as prescribed in Chapter 18.92 of this title. (Ord. 2155 § 3, 2017; Ord. 1738 § 1, 1998; prior code § 2-6.41)

18.40.080 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. 2155 § 3, 2017; Ord. 1738 § 1, 1998; prior code § 2-6.42)

18.40.090 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. 2155 § 3, 2017; Ord. 1738 § 1, 1998; prior code § 2-6.43)

Chapter 18.44

C COMMERCIAL DISTRICTS

Sections:

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

18.44.010 Purpose.

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

- A. To provide appropriately located areas for spaces offering commodities and services required by residents of the city and its surrounding market area;
- B. To provide opportunities for retail stores, offices, service establishments, recreational establishments, and wholesale businesses to concentrate for the convenience of the public and in mutually beneficial relationship to each other;
- C. To provide space for community facilities and institutions that appropriately may be located in commercial areas;
- D. To provide adequate space to meet the needs of modern commercial development, including off-street parking and truck loading areas;
- E. To minimize traffic congestion and to avoid overloading of utilities by preventing the construction of buildings of excessive size in relation to the amount of land around them;
- F. To protect commercial properties from noise, odor, dust, dirt, smoke, vibration, heat, glare, heavy truck traffic, and other objectionable influences incidental to industrial uses;
- G. To protect commercial properties from fire, explosion, noxious fumes, and other hazards. (Ord. 2155 § 3, 2017; prior code § 2-7.00)

18.44.020 Special purpose—C-N neighborhood commercial district.

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

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

18.44.030 Special purpose—C-C central commercial district.

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

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

18.44.040 Special purpose—C-R regional commercial district.

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

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

18.44.050 Special purpose—C-S service commercial district.

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

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

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

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

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

18.44.070 Required conditions.

- A. All uses shall comply with the regulations prescribed in Chapter 18.84 of this title, except in the C-R District where the zoning administrator and/or planning commission shall establish such regulations on a case-by-case basis in accordance with the purposes of Chapter 18.20 of this title.
- B. All uses shall be conducted entirely within a completely enclosed structure. Uses include, but are not limited to, all business transactions, services, processes and displays, but do not include off-street parking and loading areas. Exceptions include:
 - 1. Certain uses which by their nature require and ordinarily include outdoor activities (whether services, processes, or display), may conduct aspects of the business outside of a completely enclosed structure as determined by the zoning administrator.
 - 2. 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 and C-C district all products shall be sold primarily at the retail site.
- D. No use shall be permitted, and no process, equipment, or material shall be employed which is found by the zoning administrator or planning commission, as applicable, to be objectionable to persons residing or working in the vicinity or injurious to property located in the vicinity by reason of odor, insect nuisance, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare, unsightliness, or heavy truck traffic, or to involve any hazard of fire or explosion. No exterior illumination closer than 200 feet to the boundaries of a site or interior illumination closer than 10 feet to a window within 200 feet of the boundary of a site and visible beyond the boundary of a site, whether related to a sign or not, shall exceed the intensity permitted by Chapter 18.96 of this title regarding illumination. (Ord. 2155 § 3, 2017; Ord. 2055 § 2, 2012; Ord. 1656 § 1, 1995; Ord. 1104 § 1, 1983; prior code § 2-7.07)

18.44.080 Permitted and conditional uses.

- A. Permitted uses and uses subject to a minor conditional use permit or conditional use permit in a C district are provided in Table 18.44.080 at the end of this section.
- B. Multi-family dwellings and mixed-use development shall be permitted in the C-C district provided that there shall be not less than 1,000 square feet of site area per dwelling unit, and provided that dwelling units not located above a permitted nonresidential use shall be subjected to the requirements for usable open space per dwelling unit of the RM-1,500 district, or, if applicable, the Core Area Overlay district.

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

Table 18.44.080

PERMITTED AND CONDITIONAL USES

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

	CN	CC	CR(m ¹)	CR(p ²)	CS	CF	O	I-P	I-G
CULTURAL AND ENTERTAINMENT									
Adult entertainment establishments ³		P	P	P	P				
Art galleries	P	P	P	P					
Auction rooms		C			C	C			

	CN	CC	CR(m ¹)	CR(p ²)	CS	CF	O	I-P	I-G
Bowling alleys, pool halls, indoor bocce court, and other similar uses		C	P	C	C				
Game arcades	C	C	C	C					
Regional attraction, including amusement parks, automobile racing stadiums, drive-in theater, miniature golf, indoor skating rinks, sports arenas, or stadiums			C	C	C	C			
Theaters and auditoriums	C	P	P	P	C				
EDUCATIONAL									
Nursery schools ^{4,5}	C		C	C					
Private schools with no more than 20 students at any one time ⁵	C		C	C			P		
Private schools with more than 20 students at any one time ⁵	C		C	C			C		
Schools and colleges with no more than 20 students in the facility at any one time. This category includes trade schools, business schools, heritage schools, music and art schools, tutoring, but does not include general purpose schools ^{5,6}	P	P	P	P	P	P	MCUP		P
Schools and colleges with more than 20 students in the facility at any one time. This category includes trade schools, business schools, heritage schools, music and art schools, tutoring, but does not include general purpose schools ^{5,6}	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	C		MCUP
ENERGY/ACCESSORY USES									
Accessory uses and structures, not including warehouses, located on the same site as a permitted use and the following accessory structures and uses located on the same site with a permitted use or with a conditional use which has been granted a use permit in accord with the provisions of Chapter 18.124 of this title:									
Emergency standby electricity generator, fuel cell, and/or battery facilities ⁷ , photovoltaic facilities, small electricity generator facilities ⁸ , and small fuel cell facilities ⁹	P	P	P	P	P	P	P	P	P
Special downtown accessory entertainment uses, as defined in Chapter 18.08 of this title ¹⁰		p ¹¹							
Special downtown accessory entertainment uses, as defined in Chapter 18.08 of this title, and the use does not comply with the hour		TC ¹¹							

	CN	CC	CR(m ¹)	CR(p ²)	CS	CF	O	I-P	I-G
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									
Accessory uses and structures located on the same site as a conditional use and the following accessory structures and uses located on the same site as a permitted use or a conditional use that has been granted a use permit:									
Medium electricity generator facilities that meet the applicable standards of Section 18.124.420 of this title, or medium fuel cell facilities that meet the applicable standards of Section 18.124.420 of this title	C	C	C	C	C	C	C	C	C
Large electricity generator facilities or large fuel cell facilities ¹²									C
Wind energy facilities									C ^{13, 14}
GOVERNMENTAL									
Governmental facility, no outdoor storage ¹⁵	C	P	P	P					
INDUSTRIAL									
Heavy industrial								C ¹³	C ¹³
Light industrial ³³					P			P	P
Microbreweries ¹⁶		P	P	P	P			P	P
“Radioactive materials uses” as defined in Section 18.08.445 of this title					C				C ¹³
Rental yards, including the rental of hand tools, garden tools, power tools, trucks and trailers and other similar equipment					C				
Warehousing, not including storage of fuel or flammable liquids ³³		p ¹⁷			MCUP			MCUP	P
Wineries ¹⁶		P	P	P	P			P	P
OFFICE/BUSINESS SERVICE									
Financial institutions	P	p ¹⁸	P	P	P				
Medical offices ¹⁹	P	P	P	P			P	P	P
Offices, including, but not limited to, business, professional and administrative offices	P	P	P	P			P	P	P
Radio and television broadcasting studios	P	C		P	P	P			
OUTDOOR USES²⁰									
Airports and heliports									C ¹⁷
Beekeeping meeting the requirements of Chapter 18.103 of this title for detached, single-family homes located in the Downtown Specific Plan Area		P			P				
Bus depots ²¹		P		P	P	P			

	CN	CC	CR(m ¹)	CR(p ²)	CS	CF	O	I-P	I-G
Car wash:									
Full service				C	C	C			
Self-service		C							
Seasonal sales lots	TC	TC	P	TC	TC	TC			
Circuses, carnivals and other transient amusement enterprises	TC	TC	P	TC	TC	TC			
Commercial radio and television aerials, antennas, and transmission towers with design review approval specified under Chapter 18.20 of this title ²²		P	P		P			P	P
Farmer's markets	TC	TC	TC	TC	TC	TC			
Freight forwarding terminals					C				
Full-service, self-service and quick-service stations: ²³	C	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			
Garden centers, including plant nurseries			P	C	C	C			C
Lumberyards ²⁴					C				
Mobile food trucks on private construction, office sites, and other places of employment for not more than one hour per meal period and with permission of the property owners	P	P	P	P	P	P	P	P	P
Newsstands	P	P	P	P	P				
Outdoor art and craft shows	TC	TC		TC					
Parking facilities, including required off-street parking facilities located on a site separated from the uses which the facilities serve and fee parking in accordance with the standards and requirements of Chapter 18.88 of this title		C							
Parking lots								P	P
Public utility and public service facilities including pumping stations, power transmission stations, power distribution stations, equipment buildings, service yards, drainageways and structures, water reservoirs, percolation basins, well fields, and storage tanks. These facilities must be found by the planning commission to be necessary for the public health, safety, or welfare	C	C		C	C	C	C	C	C
Recreation and sports facilities, outdoor, including racetracks, golf driving ranges, skateboard parks, riding stables					C	C			
Recycling collection facilities, large								C	C
Recycling collection facilities, small	TC	TC	TC	TC	TC	TC		TC	TC

	CN	CC	CR(m ¹)	CR(p ²)	CS	CF	O	I-P	I-G
Recycling processing facilities, large									C
Recycling processing facilities, small									C
Rifle and pistol ranges, outdoor, with or without firearm sales ²⁷									C
Stone and monument yards					P				
Storage yards for commercial goods, supplies and equipment including fuel storage, no less than 300 feet from any R or O district					C			C	C
Taxicab stands	P	P		P	P	P			
Transportation dispatch facilities for ambulances, taxicabs, limousine services, airport shuttles, tow trucks, and similar dispatch, without storage, not including truck terminals ¹⁵					P				P
Truck scales					P	C			
Trucking terminals, not less than 300 feet from an R or O district					C				P
Vehicle towing (with all vehicle storage inside a building, with outside storage, or both)				P	C	C			
PERSONAL AND GENERAL SERVICE									
Art and craft studios, with no more than 20 students in the facility at any one time. This category includes pottery, jewelry, painting, scrapbook-making, photography, sculpture, and similar studios, with or without retail sales, art/craft classes and walk-in activities for the general public ⁵	P	P	P	P					
Art and craft studios, with more than 20 students in the facility at any one time. This category includes pottery, jewelry, painting, scrapbook-making, photography, sculpture, and similar studios, with or without retail sales, art/craft classes and walk-in activities for the general public ⁵	MCUP	MCUP	MCUP	MCUP					
Carpet and rug cleaning and dyeing					C				
Crematoriums, mortuaries, and columbariums, not less than 300 feet from an R district					C		C		
Fortune telling, palmistry, augury, and related uses								C	C
Furniture upholstery shops					C	C			
Glass replacement and repair shops					P	P			
Interior decorating shops	P	P	P	P					
Kennels, and other boarding facilities for small animals ²⁵					MCUP				MCUP

	CN	CC	CR(m ¹)	CR(p ²)	CS	CF	O	I-P	I-G
Laundry:									
Laundries and dry cleaners	P	P	P	P	P				
Linen supply services					P				
Music and dance facilities with no more than 20 students in the facility at any one time ⁵	P	P	P	P	P	P			
Music and dance facilities with more than 20 students in the facility at any one time ⁵	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP			
Personal services ²⁶	P	P	P	P			P		
Recreation and sport facilities, gymnasiums, and health clubs, indoor, with no more than 20 students in the facility at any one time ^{5, 26}	P	P	P	P	P	P		P	P
Recreation and sport facilities, gymnasiums, and health clubs, indoor, with more than 20 students in the facility at any one time ^{5, 26}	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP		MCUP	MCUP
Rifle and pistol ranges, indoor, with or without firearm sales ²⁷			P		P				C
Taxidermists		P		P	P				P
Veterinarian's offices:									
And/or outpatient clinics excluding any overnight boarding of animals ²⁸	MCUP	P			P				
Including outpatient clinics, small animal hospitals and/or short-term overnight boarding of animals ²⁸		MCUP			P				
And/or small animal hospitals including operations not conducted within an entirely enclosed building ²⁵					MCUP				
PLACES OF ASSEMBLY									
Community facilities and conference centers with 100 or fewer attendees at any one time		MCUP					MCUP	MCUP	MCUP
Community facilities and conference centers with more than 100 attendees at any one time		C					C	C	C
Meeting halls for concerts, lectures, meetings, and conferences		C	P	C	C	C			
Private clubs and lodges		C			C		C		
RESIDENTIAL									
Nursing homes and senior care/assisted living facilities							C		
Supportive housing that provides shelter for six or fewer persons in a dwelling unit, and that meets the standards of Chapter 18.107		P							
Watchman's living quarters only when incidental to and on the same site as a permitted use								P	P

	CN	CC	CR(m ¹)	CR(p ²)	CS	CF	O	I-P	I-G
RETAIL									
Bars and brew pubs		C	C	C		C			
Feed and fuel stores					C				
Restaurants and catering establishments ²⁹	P	P	P	P	C	P	C	C	C
Retail: ^{27, 29, 30}									
Gross floor area of tenant space is up to 55,000 square feet ³¹	P	P	P	P	P	P			
Gross floor area of tenant space is greater than 55,000 square feet ³¹		C	C	C	C	C			
Sales, rental, and/or leasing of automobiles, motorcycles, and boats:									
No service		P	P	P	MCUP	C			
With service				P	C	C			
Sales and service of one-ton or greater trucks, trailers, and/or RVs					C	C			
Service of automobiles, motorcycles, and boats:						C			
Department store tire, battery and accessory shops			P	P					
Repair, overhauling, and painting				C	C				
Upholstery and top shops						C			
Tire sales and service, not including retreading and recapping or mounting of heavy truck tires				C	P				
Tires, batteries, and accessories				P	P				
Wholesale establishments					C				P
Wholesale establishments without stocks		P		P					
TEMPORARY LODGING									
Bed and breakfast inns		C							
Guard's living quarters					C				
Homeless shelters ³²					C				
Hotels and motels		P		C		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							

Notes:

- 1 Uses which are part of a completely enclosed mall complex, except where specifically allowed outside of the mall, all activities take place entirely indoors.
- 2 Uses on peripheral sites physically separated from a central enclosed mall.
- 3 See Chapter 18.114 of this title.
- 4 State-mandated outdoor play areas shall face new or existing landscaping sufficient to buffer the play area from view, shall be separated from customer parking areas by a heavy wood fence or comparable barrier, shall be isolated from loading docks and associated delivery truck circulation areas, and shall contain landscaping for outdoor children's activities. The standard city noise ordinance applies.
- 5 The use is subject to the following conditions: (1) The facility shall adhere to all occupancy, ADA, California Building Code, and exiting requirements; (2) The zoning administrator finds that adequate parking is available for the said use, and the proposal has an effective traffic circulation system including pick-up and drop-off for business patrons; (3) The standard city noise ordinance applies; (4) If applicable, an outdoor play area proposed would not cause the ambient noise levels at the property plane to increase by 4 dB Ldn. The zoning administrator may request a noise study or other professional study in order to determine whether the use meets or exceeds this threshold.

- A use is specifically subject to a conditional use permit shall be processed as such. A use not specifically subject to a conditional use permit that cannot meet condition 4 shall be subject to a conditional use permit.
- 6 Music and art schools shall be at least 150 feet from an R district.
 - 7 The facilities shall be tested from 8:00 a.m. to 5:00 p.m. Monday through Friday or from 10:00 a.m. to 12:00 noon on Saturday or Sunday only, the facilities shall not be tested for more than one hour during any day, testing shall occur a maximum of once a month, and no testing shall be on "Spare the Air Days" in Alameda County.
 - 8 Small electricity generator facilities shall meet the following criteria: (1) The fuel source for the generators shall be natural gas, biodiesel, or the byproduct of an approved cogeneration or combined cycle facility; (2) The facilities shall use the best available control technology to reduce air pollution; (3) The facilities shall not create any objectionable odors at any point outside of the property plane where the facilities are located; (4) The facilities shall not exceed a noise level of 45 dBA at any point on a residentially zoned property outside of the property plane where the facilities are located; (5) On a site with fuel cell facilities, small electricity generator facilities shall not be permitted unless the aggregate wattage of the two facilities is less than one megawatt. If the aggregate wattage of the two facilities is one megawatt or greater, the small electricity generator facilities shall be subject to all requirements and processes prescribed in this title for medium or large electricity generator facilities, whichever is the most applicable, in the subject zoning district; (6) The facilities shall be cogeneration or combined cycle facilities, if feasible.
 - 9 Small fuel cell facilities shall meet the following criteria: (1) The facilities shall not create any objectionable odors at any point outside of the property plane where the facilities are located; (2) The fuel cell facilities shall not exceed a noise level of 45 dBA at any point on any residentially zoned property outside of the property plane where the facilities are located; (3) On a site with electricity generator facilities, small fuel cell facilities shall not be permitted unless the aggregate wattage of the two facilities is less than one megawatt. If the aggregate wattage of the two facilities is one megawatt or greater, the small fuel cell facilities shall be subject to all requirements and processes prescribed in this title for medium or large fuel cell facilities, whichever is the most applicable, in the applicable subject district; Small fuel cell facilities are encouraged to be cogeneration or combined cycle facilities.
 - 10 These uses include:
 - a. Indoor special downtown accessory entertainment uses with non-amplified or amplified sound in the downtown hospitality central core area and non-amplified sound in the downtown hospitality transition area (hours: 8:00 a.m.—11:00 p.m.);
 - b. Indoor special downtown accessory entertainment uses with amplified sound in the downtown hospitality transition area (hours: 8:00 a.m.—9:00 p.m.);
 - c. Outdoor special downtown accessory entertainment uses (hours: 8:00 a.m.—9:00 p.m.).
 These uses shall meet all four of the following parameters:
 - i. The use is in compliance with all applicable requirements of Chapter 9.04 (Noise Regulations). The applicant may be required to install noise mitigating measures to ensure compliance with the noise regulations.
 - ii. For indoor music and entertainment, the exterior doors of the establishment shall remain closed when not being used for ingress/egress and self-closing mechanisms shall be installed on all exterior doors.
 - iii. For indoor music and entertainment, the establishment's windows shall remain closed when music/entertainment activities are taking place.
 - iv. The use is in compliance with all applicable requirements of the Pleasanton Municipal Code and all other applicable laws, particularly pertaining to noise, public disturbance, littering, and parking.
 - 11 A conditional use permit shall be required for special downtown accessory entertainment uses, as defined in Chapter 18.08 of this title, and the use does not comply with the hour restrictions and/or conditions required for the use to be a permitted use or a temporary conditional use.
 - 12 The use shall be in accord with the provisions of Chapter 18.124 of this title.
 - 13 The city planning commission shall make a specific finding that the use will conform with each of the required conditions prescribed in Sections 18.48.040 through 18.48.120 of this chapter, in addition to the findings prescribed in Section 18.48.060.
 - 14 Wind energy facilities shall meet the following criteria: (1) The facilities shall not exceed a noise level of 45 dBA at any point on any residentially zoned property outside of the property plane where the facilities are located; and (2) The design of the facilities shall be streamlined (without ladders and extra appurtenances) to discourage birds from roosting on the facilities; and (3) Facilities on hillsides or ridges shall not be visible from a public right-of-way.
 - 15 This use with outdoor storage shall be subject to a conditional use permit as prescribed in Chapter 18.124.
 - 16 The following conditions shall apply to microbreweries and wineries: (1) The zoning administrator finds that adequate parking is available for said use; (2) If the zoning administrator determines that the use will be or is creating odor problems, an odor abatement device determined to be appropriate by the zoning administrator shall be installed within the exhaust ventilation system to mitigate brewery odors; (3) The applicant is in compliance with all applicable requirements of Chapter 9.04 of this code; (4) If operation of the use results in conflicts pertaining to parking, noise, odors, traffic, or other factors, the zoning administrator may modify or add conditions to mitigate such impacts, or may revoke the zoning certificate for the use.
 - 17 Basement storage as defined in Section 18.08.057 shall be permitted as warehousing in the central commercial (C-C) zoning district, subject to meeting all of the following criteria:
 - a. Basement storage shall be limited to the C-C zoning district within the downtown specific plan area and limited to commercial buildings only;
 - b. Basement storage shall be limited to nontoxic, nonhazardous materials only. It is the responsibility of the storage space operator to prepare a list of prohibited storage items, to have the list approved by the Livermore-Pleasanton fire department, and to require all storage space users to agree in writing that no items on the list or other hazardous materials will be stored. The storage space shall be used for storage only and no other activities and/or uses are allowed;
 - c. Prior to allowing basement storage, the building owner shall contact the building and safety division and fire department to ensure that the basement meets applicable building and fire codes. If required, the building owner and/or responsible party shall secure all applicable permits and/or make any required changes to the basement space to ensure the space meets current code standards for fire, safety, and accessibility;

- d. The hours of access for basement storage use shall be: Monday through Friday from 6:00 a.m. to 10:00 p.m. and Saturday and Sunday from 10:00 a.m. to 6:00 p.m. only;
 - e. One parking space per on-site storage employee and one parking space for storage customers. This parking requirement is in addition to the parking required for other uses on-site;
 - f. Prior to allowing and/or renting space for basement storage, the property owner and/or responsible party shall submit a zoning certificate application and secure a business license. The zoning certificate application shall be accompanied by a narrative that describes the type of storage proposed, where parking will be allowed, and the use(s) of the building and shall include a site plan and basement storage floor plan that clearly defines, but is not limited to, the following: (1) The defined area(s) and square-footage in which storage will take place; (2) How the individual storage areas will be delineated (e.g., cages, walls, etc.); (3) Access and ADA accessibility.
- 18 A financial institution shall be subject to a conditional use permit as prescribed in Chapter 18.124 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 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.
- 19 Medical offices shall be subject to parking requirements identified in Chapter 18.88.
- 20 A temporary outdoor use may be permitted pursuant to Section 18.116.040.
- 21 All buses shall not be stored on site and no repair work shall be conducted on-site.
- 22 Commercial radio and television aerials, antennas, and transmission towers shall be a minimum distance of 300 feet from the property lines of all of the following:
- a. Existing or approved residences or agricultural zoning districts or in planned unit developments with a residential or agricultural zoning designation.
 - b. Undeveloped residential or agricultural zoning districts or undeveloped planned unit developments with a residential or agricultural zoning designation and without an approved development plan, unless designated as a public and institutional land use in the general plan.
 - c. Existing or approved public schools, private schools, and childcare centers, not including schools which only provide tutorial services.
 - d. Neighborhood parks, community parks, or regional parks, as designated in the general plan.
 - e. Existing or approved senior care/assisted living facilities, including nursing homes.
- All commercial radio and television aerials, antennas, and transmission towers shall be located so as to minimize their visibility and, unless determined by the zoning administrator to be significantly hidden from view, designed to ensure that they will not appear as an aerial, antenna, and/or transmission tower. All such facilities determined by the zoning administrator to be visible from residential land uses, the I-580 and/or I-680 rights-of-way, or other sensitive land uses such as parks, schools, or major streets, shall incorporate appropriate stealth techniques to camouflage, disguise, and/or blend them into the surrounding environment, and shall be in scale and architecturally integrated with their surroundings in such a manner as to be visually unobtrusive. All applications for commercial radio and/or television aerials, antennas, and transmission 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.
- If the zoning administrator finds that an approved aerial, antenna, or transmission tower is not in compliance with this title, that conditions have not been fulfilled, or that there is a compelling public safety and welfare necessity, the zoning administrator shall notify the owner/operator of the aerial/antenna/transmission tower in writing of the concern, and state the actions necessary to cure. After 30 days from the date of notification, if compliance with this title is not achieved, the conditions of approval have not been fulfilled, or there is still a compelling public safety and welfare necessity, the zoning administrator shall refer the use to the planning commission for review. Such reviews shall occur at a noticed public hearing where the owner/operator of the aerial/antenna/transmission tower may present relevant evidence. If, upon such review, the planning commission finds that any of the above have occurred, the planning commission may modify or revoke all approvals and/or permits.
- 23 The service station shall be at least 60 feet from residentially planned or zoned property. All operations except the sale of gasoline and oil shall be conducted within a building enclosed on at least three sides, and the minimum site area shall be 20,000 square feet. Direct sales to the public shall be limited to petroleum products, automotive accessories, tobacco, food products, and limited household goods.
- 24 Lumberyards shall not include planing mills or sawmills and shall be at least 300 feet from an R or O district.
- 25 The use shall be at least 300 feet from an R or O district.
- 26 Any use not in conjunction with a medical use that includes massage service of four or more technicians at any one time shall be subject to a minor conditional use permit as prescribed in Chapter 18.124. Massage establishments shall meet the requirements of Chapter 6.24.

- 27 Any retail use in the C-R(m), C-R(p), and C-C Districts that includes firearm sales shall be subject to a conditional use permit as prescribed in Chapter 18.124. Firearm sales are prohibited in the C-N and C-F Districts. Firearm sales in which no more than 10 firearms are stored on-site at any one time and the majority of firearms are sold through catalogs, mail order, or at trade shows are subject to a conditional use permit in the C-S District.
- 28 The use may include incidental care such as bathing and trimming, provided that all operations are conducted entirely within a completely enclosed building which complies with specifications for soundproof construction prescribed by the chief building official.
- 29 Any use that includes a drive-through shall be subject to a conditional use permit as prescribed in Chapter 18.124.
- 30 Liquor stores and convenience markets shall only be permitted in the C-R(m) and C-R(p) districts, and shall be subject to a conditional use permit as prescribed in Chapter 18.124 in the C-N and C-C districts.
Tobacco stores shall be subject to a conditional use permit as prescribed in Chapter 18.124 in the C-R(m), C-R(p), C-N and C-C districts.
Secondhand stores and/or pawn shops shall be subject to a conditional use permit as prescribed in Chapter 18.124 in the C-C district.
- 31 Where: (1) the subject tenant space is located within the Downtown Specific Plan area; and (2) the subject tenant space exceeds 7,500 gross square feet, a retail use shall be subject to a conditional use permit as prescribed in Chapter 18.124.
- 32 Homeless shelters within the SF service facilities overlay district that meet the requirements set forth in Chapter 18.82 shall be a permitted use.
- 33 If the subject tenant space exceeds 75,000 gross square feet, the use shall be subject to a conditional use permit as prescribed in Chapter 18.124. This requirement does not apply to light industrial uses located in Hacienda, an area defined by Ordinance 1325 and as subsequently amended.

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

18.44.090 Prohibited uses.

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

Any use not specifically or conditionally permitted by this chapter, unless a determination is made under Chapter 18.128 of this title. (Ord. 2155 § 3, 2017; Ord. 1880, 2003)

18.44.100 Underground utilities.

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

18.44.110 Off-street parking.

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

18.44.120 Off-street loading.

Off-street loading facilities shall be provided for each use in the C districts prescribed in Chapter 18.92 of this title, except in the C-R district where the zoning administrator and/or planning commission shall establish regulations on a case by case basis in accordance with the purposes of Chapters 18.20 and 18.74, as applicable, of this title. (Ord. 2155 § 3, 2017; Ord. 1591 § 2, 1993; prior code § 2-7.11)

18.44.130 Signs.

No sign, outdoor advertising structure, or display of any character shall be permitted in the C districts, except as prescribed in Chapters 18.96 and 18.74, as applicable, of this title. (Ord. 2155 § 3, 2017; prior code § 2-7.12)

18.44.140 Design review.

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

Chapter 18.48

I INDUSTRIAL DISTRICTS

Sections:

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

18.48.010 Purpose.

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

- A. The provisions of this chapter shall be administered and enforced in a manner to clearly establish the objectives and to express the desire of the city, community organizations and civic groups to locate industrial development in the Pleasanton area;
- B. To reserve appropriately located areas for industrial plants and related activities;
- C. To protect areas appropriate for industrial use from intrusion by dwellings and other inharmonious uses;
- D. To protect residential and commercial properties and to protect nuisance free, nonhazardous industrial uses from noise, odor, insect nuisance, dust, dirt, smoke, vibration, heat and cold, glare, truck and rail traffic and other objectionable influences, and from fire, explosion, noxious fumes, radiation and other hazards incidental to certain industrial uses;
- E. To provide opportunities for certain types of industrial plants to concentrate in mutually beneficial relationship to each other;
- F. To provide adequate space to meet the needs of modern industrial development, including off-street parking and truck loading areas and landscaping;
- G. To provide sufficient open space around industrial structures to protect them from the hazard of fire and to minimize the impact of industrial plants on nearby residential and agricultural districts;
- H. To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the amount of land around them. (Prior code § 2-7.17)

18.48.020 Special purpose—I-P industrial park district.

The special purposes of the I-P district are as follows:

- A. To establish and maintain high standards of site planning, architecture and landscape design that will create an environment attractive to the most discriminating industries and research and development establishments seeking sites in northern California;
- B. To provide locations for industries that can operate in close proximity to commercial and residential uses with minimum mutual adverse impact;
- C. To protect light industrial and related uses from nuisances associated with heavy industrial uses. (Prior code § 2-7.18)

18.48.030 Special purpose—I-G general industrial district.

The special purpose of the I-G district is to provide locations where industries that are incompatible with most other land uses can operate with minimum restriction and without adverse effect on other uses. (Prior code § 2-7.18(a))

18.48.040 Required conditions generally.

All uses shall comply with the regulations prescribed in Chapter 18.84 of this title and with the additional regulations prescribed in this section. The zoning administrator may require submission of evidence of ability to comply with the required conditions or of maintenance of the required conditions as prescribed in Chapter 18.128 of this title regarding determination of compliance with required conditions. (Ord. 2155 § 3, 2017; prior code § 2-7.19)

18.48.050 Noise restrictions.

In an I-P district, no use except a temporary construction operation shall be permitted which creates, at any point beyond the boundaries of the site, noise of a maximum sound pressure level greater than the values given in the following table. In an I-G district no use except a temporary construction operation shall be permitted which creates, at any R or O district boundary, noise of a maximum sound pressure level greater than the values given in the following table. The sound pressure levels shall be measured in decibels 0.002 dynes per square centimeter with a sound level meter and associated octave band filter conforming to standards prescribed by the American Standards Association.

Octave Band (Cycles Per Second)	Maximum Permitted Sound Pressure Level (Decibels)
Below 75	72
75—149	67
150—299	59
300—599	52
600—1,199	46
1,200—2,399	40
2,400—4,799	34
4,800 and above	32

(Ord. 2155 § 3, 2017; prior code § 2-7.19(1))

18.48.060 Emissions.

No use shall be permitted which creates any emission which endangers human health, can cause damage to animals, vegetation or other property, or which can cause soiling at any point beyond the boundaries of the site. All uses that emit any of the air contaminants listed in the bay area air pollution control district's Regulation 2, shall comply with the regulations contained therein. (Ord. 2155 § 3, 2017; prior code § 2-7.19(2))

18.48.070 Odor.

No use shall be permitted which creates annoying odor in such quantities as to be readily detectable beyond the boundaries of the site in an I-P or L-I district or beyond the boundaries of the district in an I-G district when diluted in the ratio of one volume of odorous air to four volumes of clean air. (Ord. 2155 § 3, 2017; prior code § 2-7.19(3))

18.48.080 Vibration.

No use except a temporary construction operation shall be permitted which creates vibration sufficient to cause a displacement of 0.003 of one inch beyond the boundaries of the site. (Ord. 2155 § 3, 2017; prior code § 2-7.19(4))

18.48.090 Heat and cold, glare and electrical disturbance.

No use except a temporary construction operation shall be permitted which creates changes in temperature or direct or sky reflected glare, detectable by the human senses without the aid of instruments beyond the boundaries of the site. No use shall be permitted which creates electrical disturbances that affect the operation of any equipment beyond the boundaries of the site. No exterior illumination closer than 200 feet to the boundaries of a site or interior illumination closer than 10 feet to a window within 200 feet of the boundary of a site and visible beyond the boundary of a site, whether related to a sign or not, shall exceed the intensity permitted by Chapter 18.96 of this title relating to illumination. (Ord. 2155 § 3, 2017; prior code § 2-7.19(5))

18.48.100 Radiation.

No use shall be permitted which emits dangerous radioactivity. (Ord. 2155 § 3, 2017; prior code § 2-7.19(6))

18.48.110 Insect nuisance.

No use shall be permitted which creates insect nuisance beyond the boundaries of the site. (Ord. 2155 § 3, 2017; prior code § 2-7.19(7))

18.48.120 Disposal of industrial waste.

All uses shall comply with regulations prescribed by city ordinance. (Ord. 2155 § 3, 2017; prior code § 2-7.19(8))

18.48.130 Permitted and conditional uses—I-P district.

Permitted and conditional uses in the I-P district are provided in Table 18.44.080. The conditional uses provided in Table 18.44.080 shall be permitted upon the granting of a use permit in accord with the provisions of Chapter 18.124 of this title. (Ord. 2155 § 3, 2017; Ord. 2000 § 1, 2009; Ord. 1950 § 2 (Exh. A), 2007; Ord. 1880, 2003; Ord. 1821 § 1, 2001; Ord. 1738 § 1, 1998; Ord. 1665 § 3, 1995; prior code § 2-7.20(1))

18.48.140 Permitted and conditional uses—I-G district.

Permitted and conditional uses in the I-G district are provided in Table 18.44.080. The conditional uses provided in Table 18.44.080 shall be permitted upon the granting of a use permit in accord with the provisions of Chapter 18.124 of this title. (Ord. 2155 § 3, 2017; Ord. 1950 § 2 (Exh. A), 2007; Ord. 1738 § 1, 1998; prior code § 2-7.20(2))

18.48.150 Prohibited uses.

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

Any use not specifically or conditionally permitted by this chapter, unless a determination is made under Chapter 18.128 of this title. (Ord. 2155 § 3, 2017; Ord. 1880, 2003)

18.48.160 Underground utilities.

In the I-P, I-G and L-I districts, electric and communication service wires to a new structure shall be placed underground from the nearest utility pole. If the 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. 2155 § 3, 2017; Ord. 2000 § 1, 2009; prior code § 2-7.22)

18.48.170 Off-street parking.

Off-street parking facilities shall be provided for each use as prescribed in Chapter 18.88 of this title. (Ord. 2155 § 3, 2017; prior code § 2-7.23)

18.48.180 Off-street loading.

Off-street loading facilities shall be provided for each use as prescribed in Chapter 18.92 of this title. (Ord. 2155 § 3, 2017; prior code § 2-7.24)

18.48.190 Signs.

No sign, outdoor advertising structure, or display of any character shall be permitted except as prescribed in Chapter 18.96 of this title. (Ord. 2155 § 3, 2017; prior code § 2-7.25)

18.48.200 Design review.

All permitted and conditional uses shall be subject to design review as prescribed in Chapter 18.20 of this title. Applicants are advised to confer with the zoning administrator before preparing detailed plans. (Ord. 2155 § 3, 2017; prior code § 2-7.26)

Chapter 18.52

Q ROCK, SAND AND GRAVEL EXTRACTION DISTRICT

Sections:

18.52.010	Purpose.
18.52.020	Required conditions.
18.52.030	Permitted uses.
18.52.040	Conditional uses.
18.52.045	Prohibited uses.
18.52.050	Special conditions applying to rock, sand and gravel extraction and processing.
18.52.060	Plan and operating data required.
18.52.070	General plan for reuse required.
18.52.080	Term of use permit—Review required.
18.52.090	Preexisting uses—Terms of review.
18.52.100	Minimum standards.
18.52.110	Off-street parking.
18.52.120	Off-street loading.
18.52.130	Signs.
18.52.140	Design review.

18.52.010 Purpose.

In addition to the objectives prescribed in Section 18.04.010 of this title, the Q rock, sand and gravel extraction district is included in this title to achieve the following purposes:

- A. To protect the natural resources in the city and assure that their utilization is not prejudiced by the intrusion of incompatible uses;
- B. To indicate clearly to all interested parties the portions of the city that have been designated for rock, sand and gravel extraction and processing subject to compliance with the standards of this chapter;
- C. To protect properties and uses not in the Q district from nuisances incidental to extraction, processing and hauling rock, sand and gravel;
- D. To ensure that general reuse plans for sites used for rock, sand and gravel extraction and processing are maintained and effectuated. (Prior code § 2-7.30)

18.52.020 Required conditions.

All uses shall comply with the regulations prescribed in Chapter 18.84 of this title, and with the following additional regulations of the I-G district: Sections 18.48.050 through 18.48.120 of this title. (Ord. 2155 § 3, 2017; prior code § 2-7.31)

18.52.030 Permitted uses.

The following uses shall be permitted:

Any use permitted in the A agricultural district except dwellings. (Prior code § 2-7.32)

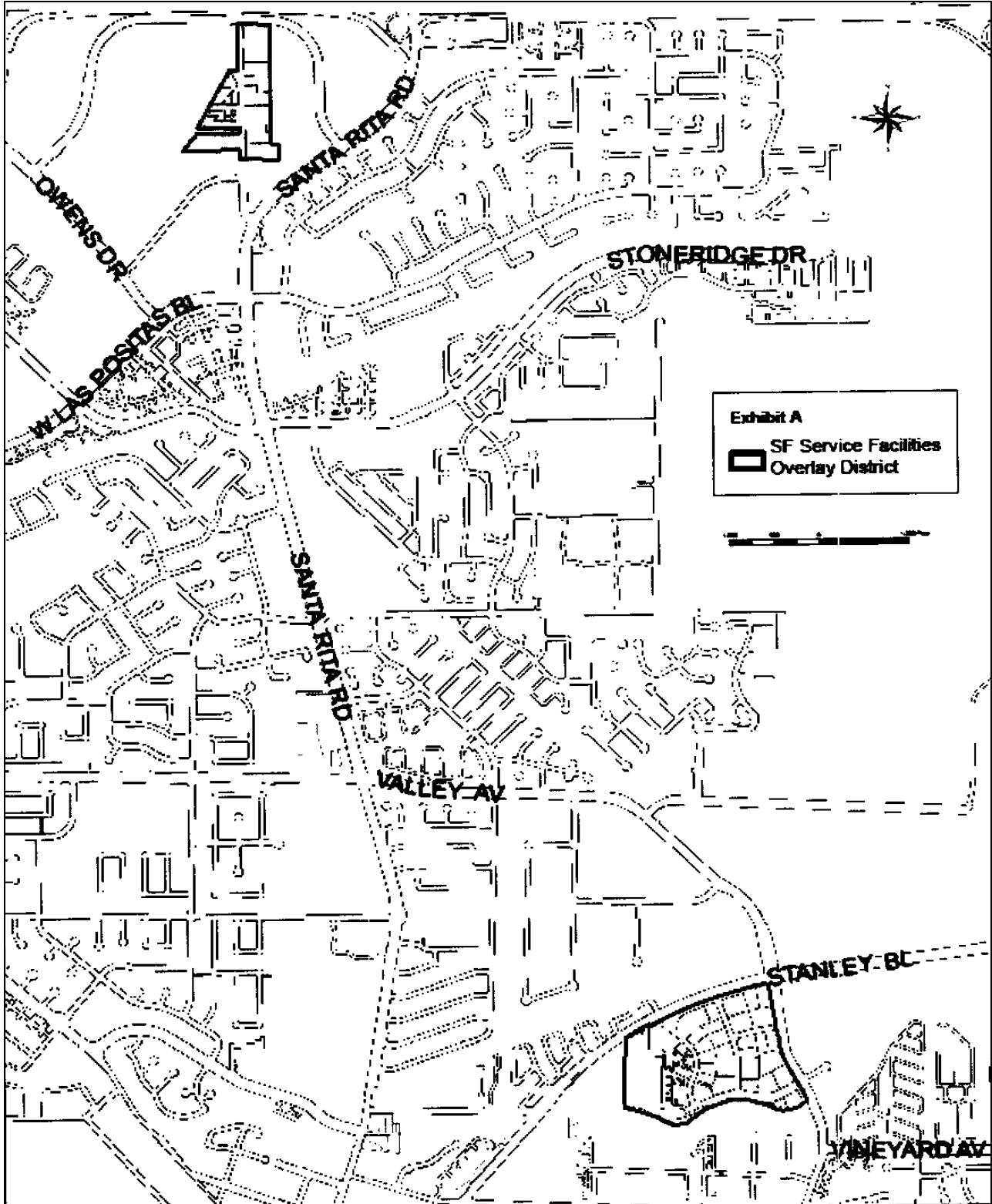
18.52.040 Conditional uses.

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

- A. Mining, quarrying, excavating, extracting, harvesting, sorting, crushing, reducing, washing, refining or other processing of rock, sand, gravel, stone, earth or other mineral, subject to the conditions prescribed in Sections 18.52.050 through 18.52.100 of this chapter.

1. **Basic Development Standards.** A homeless shelter shall conform to all property development standards of the zoning district in which it is located, except as modified by this section.
2. **Maximum Number of Beds.** A homeless shelter shall contain a maximum of 50 beds to provide overnight accommodation for a maximum of 50 persons. In addition a homeless shelter shall not exceed a ratio of one bed for each 400 square feet of lot area.
3. **Off-Street Parking.** A homeless shelter shall provide 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. Otherwise off-street parking shall comply with all applicable provisions of Chapter 18.88 of this title.
4. **Length of Stay.** No individual or family shall reside in a homeless shelter for more than 90 consecutive days. Extensions up to a total stay of 180 days may be provided if no alternative housing is available.
5. **Concentration of Use.** The proposed shelter must be more than 300 feet from any other homeless shelter.
6. **Exterior and Interior Client Areas and Facilities.**
 - a. The following facilities are required:
 - i. A waiting and client intake area of not less than 10 square feet per bed;
 - ii. A lockable storage facility for each resident;
 - iii. Separate toilets and bathing facilities for men and women, unless shelter is limited to only one sex;
 - iv. Central kitchen and dining room.
 - b. The development may provide one or more of the following specific common facilities for the exclusive use of residents and staff:
 - i. Recreation room;
 - ii. Counseling center;
 - iii. Childcare facilities;
 - iv. Other support services;
 - v. Administrative office for staff;
 - vi. If outdoor designated smoking area is provided it must be compliant with city smoking regulations pursuant to Chapter 9.24 and not visible from a public street;
 - vii. Outdoor activity areas, provided they are separate from any designated smoking area and not visible from a public street.
7. **Trash and Recycling Storage Area.** All trash and refuse shall be contained completely within a trash enclosure and screened from view. The trash enclosure shall be sized to accommodate both trash and recycling containers.
8. **Provision of On-Site Management and Security.** On-site management and on-site security shall be provided during the hours when the homeless shelter is in operation. The operator shall provide to the city (on an ongoing basis) a name and 24-hour contact telephone number for the person responsible for the facility.
9. **Noise.** The use shall be conducted in compliance with the city noise regulations pursuant to Chapter 9.04.
10. **Lighting.** For security purposes the use shall comply with the minimum lighting requirements for commercial buildings as provided in Chapter 20.36, and to the provisions of Section 18.44.070(D).
11. **Homeless Shelter Management Plan.** The operator of a homeless shelter shall prepare a management plan that includes, as applicable, the following: staff training to meet the needs of shelter residents; community outreach; adequate security measures to protect shelter residents and surrounding uses; services provided to assist residents with obtaining permanent shelter and income; active participation with the Alameda County Continuum of Care or equivalent; and screening of residents to ensure compatibility with services provided at or through the shelter.

12. Food Service. All food service must comply with the requirements of the Alameda County Department of Environmental Health Food Safety Division. (Ord. 2155 § 3, 2017; Ord. 2061 § 2, 2013)



Chapter 18.84

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

Sections:

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

18.84.010 Basic requirements for all sections.

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

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

- A. For properties zoned PUD, the basic site requirements shall be established in conjunction with the approval of the final development plan as set forth in Chapter 18.68.
- B. Properties in the C, O and I districts may be subdivided for purposes of lease, sale or finance without regard to the basic site requirements for the applicable district when all of the following are met:
 - 1. The property either has been developed previously or has had project approval granted by the city;
 - 2. The development as built or as approved meets the basic requirements of this chapter, Chapters 18.88 and 18.92 of this title, as required by the applicable zoning district or as modified by appropriate city action;

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

18.84.140 Height limits—Measurement.

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

18.84.150 Height limits—Exceptions.

- A. In a C-C, I-G, or Q district, the planning commission may permit structures exceeding the heights prescribed in Table 18.84.010 of this chapter, after finding that the city will be reequipped to provide adequate fire protection and that adjoining properties will not be adversely affected. A decision by the planning commission may be appealed to the city council as prescribed in Section 18.144.020 of this title.
- B. Towers, spires, cupolas, chimneys, penthouses, water tanks, fire towers, flagpoles, monuments, scenery lofts, and similar structures; residential radio and television aerials and antennas; receive-only antennas; and necessary mechanical equipment appurtenances covering not more than 10 percent of the ground area covered by the structure may be erected to a height of not more than 65 feet or not more than 25 feet above the height limit prescribed by the regulations for the district in which the site is located, whichever is less, with design review approval specified under Chapter 18.20 of this title.
- C. The height and location of commercial radio and television aerials, antennas, and transmission towers shall be subject to design review approval specified under Chapter 18.20 of this title, and shall be based on a visual analysis demonstrating that views of the aerial/antenna/tower are minimized or are substantially screened from residential land uses, the I-580 and/or I-680 rights-of-way, or other sensitive land uses such as parks, schools, or major streets, and shall be based on an engineering analysis justifying the height of the proposed aerial/antenna/tower.
Any parabolic dish mounted on the aerial/antenna/tower shall be less than two feet in diameter. The base of the aerial/antenna/tower and any switching facility located at the base that is visible to the public shall be architecturally treated and/or screened from view utilizing on- and/or off-site vegetation or other approved screening mechanism.
- D. Wire-carrying power distribution poles and transmission towers and communication poles located in any zoning district shall not be subject to the height limits prescribed in the district regulations.
- E. In the R-1 district and the RM district, second units located above a garage may exceed the 15-foot height limit for accessory structures. Second units constructed above a detached garage in those districts may not exceed 25 feet in height as measured from the lowest grade adjacent to the structure to the highest ridge or top of the structure. (Ord. 2080 § 2, 2013; Ord. 1821 § 1, 2001; Ord. 1743, 1998; Ord. 1600 § 2, 1993; prior code § 2-5.43(2))

18.84.160 Accessory structures—Location and yards.

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

rages or carports in an RM-2,500, RM-2,000 or RM-1,500 district. Accessory structures located in required side or rear yards shall not be closer to a main structure or any other accessory structure than the distance prescribed in Section 18.84.100 of this chapter. The minimum distance between an accessory structure containing a habitable room and a side or rear lot line shall be the same as the minimum required side yard for a main structure on the same site.

- B. An accessory structure located not closer to a property line than the distance required for a main structure on the same site may adjoin or may be separated from a main structure, provided that if directly opposite walls in either structure have a main entrance to a dwelling unit or a window opening into a habitable room, the space between the structures shall be as prescribed in Section 18.84.100 of this chapter.
- C. On a reversed corner lot an accessory structure shall not be located closer to the rear lot line than the required side yard on the adjoining key lot, and not closer to the side property line adjoining the street than the required front yard on the adjoining key lot.
- D. No accessory structure shall be located either within a front yard or, unless adequately screened from view from the street as determined by the zoning administrator within the area between the front yard and the front of a structure in an R district.
- E. Swimming pools shall comply with the applicable Class II accessory structure regulations of this title and in addition shall be subject to the requirements of Chapter 20.40 of this code.
- F. Accessory dwelling units shall comply with the regulations in Chapter 18.106 of this title.
- G. Accessory structures exceeding 10 feet in height shall be subject to design review pursuant to Section 18.20.010 of this title.
- H. Location Standards for Pools and Spas.
 - 1. Poolwater line shall not encroach into a required front yard or be placed closer than five feet to a rear or interior side property line or 10 feet to a street side property line, except that the poolwater line for cord-connected, aboveground (portable) spas shall not encroach into a required front yard or be placed closer than three feet to a rear or interior side property line or 10 feet to a street side property line.
 - 2. Pool walls placed closer than five feet to a structure shall require investigation and written approval by a licensed civil engineer. A copy of this investigation and approval shall be furnished to the administrative authority prior to issuance of a pool permit.
 - 3. Pool equipment may be located within the boundaries of the site in which the pool is located without regard to setback except that equipment shall not be located within required front yards nor within the required side yard of the street side of a corner lot unless said equipment is located on the interior side of a fence as allowed in conformance with Title 18 of this code of the city. Where pool equipment is located within a required side yard adjacent to a main structure, a minimum three-foot clearance shall be maintained between said equipment installation and the corresponding side property line. (Ord. 2161 § 1, 2017; Ord. 2038 § 1, 2012; Ord. 1812, 2000; Ord. 1656 § 1, 1995; Ord. 1150 § 1, 1984; prior code § 2-5.44)

18.84.170 Usable open space.

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

Table 18.84.010

SITE DEVELOPMENT STANDARDS FOR ZONING DISTRICTS IN PLEASANTON

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

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

P 18.56.020(A)

S 18.60.060

RO 18.64

PUD 18.84.020

CO 18.72

CAO 18.80*

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

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

** In the R-1 and RM districts, accessory dwelling units constructed above a detached garage may exceed 15 feet in height and shall not exceed 25 feet in height as measured from the lowest grade adjacent to the structure to the highest ridge or top of the structure.

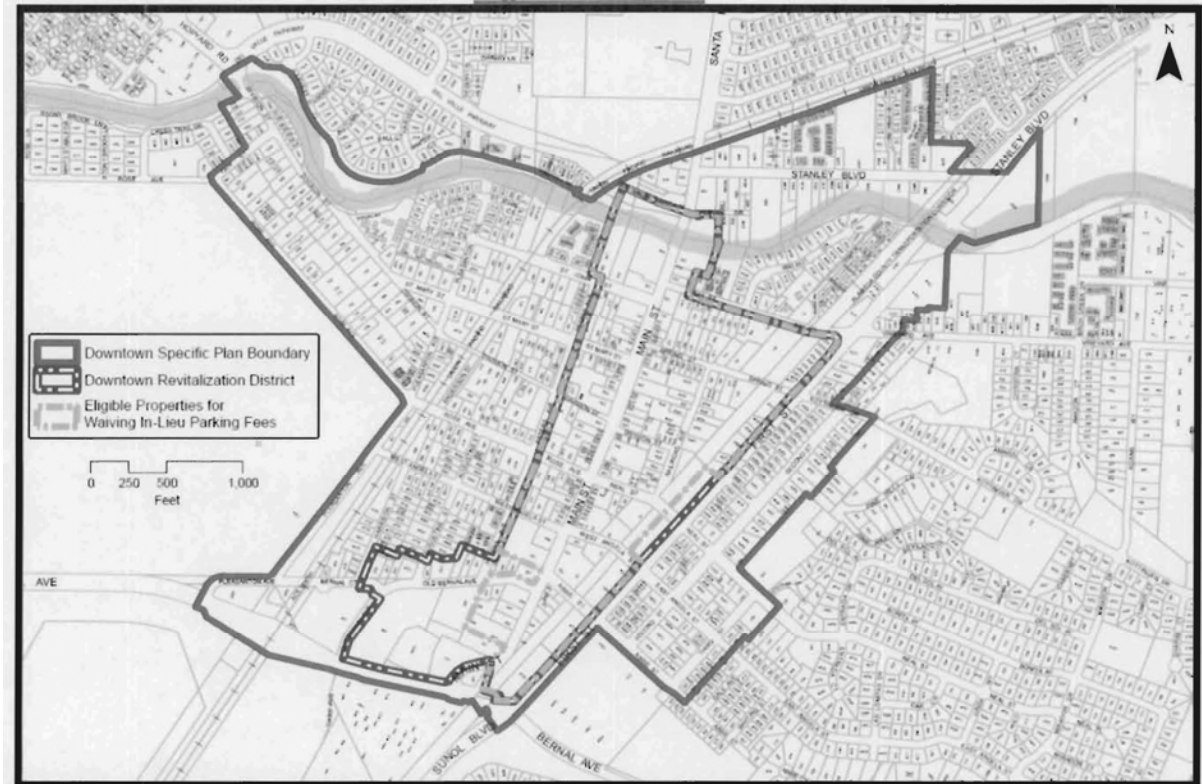


Figure 18.88.020

- 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. Accessory dwelling units shall adhere to the parking requirements in Section 18.106.
 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. 2161 § 1, 2017; Ord. 2061 § 2, 2013; Ord. 2017 § 2, 2011; Ord. 1898 § 1, 2003; Ord. 1812, 2000; Ord. 1767 § 1, 1998; Ord. 1726 § 1, 1997; Ord. 1665 § 5, 1995; Ord. 1656 § 1, 1995; Ord. 1636 § 7, 1994; Ord. 1494 § 4, 1990; prior code § 2-9.16)

18.88.035 Requirements for alternative vehicle parking.

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

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

- E. No Signage or Outdoor Sales. Cottage food operations shall not install or post signage or advertisements identifying the cottage food operation at the site or building where the operation is located. No outdoor sales shall be allowed at the site of the cottage food operation.
- F. No Dining. If direct sales are proposed at the site of the cottage food operation, no third parties or customers shall be permitted to dine at the cottage food operation.
- G. Code Requirements. While the use of a residence for a cottage food operation shall not constitute a change of occupancy for purposes of building and fire codes, to the extent that building modifications are proposed (e.g., more walls for storage areas, new electrical panel for range) the cottage food operation shall meet all requirements of Title 20 (Buildings and Construction). (Ord. 2056 § 1, 2013)

18.105.060 Additional procedures.

The regulations concerning effective date of the permit, review or appeal, lapse of permit, suspension and revocation, new application and successors in interest shall be those contained in Section 18.144.020. Modifications shall be handled by the zoning administrator pursuant to the procedures set forth in this article for new applications. (Ord. 2056 § 1, 2013)

Chapter 18.106**ACCESSORY AND JUNIOR ACCESSORY DWELLING UNITS*****Sections:**

- 18.106.010 Purpose.**
- 18.106.020 Use requirements.**
- 18.106.030 Density and growth management program.**
- 18.106.040 Standards for attached accessory dwelling units—Height limitations, setbacks, open space, and other regulations.**
- 18.106.050 Standards for detached accessory dwelling units—Height limitations, setbacks, open space, and other regulations.**
- 18.106.060 Required standards for all accessory dwelling units.**
- 18.106.070 Required standards for all junior accessory dwelling units.**

* Prior ordinance history: Ord. 1812 § 1, 2000.

18.106.010 Purpose.

Accessory and junior accessory dwelling units are a valuable form of housing in the city. These units meet the city's general plan housing policies related to: attaining a variety of housing types; providing housing stock to lower income households; including lower income housing units within market rate housing projects; providing alternative, nontraditional means suited to the community to fill lower and moderate income housing needs; meeting the city's share of regional housing needs; providing a means to assist homeowners in financing the acquisition of a home; and providing security to homeowners living alone.

The further purpose of this chapter is to comply with the requirements of State law. To do so, this chapter identifies those zoning districts where an accessory dwelling unit or junior accessory dwelling unit meeting enumerated standards to ensure neighborhood compatibility is a permitted use in that district. (Ord. 2161 § 1, 2017; Ord. 2080 § 2, 2013; Ord. 1885 § 2, 2003)

18.106.020 Use requirements.

- A. Accessory dwelling units and junior accessory dwelling units are permitted uses in the R-1 one-family residential district, RM multi-family residential district, planned unit developments zoned for residential uses and A agricultural district, if the original unit is a legal single-family dwelling unit and the accessory dwelling unit meets all of the standards set forth in Section 18.106.060 of this chapter and the applicable site standards in Section 18.106.040 of this chapter for attached accessory dwelling units and in Section 18.106.050 of this chapter for detached accessory dwelling units or Section 18.106.070 of this chapter for junior accessory dwelling units. A public hearing for design review purposes only shall be held if required by Chapter 18.20 of this title.
- B. The application for an accessory dwelling or junior accessory dwelling unit shall be submitted to the planning division prior to the application for a building permit to the building division and shall include:
 - 1. Plot plan (drawn to scale) showing the dimensions of the lot on which the accessory dwelling or junior accessory dwelling unit will be located; the location and dimensioned setbacks of all existing and proposed structures on the proposed site; all easements; building envelopes; and parking for the project site.
 - 2. Floor plans of the entire structure with each room dimensioned and the resulting floor area calculated. The use of each room shall be identified.
- C. When the site development regulations of this chapter (e.g., height, setback, size of the accessory dwelling or junior accessory dwelling unit) conflict with specific regulations in a planned unit development or specific plan for second units (not simply regulations for general class I accessory structures), the planned unit development and specific plan shall control. (Ord. 2161 § 1, 2017; Ord. 2080 § 2, 2013; Ord. 2000 § 1, 2009; Ord. 1885 § 2, 2003)

18.106.030 Density and growth management program.

- A. An accessory dwelling or junior accessory dwelling unit shall not be considered in applying the growth management program in Chapter 17.36 of this code.
- B. An accessory dwelling or junior accessory dwelling unit is not considered to increase the density of the lot upon which it is located. (Ord. 2161 § 1, 2017; Ord. 2080 § 2, 2013; Ord. 1885 § 2, 2003)

18.106.040 Standards for attached accessory dwelling units—Height limitations, setbacks, open space, and other regulations.

Attached accessory dwelling units shall meet the requirements in Section 18.106.060 of this chapter and the following requirements:

- A. Attached accessory dwelling units shall be subject to the maximum height, and the minimum front, rear, and side yard requirements of the main structure.
- B. The gross floor area of an attached accessory dwelling unit greater than a 150 square foot efficiency unit shall not exceed 50 percent of the gross floor area of the existing main dwelling unit, with a maximum increase in floor area of 1,200 square feet. In this instance, the gross floor area of the existing main dwelling unit is the size of the unit prior to the accessory dwelling unit addition/conversion.
- C. Except as modified by this chapter, all other regulations embodied in the zoning of the property for main dwellings shall apply to the development of attached accessory dwelling units. (Ord. 2161 § 1, 2017; Ord. 2080 § 2, 2013; Ord. 1885 § 2, 2003)

18.106.050 Standards for detached accessory dwelling units—Height limitations, setbacks, open space, and other regulations.

Detached accessory dwelling units shall meet the requirements in Section 18.106.060 of this chapter and the following requirements:

- A. Detached accessory dwelling units shall not exceed 15 feet in height and shall be limited to one-story structures, except that a detached accessory unit may be constructed above a detached garage, provided the garage meets the minimum setback requirements of the site’s zoning district and the accessory dwelling unit is not less than 5 feet from the side and rear property lines. Accessory dwelling units constructed above a detached garage shall not exceed 25 feet in height in the R-1 district and the RM district, and shall not exceed 30 feet in the A district. Height is measured from the lowest grade adjacent to the structure to the highest ridge or top of the structure.
- B. No setbacks are required for a legal, existing garage converted to an accessory dwelling unit. All other detached accessory dwelling units shall be subject to the following minimum setback requirements:

Zoning District	Side Yard Setback	Rear Yard Setback
One-family residential lots in the R-1-40,000 district and in planned unit developments which follow the site development standards of the R-1-40,000 district	20 feet	20 feet
All other lots	5 feet ¹	10 feet

Note:

¹ Side yard setback shall be a minimum of 10 feet on the street side of a corner lot.

- C. The gross floor area of a detached second unit shall not exceed 1,200 square feet.
- D. Except as modified by this chapter, all other regulations embodied in the zoning of the property for class I accessory structures shall apply to the development of detached accessory dwelling units on one-family residential lots. (Ord. 2161 § 1, 2017; Ord. 2080 § 2, 2013; Ord. 1885 § 2, 2003)

18.106.060 Required standards for all accessory dwelling units.

All accessory dwelling units shall meet the following standards:

- A. Only one other residential unit shall be permitted on a lot with an accessory dwelling unit and one of the residential units shall be owner occupied. The resident owner shall be a signatory to any lease for the rented unit and shall be the applicant for any permit issued under this chapter.
- B. The accessory dwelling unit shall not be sold or held under a different legal ownership than the primary residence; nor shall the lot containing the accessory dwelling unit be subdivided.
- C. The following parking standards shall apply to accessory dwelling units:
 - 1. One additional off-street parking space on the lot shall be made continuously available to the occupants of the accessory dwelling unit. Required parking may be:
 - a. provided as tandem; or
 - b. located in setbacks, but not in the front yard setback unless on the driveway.
 - 2. Parking for an accessory dwelling unit shall not be required if the accessory dwelling unit is:
 - a. located within a one-half mile of public transit.
 - b. located within an architecturally and historically significant historic district.
 - c. located in part of an existing primary residence or an existing accessory structure.
 - d. located in an area requiring on-street parking permits, but not offered to the occupant of the accessory dwelling unit; or
 - e. located within one block of a car share vehicle.
 - 3. Parking shall not be required if the city finds that parking is not feasible due to site topography or would create fire or life-safety conditions.
 - 4. When code required parking for the primary residence's garage, carport or covered parking is eliminated in conjunction with the construction or conversion of an accessory dwelling unit, the replacement space(s) shall be located on the same lot as the primary and accessory dwelling unit. With the approval of the community development director or his/her designee, the parking may be configured in a flexible manner so as not to burden the creation of the accessory dwelling unit. The location and configuration of parking is subject to the review and approval of the director of community development, and may be located and configured in such a manner to facilitate the accessory dwelling unit.
- D. The square footage of the primary residence and ADU combined cannot exceed the maximum floor area ratio requirement for the lot.
- E. The accessory dwelling unit shall have access to at least 80 square feet of open space on the lot.
- F. The resident owner shall install address signs that are clearly visible from the street during both daytime and evening hours and which plainly indicate that two separate units exist on the lot, as required by the fire marshal. The resident owner shall obtain the new street address for the accessory dwelling unit from the engineering department.
- G. Adequate roadways, public utilities and services shall be available to serve the accessory dwelling unit. Accessory dwelling units shall not be considered new residential uses for the purposes of calculating connection fees or capacity charges for sewer and water. Installation of a separate direct connection between an accessory dwelling unit contained within an existing structure and the utility shall not be required. Accessory dwelling units not within an existing structure shall be required to install a new or separate utility connection and be charged a connection fee and/or capacity charge. These charges shall be proportionate to the burden imposed by the accessory dwelling unit on the water or sewer system based upon either its size or number of plumbing fixtures as determined by the city.
- H. The owner of the lot on which an accessory dwelling unit is located shall participate in the city's monitoring program to determine rent levels of the accessory dwelling units being rented.

- I. The accessory dwelling unit shall not create an adverse impact on any real property that is listed in the California Register of Historical Places.
- J. The accessory dwelling unit shall comply with other zoning and building requirements generally applicable to residential construction in the applicable zone where the property is located.
- K. A restrictive covenant shall be recorded against the lot containing the accessory dwelling unit with the Alameda County recorder's office prior to the issuance of a building permit from the building division stating that:

The property contains an approved accessory dwelling unit pursuant to Chapter 18.106 of the Pleasanton Municipal Code and is subject to the restrictions and regulations set forth in that chapter. These restrictions and regulations generally address subdivision and development prohibitions, owner occupancy and lease requirements, limitations on the size of the accessory dwelling unit, parking requirements, and participation in the city's monitoring program to determine rent levels of the accessory dwelling units being rented. Current restrictions and regulations may be obtained from the city of Pleasanton planning division. These restrictions and regulations shall be binding upon any successor in ownership of the property. (Ord. 2161 § 1, 2017; Ord. 2080 § 2, 2013; Ord. 2000 § 1, 2009; Ord. 1885 § 2, 2003)

18.106.070 Required standards for all junior accessory dwelling units.

All junior accessory dwelling units shall meet the following standards:

- A. The junior accessory dwelling unit shall be located entirely within the existing structure of the detached single-family residence and shall have its own separate interior and exterior entrances.
- B. The junior accessory dwelling unit shall not exceed 500 square feet in area. The square footage of the primary residence and ADU combined cannot exceed the maximum floor area ratio requirement for the lot.
- C. The junior accessory dwelling unit shall include an efficiency kitchen which includes a sink, cooking appliance, counter surface, and storage cabinets that meet minimum building code standards. Gas and 220v circuits shall not be allowed. The junior accessory dwelling unit may share a bathroom with the primary residence or may have its own bathroom.
- D. Parking shall not be required for a junior accessory dwelling unit. When code-required parking for the primary residence's garage is eliminated and/or modified, in conjunction with the creation of a junior accessory dwelling unit, the replacement space(s) shall be located on the same lot as the primary unit. With the approval of the community development director or designee, the parking may be configured in a flexible manner so as not to burden the creation of the junior accessory dwelling unit. The location and configuration of the replacement parking is subject to the review and approval of the director of community development, and may be located and configured in such a manner to facilitate the junior accessory dwelling unit.
- E. Additional water, sewer and power connection fees shall not be required.
- F. Only one other residential unit shall be permitted on a lot with a junior accessory dwelling unit and one of the residential units shall be owner occupied. The resident owner shall be a signatory to any lease for the rented unit and shall be the applicant for any permit issued under this chapter.
- G. The junior accessory dwelling unit shall not be sold or held under a different legal ownership than the primary residence, nor shall the lot containing the junior dwelling unit be subdivided.
- H. The resident owner shall install address signs that are clearly visible from the street during both daytime and evening hours and which plainly indicate that two separate units exist on the lot, as required by the fire marshal. The resident owner shall obtain the new street address for the junior accessory dwelling unit from the engineering department.
- I. Except as modified by this chapter, all other regulations embodied in the zoning of the property for main dwellings shall apply to the development of junior accessory units.
- J. The owner of the lot on which the junior accessory dwelling unit is located shall participate in the city's monitoring program to determine rent levels of the junior accessory dwelling unit being rented.
- K. The junior accessory dwelling unit shall comply with the other zoning and building requirements generally applicable to residential construction in the applicable zone where the property is located.

- L. A restrictive covenant shall be recorded against the lot containing the junior accessory dwelling unit with the Alameda County recorder's office prior to the issuance of a building permit form the building division stating that:

The property contains an approved junior accessory dwelling unit pursuant to Chapter 18.106 of the Pleasanton Municipal Code and is subject to the restrictions and regulations set forth in that Chapter. These restrictions and regulations generally address subdivision and development prohibitions, owner occupancy and lease requirements, limitations on the size of the junior accessory dwelling unit, parking requirements, and participation in the city's monitoring program to determine rent levels of the junior accessory dwelling unit being rented. Current restrictions and regulations may be obtained from the city of Pleasanton planning division. These restrictions and regulations shall be binding upon any successor in ownership of the property.

(Ord. 2161 § 1, 2017)

Chapter 18.107

SUPPORTIVE HOUSING AND TRANSITIONAL HOUSING

Sections:

- 18.107.010 Purposes.**
- 18.107.020 Applicability.**
- 18.107.030 Supportive housing—Permitting procedures and standards.**
- 18.107.040 Transitional housing—Permitting procedures and standards.**

18.107.010 Purposes.

The purpose of this chapter is to provide procedures and standards to encourage and facilitate the establishment of supportive housing and transitional housing.

The further purpose of this chapter is to comply with the requirements of Senate Bill 02 (2007) codified in California Government Code Sections 65582, 65583 and 65589.5. (Ord. 2061 § 2, 2013)

18.107.020 Applicability.

All supportive housing and transitional housing shall comply with the provisions of this chapter. (Ord. 2061 § 2, 2013)

18.107.030 Supportive housing—Permitting procedures and standards.

- A. Supportive housing shall be considered a residential use for which only the restrictions that apply to other residential uses of the same type in the same zone shall be applied.
- B. Supportive Housing with Six or Fewer Persons in a Dwelling Unit. Supportive housing that provides shelter for six or fewer persons in a dwelling unit shall be a permitted use in the A (agricultural), R-1 (one-family residential), RM (multi-family residential), C-C (central commercial), H-P-D (hillside planned development) and comparable PUD (planned unit development) zoning districts if the following development standards and regulations are met:
 - 1. On-site or off-site services are provided to assist supportive housing residents in retaining housing, improving their health status, and maximizing their ability to live, and where possible, work in the community.
 - 2. Off-street parking is provided in accordance with Chapter 18.88 (Off-Street Parking and Loading Regulations).
 - 3. All new construction or conversion of existing structures complies with Chapter 18.20 (Design Review).
 - 4. All other applicable provisions of this title are met.
- C. Supportive Housing with More than Six Persons in a Dwelling Unit. Supportive housing that provides shelter for more than six persons in a dwelling unit shall be a permitted use in the RM (multi-family residential) zoning district if the following development standards and regulations are met:
 - 1. On-site or off-site services are provided to assist supportive housing residents in retaining housing, improving their health status, and maximizing their ability to live, and where possible, work in the community.
 - 2. Off-street parking is provided in accordance with Chapter 18.88 (Off-Street Parking and Loading Regulations).
 - 3. All new construction or conversion of existing structures complies with Chapter 18.20 (Design Review).
 - 4. All other applicable provisions of this title are met.
 - 5. To calculate the maximum allowed residential density for group supportive housing the first six beds shall be deemed equivalent to one dwelling unit. Thereafter every three beds shall be deemed equivalent to one dwelling unit. (Ord. 2061 § 2, 2013)

18.107.040 Transitional housing—Permitting procedures and standards.

- A. Transitional housing is to be considered a residential use for which only the restrictions that apply to other residential uses of the same type in the same zone shall be applied.
- B. Transitional Housing with Six or Fewer Persons in a Dwelling Unit. Transitional housing that provides shelter for six or fewer persons in a dwelling unit shall be a permitted use in the A (agricultural), R-1 (one-family residential), R-M (multi-family residential), C-C (central commercial), H-P-D (hillside planned development) and comparable PUD (planned unit development) zoning districts if the following development standards and regulations are met:
 - 1. The housing is operated under specific program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at a predetermined future point in time which shall be no less than six months.
 - 2. Off-street parking is provided in accordance with Chapter 18.88 (Off-Street Parking and Loading Regulations).
 - 3. All new construction or conversion of existing structures complies with Chapter 18.20 (Design Review).
 - 4. All other applicable provisions of this title are met.
- C. Transitional Housing with More than Six Persons in a Dwelling Unit. Transitional housing that provides shelter for more than six persons in a dwelling unit shall be a permitted use in the RM (multi-family residential) zoning district if the following development standards and regulations are met:
 - 1. The housing is operated under specific program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at a predetermined future point in time which shall be no less than six months.
 - 2. Off-street parking is provided in accordance with Chapter 18.88 (Off-Street Parking and Loading Regulations).
 - 3. All new construction or conversion of existing structures complies with Chapter 18.20 (Design Review).
 - 4. All other applicable provisions of this title are met.
 - 5. To calculate the maximum allowed residential density for group transitional housing the first six beds shall be deemed equivalent to one dwelling unit. Thereafter every three beds shall be deemed equivalent to one dwelling unit. (Ord. 2061 § 2, 2013)

- J. “Viewing area” means an area in any adult book and/or novelty store, cabaret, theater, motion picture arcade, or other adult entertainment establishment, where a patron or customer would ordinarily be positioned for purposes of viewing or watching a performance, picture, show, or film. (Ord. 1603 § 1, 1993)

18.114.030 Prohibition.

- A. No person shall cause or permit the establishment, enlargement or transfer of ownership or control of any adult entertainment establishment if such establishment is within 500 feet of another such business, 500 feet of any residential zone or residential use, or within 500 feet (of any church, school, or public park within the city, or within 500 feet of an establishment selling and serving alcohol. For purposes of this section, a hotel/motel shall not be considered as a residential use.
- B. An adult entertainment establishment shall not be permitted to be established, enlarged or transferred unless the provisions of the zone in which the site or proposed site is located permits such a use.
- C. For purposes of this section, enlargement shall mean an increase in the size of the building within which the business is conducted by either construction or use of an adjacent building or any portion thereof whether located on the same or an adjacent lot or parcel of land. (Ord. 1603 § 1, 1993)

18.114.040 Measure of distance.

The distance between any two adult entertainment establishments shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of each establishment. The distance between any adult entertainment establishment and any church, school, public park, establishment selling and serving alcohol or residential zone or use, shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of the adult entertainment establishment to the closest property line of the church, school, public park, or residential zone or residential use, or establishment selling and serving alcohol. (Ord. 1603 § 1, 1993)

18.114.050 Zoning districts—Permitted.

An adult entertainment establishment shall be permitted only in the commercial zones listed in Table 18.44.080 of Chapter 18.44. (Ord. 2155 § 3, 2017; Ord. 1603 § 1, 1993)

18.114.060 Adult entertainment establishment permit required.

- A. Prior to commencing any work pertaining to the development, construction, reconstruction, relocation, conversion, alteration, expansion, or establishment of any adult entertainment establishment, the applicant shall submit to the city planning division an application for an adult entertainment establishment permit on a form approved by the planning division and a site plan. A fee therefor shall be paid pursuant to Section 18.114.070 of this chapter. The application and site plan are required for purposes of verification that the request complies with the design and performance standards, and is in conformity with the locational criteria, set forth in this chapter.
- B. The applicant shall also submit to the police chief an application for an adult entertainment establishment permit. Said application shall be in writing on a form prescribed by the police chief and shall be signed by the applicant. The application shall set forth the exact nature of the activities proposed to be conducted, the proposed place of business and facilities therefor, and the name and address of each applicant. The chief of police may require the applicant to allow fingerprints to be taken for the purpose of establishing identification. Any applicant shall furnish the following information:
1. The previous addresses of each applicant, if any, for a period of three years immediately prior to the date of the application and the dates of residence of each.
 2. Written proof that the applicant is at least 18 years of age.
 3. The applicant shall allow the police department official who processes the application to take photographs of the applicant.
 4. Applicant’s height, weight, color of eyes and hair.

5. Business, occupation or employment history of the applicant for the three years immediately preceding the date of the application.
 6. If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation, together with the names and residence addresses of each of its officers, directors, and each stockholder holding more than five percent of the stock of the corporation along with the amount of stock held, and the name and address of the person or agent to accept service of a summons and complaint. If the applicant is a partnership, the application shall set forth the name and residence address of each of the partners, including limited partners. If one or more of the partners is a corporation, the provisions of this section pertaining to a corporate applicant shall apply.
 7. The names and residence addresses of all persons currently employed or intended to be employed in the adult entertainment establishment, regardless of the nature of employment, along with the proposed or actual nature of the work performed or to be performed and recent passport-size photographs of each employee, suitable to the police department official processing the application. The chief of police may require each such employee to allow fingerprints to be taken for the purpose of identification. Any applicant or permittee shall notify the city in writing of the names and addresses and shall supply such photographs of any new employees within five days of such employment. Such new employees shall allow fingerprints to be taken for identification purposes.
 8. Such other information as may be deemed necessary by the chief of police.
- C. Within 60 days following receipt of a completed application, the chief of police shall either issue the permit or mail to the applicant a written statement of the reasons for denial thereof. The police chief shall issue an adult entertainment establishment permit to any person whose application complies with the requirements of this chapter, unless grounds for denial of such permit are found to exist. Grounds for denial include:
1. The applicant made a material misstatement in the application for a permit.
 2. The applicant has, within five years immediately preceding the date of the filing of the application, been convicted in a court of competent jurisdiction of an offense involving conduct which requires registration under California Penal Code Sections 243.4, 290, or any violation of Sections 311 through 311.7, 313.1, 314, 315, 316, 318 or 647(b), 647(d), or 647(h) of the California Penal Code, or of any offense involving theft of property or violence. The basis for denial stated in this subsection (C)(2) shall not apply to adult theaters, adult bookstores, or adult video stores. Prior to denying a permit under this chapter for either of said activities by reason of such conviction, the chief of police shall make a finding that by reason of the nature of the conviction or underlying facts, or by reason of the anticipated nature of the activities to be carried out under the permit applied for, or by reason of any other relevant factors, the issuance of such permit would be inconsistent with the general health, safety and welfare.
 3. That the operation of an adult entertainment establishment, as proposed by the applicant, if permitted, would not comply with all applicable laws including, but not limited to, all city ordinances and regulations.
 4. That the applicant has violated any provision of this chapter; or of any similar ordinance, law, rule or regulation of another public agency which regulates the operation of adult entertainment establishments.
- D. It is unlawful for any person to engage in, conduct, or carry on, in or upon any premises within the city the operation of an adult entertainment establishment without an adult entertainment establishment permit.
- E. An adult entertainment establishment permit shall not be transferrable and a new permit must be obtained if the adult entertainment establishment is leased, subleased, sold, or otherwise transferred for any reason, as the term "transfer of interest" is defined in Section 18.114.140 of this chapter. (Ord. 2000 § 1, 2009; Ord. 1603 § 1, 1993)

18.114.070 Adult entertainment establishment permit application fee.

Any application for a permit to operate an adult entertainment establishment shall be accompanied by a nonrefundable fee as set forth in the city master fee schedule (on file in the office of the city clerk). The application fee shall be used to defray, in part, administrative costs incurred in the processing of such application, and is not made in-lieu of

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

18.114.180 Exceptions.

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

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

18.114.190 Severability.

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

Chapter 18.116

TEMPORARY USES

Sections:

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

18.116.010 Temporary conditional uses.

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

- A. Temporary conditional uses in C districts prescribed in Section 18.44.080 of this title;
- B. Subdivision sales offices, and model home complexes; such uses shall be located so as to minimize their impact on adjoining occupied dwellings, generally a minimum separation of 200 feet;
- C. Construction yards located not less than 200 feet from any existing dwelling outside the subdivision;
- D. Nonresidential uses conducted in trailers, provided each use shall be a permitted use or a conditional use in the district in which it is located;
- E. Trailer residence of fair, circus or carnival personnel or Christmas tree sales personnel on the site of the principal use, or trailer residence of a watchman on the site of a construction project;
- F. Reverse vending machines or other small recycling collection facilities in accordance with Chapter 9.22. (Ord. 2155 § 3, 2017; Ord. 1312 § 1, 1987; prior code § 2-10.22)

18.116.015 Temporary conditional uses in R districts—Home boutiques.

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

2. A maximum of four signs, not less than 400 feet apart, and each sign no more than six square feet in area. These signs shall not be placed, used or maintained in any location upon public property, rights-of-way or within public easements, where such placement endangers the safety of persons or property, or unreasonably interferes with or impedes the flow of traffic or the ingress or egress from any residence or business. These signs may be displayed no longer than the permitted hours of operation of the home boutique they are advertising;
 3. A maximum of eight hours of operation in a single day, with the specific hours as proposed by the boutique operators and as proposed in notices to surrounding property owners;
 4. Requiring all boutique members to have a city business license.
- G. The planning commission may elect to review a decision of the zoning administrator as described in Section 18.144.020 of this title, or a decision of the zoning administrator may be appealed to the planning commission by the applicant or by any other person described in Section 18.144.020 of this title. An appeal shall be heard and acted upon as described in Sections 18.144.030 and 18.144.040 of this title. (Ord. 1434 § 1, 1989)

18.116.020 Temporary uses in C district.

- A. A temporary use in an existing structure may be permitted in a C district, for not to exceed one year where it appears by specific finding made by the planning commission that:
1. The temporary use is proposed only pending application for rezoning to accommodate a permitted or conditionally permitted use. The permit may be conditioned upon the filing of such application;
 2. The temporary use, even though not permitted or conditionally permitted, is not so inconsistent with the regulations for the district in which it is located as to constitute a traffic hazard or parking problem, or to create noise, odor, or other conditions offensive to the senses, or to be inconsistent with the adjoining land uses.
- B. The permit may be revocable or granted subject to such conditions as the commission may prescribe. Conditions may include, but shall not be limited to, requiring that no structural alterations be made to the structure in order to accommodate the temporary use; requiring street dedications and improvements; requiring any or all of the conditions specifically allowed in Chapter 18.124 or 18.132 of this title.
- C. The city council may elect to review a decision of the planning commission as described in Section 18.144.010 of this title, or a decision of the commission may be appealed to the city council by the applicant or by any other person as prescribed in Section 18.144.020 of this title. An appeal shall be heard and acted upon as described in Sections 18.144.030 and 18.144.040 of this title. (Prior code § 2-10.23)

18.116.030 Fairground parking.

Upon the granting of a temporary use permit in accord with the provisions described in this section, a fee parking lot may be operated on any property within the city for the purpose of providing parking for activities occurring at the Alameda County fairgrounds.

- A. Procedure. The community development director, or his or her designated representative, shall prepare a permit procedure for such temporary uses. Fees for the processing of applications shall be established in the resolution establishing fees and charges for various municipal services, as set forth in the master fee schedule (on file in the office of the city clerk).
- B. Conditions. No permit shall be granted unless the operation of the fee parking lot will not be detrimental to the public health, safety and general welfare. Conditions may be attached to permit approval as necessary to protect the public health, safety and general welfare.
- C. Revocation of Permit. Upon operation of a fee parking lot in a manner detrimental to the public health, safety and general welfare or, if granted subject to conditions, upon failure to comply with those conditions, the temporary use permit may be revoked. While the permit is revoked, no additional vehicles shall be parked on the site. The temporary use permit may be reinstated following reapplication with the city.

- D. Violation. No person shall operate a fee parking lot, and no person shall allow property owned or occupied by them to be operated as a fee parking lot without a temporary use permit being in full force and effect; nor shall any fee parking lot be operated in violation of its conditions of approval. Violations of this section shall be deemed infractions. The city, at its election, may revoke the permit, cite the violator for an infraction, or both revoke the permit and cite the violator for an infraction.
- E. Exemption. Fee parking lots operated by the Alameda County fair or any other governmental body shall be exempt from the provisions of this section. (Ord. 2000 § 1, 2009; prior code § 2-10.24)

18.116.040 Temporary outdoor uses.

The following temporary outdoor uses shall be permitted subject to the zoning administrator making a determination that a temporary use application for an outdoor event meets the criteria listed in subsections A, B and C of this section for that event; any application not meeting the criteria shall be subject to a temporary conditional use permit in accordance with the provisions of Section 18.124.170 of this title relating to temporary use permits; however, no temporary conditional use permit for an outdoor sale shall be approved if it is longer than three days, no temporary conditional use permit for an outdoor sale during a hotel convention shall be allowed if it is longer than five days, no temporary conditional use permit for an outdoor sale shall be allowed for more than four events per year, except that outdoor sales events benefiting charitable or nonprofit organizations shall not count toward the four event limit and shall not be limited in number.

- A. Private Outdoor Company Events. Company employee events held outdoors on a work site for which the applicant has obtained approval from the fire and police departments and which meet the following criteria shall be permitted in C and I districts, and in PUD districts with an underlying retail/highway/service commercial business and professional offices or business park general plan designation.
 1. Event activities, including event setup and take down, shall be limited to the hours between 7:00 a.m. and 8:00 p.m.
 2. The zoning administrator has approved a decorating plan for any signs or decorations proposed for the event. Decorations and attention getting devices such as flags, pennants, banners, and other temporary signs and devices shall be allowed as deemed appropriate by the zoning administrator.
 3. The event meets the requirements of the police and fire departments as to alcohol use, security, safety, noise, fire hazards, emergency access, vehicular and pedestrian ingress and egress; the event meets all applicable requirements of the building and fire codes; and the applicant has obtained all necessary permits.
 4. The event is not open to the general public.
 5. The property owner has approved the event in writing.
- B. Outdoor Sales. Temporary outdoor displays and/or sales of merchandise or services on a business site for which the applicant has obtained approval from the fire and police departments and which meet the following criteria shall be permitted.
 1. Outdoor display and/or sale of merchandise may be done as part of a business district or shopping center event, as an event to benefit charitable or nonprofit organizations, or on an individual business basis.
 2. Temporary outdoor sales shall not last longer than three days.
 3. No more than four events per year featuring outdoor sales shall be held by any individual business district, individual business, or shopping center, except that outdoor sales events benefiting charitable or nonprofit organizations shall not count toward the four event limit and shall not be limited in number.
 4. Outdoor sales activities, including setup and take down, shall be limited to the hours between 7:00 a.m. and 8:00 p.m. The time frame of events may be extended to the normal closing time of a business if the zoning administrator determines there will not be a detrimental effect upon adjacent properties.
 5. Except for charitable events, temporary outdoor displays and/or sales shall be associated with a business on the site.

6. The zoning administrator has determined that the merchandise will be attractively displayed in an organized manner and has approved a decorating/sign plan for any signs or decorations proposed for the event. Allowable decorations and attention getting devices are restricted to flags, pennants, banners, and other temporary signs and devices as deemed appropriate by the zoning administrator.
 7. The event meets the requirements of the police and fire departments as to security, safety, noise, fire hazards, and emergency access; the event meets all applicable requirements of the building and fire codes; and the applicant has obtained all necessary permits.
 8. Outdoor sales/displays shall not obstruct vehicular or pedestrian ingress to/egress from any business or to the business district/shopping center, and shall make available sufficient parking for customers as determined by the zoning administrator.
 9. Outdoor sales/displays located on sidewalks shall meet the following physical requirements:
 - a. A four foot unobstructed sidewalk clearance for pedestrians shall be maintained at all times from a table, chair, bench, display, planter, or any other appurtenance used as part of a sidewalk sale/display and a two foot clearance shall be maintained from the face of curb to any such appurtenance.
 - b. No sale/display shall be located so as to block access to or from a building. A minimum unobstructed clear area shall be maintained which extends two feet to either side of both door jambs and eight feet perpendicularly from the door in a closed position.
 10. The property owner has approved the event in writing.
- C. Outdoor Sales During Hotel Conventions. Temporary outdoor display and/or sale of merchandise or services on a hotel site for which the applicant has obtained approval from the fire and police departments and which meet the following criteria shall be permitted at hotels.
1. Outdoor display and/or sale of merchandise or services shall be allowed only as part of a hotel convention or conference.
 2. The organization or association that holds the convention must be nonprofit or charitable or, if the organization or association holding the event is for profit, then the convention must entirely benefit (minus operating costs) a charitable organization. Individual vendors at a convention may be for profit businesses.
 3. Outdoor vendor areas are limited to convention attendees only and shall not be open to the general public.
 4. Temporary outdoor sales shall not last longer than five days.
 5. The zoning administrator has determined that the merchandise will be attractively displayed in an organized manner and has approved a decorating/sign plan for any signs or decorations proposed for the event. Allowable temporary signs are limited to: one nonilluminated "welcome" banner sign per convention and one nonilluminated identification sign per vendor during the event. The "welcome" banner may not exceed two feet in height by 10 feet in length, shall be affixed on the hotel building wall or windows, shall be located within 10 feet of the main hotel entrance, and shall be no higher than 12 feet above the ground floor grade. Individual vendor signs may not exceed eight square feet in area and shall be installed within the sales area of the individual vendor. Vendor signs shall be placed no higher than eight feet from grade and shall not be oriented towards or attempt to draw attention from any public street or freeway. The "welcome" and individual vendor signs may only be displayed during the outdoor event.
 6. The event meets the requirements of the police and fire departments as to security, safety, noise, fire hazards, and emergency access; the event meets all applicable requirements of the building and fire codes; and the applicant has obtained all necessary permits.
 7. Outdoor sales/displays shall not obstruct vehicular or pedestrian ingress to/egress from any business and shall make available sufficient parking for convention attendees and hotel guests as determined by the zoning administrator.
 8. The property owner has approved the event in writing. (Ord. 2065 § 1, 2013; Ord. 1906 § 2, 2004; Ord. 1694 § 1, 1996; Ord. 1511 § 2, 1991; prior code § 2-10.25)

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

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

A. Procedure:

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

B. Requirements:

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

18.116.060 Special downtown accessory entertainment uses.

If expanded operation hours are requested for a special downtown accessory entertainment use which would otherwise adhere to the permitted use parameters in Table 18.44.080, the expanded hours may be approved by the zoning administrator provided the findings required by Section 18.124.070 are made by the zoning administrator, and the expanded hours are proposed for a special downtown accessory entertainment use in the downtown hospitality central core area; are proposed for a holiday celebration; are proposed in conjunction with a downtown special event; and/or effective noise attenuation is installed. Expanded operation hours shall be approved for no more than five calendar days a year. No public hearing shall be held unless requested by the zoning administrator.

No notification shall be required, unless a street closure is approved for the use. If a street closure is approved, at least two weeks prior to the event the applicant shall notify property owners and occupants within the downtown specific plan area about the street closure and provide a contact number for the event organizer or designee. The zoning administrator may waive the notification requirement if the applicant demonstrates to the satisfaction of the zoning administrator that such noticing will occur by the city of Pleasanton police department, other city of Pleasanton department, or the Pleasanton downtown association. (Ord. 2155 § 3, 2017; Ord. 2055 § 2, 2012)

Chapter 18.124

CONDITIONAL USES

Sections:

Article I. Conditional Use Permits

- 18.124.010 Purpose—Authorization.
- 18.124.020 Application—Required data and maps.
- 18.124.030 Application—Fee.
- 18.124.040 Application—Hearing.
- 18.124.050 Investigation and report.
- 18.124.060 Action of planning commission.
- 18.124.070 Findings.
- 18.124.080 Effective date of use permit.
- 18.124.090 Review or appeal.
- 18.124.100 Lapse of use permit.
- 18.124.110 Preexisting conditional uses.
- 18.124.120 Modification of conditional use.
- 18.124.130 Suspension and revocation.
- 18.124.140 Denial—New application.
- 18.124.150 Use permit to run with land.
- 18.124.160 Application with zoning reclassification.
- 18.124.170 Temporary use permit.
- 18.124.175 Temporary use permit for small recycling collection facilities.
- 18.124.180 Design review.

Article II. Minor Conditional Use Permits

- 18.124.190 Purpose—Authorization.
- 18.124.200 Application—Required data and maps.
- 18.124.210 Application—Fee.
- 18.124.220 Notice.
- 18.124.230 Action of zoning administrator.
- 18.124.240 Performance standards and findings.
- 18.124.250 Effective date of minor conditional use permit.
- 18.124.260 Review of appeal.
- 18.124.270 Lapse of use permit.
- 18.124.280 Modification, suspension, or revocation.
- 18.124.290 Denial—New application.
- 18.124.300 Use permit to run with land.
- 18.124.310 Design review.

Article III. Conditional Use Permits for Large Family Day Care Homes

- 18.124.320 Procedure.
- 18.124.330 Application.
- 18.124.340 Notice.
- 18.124.350 Public hearing.
- 18.124.360 Action of zoning administrator.
- 18.124.370 Standards.
- 18.124.380 Additional procedures.

Article IV. Conditional Use Permits for Small Bed and Breakfasts and Bed and Breakfast Inns

18.124.390 Procedure.

18.124.400 Standards.

**Article V. Conditional Use Permits for Medium and Large Electricity Generator Facilities
and Medium and Large Fuel Cell Facilities**

18.124.410 Procedure.

18.124.420 Standards.

Article I. Conditional Use Permits

18.124.010 Purpose—Authorization.

In order to give the district use regulations the flexibility necessary to achieve the objectives of this chapter, in certain districts conditional uses are permitted, subject to the granting of a use permit. Because of their unusual characteristics, conditional uses require special consideration so that they may be located properly with respect to the objectives of this title, and with respect to their effects on surrounding properties. In order to achieve these purposes, the planning commission is empowered to grant and to deny applications for use permits for such conditional uses in such districts as are prescribed in the district regulations and to impose reasonable conditions upon the granting of use permits, subject to the right of appeal to the city council or to review by the council. (Prior code § 2-11.03)

18.124.020 Application—Required data and maps.

Application for a use permit shall be filed with the zoning administrator on a form prescribed by the city planning commission and shall include the following data and maps:

- A. Name and address of the applicant;
- B. Statement that the applicant is the owner or the authorized agent of the owner of the property on which the use is proposed to be located;
- C. Address or description of the property;
- D. Statement indicating the precise manner of compliance with each of the applicable provisions of this chapter, together with any other data pertinent to the findings prerequisite to the granting of a use permit, prescribed in Section 18.124.070 of this article;
- E. An accurate scale drawing of the site and the surrounding area showing existing streets and property lines for a distance from each boundary of the site determined by the zoning administrator to be necessary to illustrate the relationship to and impact on the surrounding area;
- F. An accurate scale drawing of the site showing the contours at intervals of not more than five feet and existing and proposed locations of streets, property lines, uses, structures, driveways, pedestrian walks, off-street parking and off-street loading facilities, landscaped areas, trees, fences, and walls;
- G. In a Q district, an application for rock, sand or gravel extraction or processing shall be accompanied by the data and plans prescribed in Sections 18.52.060 and 18.52.070 of this title;
- H. The zoning administrator may require additional information, plans and drawings if they are necessary to enable the commission to determine whether the proposed use will comply with all of the applicable provisions of this chapter. The zoning administrator may authorize omission of any or all of the plans and drawings required by this section if they are not necessary. (Ord. 2155 § 3, 2017; prior code § 2-11.04(1))

18.124.030 Application—Fee.

The application shall be accompanied by a fee established by resolution of the city council to cover the cost of handling the application as prescribed in this chapter, except that there shall be no fee for application for a conditional use in an S district. (Prior code § 2-11.04(2))

18.124.040 Application—Hearing.

The planning commission shall hold at least one public hearing on each application for a use permit. The hearing shall be set and notice shall be given as prescribed in Section 18.12.040 of this title. At the public hearing the commission shall review the application and the drawings submitted therewith and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained, particularly with respect to the findings prescribed in Section 18.124.070 of this article. (Ord. 1812, 2000; prior code § 2-11.05)

18.124.050 Investigation and report.

The zoning administrator shall make an investigation of the application and shall prepare a report thereon which shall be submitted to the city planning commission and made available to the applicant prior to the public hearing. (Prior code § 2-11.06)

18.124.060 Action of planning commission.

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

18.124.070 Findings.

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

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

18.124.080 Effective date of use permit.

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

18.124.090 Review or appeal.

The city council may elect to review a decision of the planning commission as prescribed in Section 18.144.010 of this title, or a decision of the commission may be appealed to the city council by the applicant or by any other person

as prescribed in Section 18.144.020 of this title. An appeal shall be heard and acted upon as prescribed in Sections 18.144.030 and 18.144.040 of this title. (Prior code § 2-11.10)

18.124.100 Lapse of use permit.

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

B. A use permit shall lapse and become void if the use is abandoned or discontinued for a continuous period of one year or more. Abandonment or discontinuance shall include cessation of a use regardless of intent to resume the use. Indicia of abandonment or discontinuance may include, but not be limited to, lack of business license, no utility service, etc. (Ord. 2120 § 1, 2015; prior code § 2-11.11)

18.124.110 Preexisting conditional uses.

- A. A conditional use legally established prior to the effective date of the ordinance codified in this chapter, or subsequent amendments thereto, shall be permitted to continue, provided that it is operated and maintained in accord with the conditions prescribed at the time of its establishment, if any.
- B. Alteration or expansion of a preexisting conditional use shall be permitted only upon the granting of a use permit as prescribed in this chapter, provided that alterations not exceeding \$1,500.00 in value as determined by the building inspector shall be permitted without the granting of a use permit.
- C. A use permit shall be required for the reconstruction of a structure housing a preexisting conditional use if the structure is destroyed by fire or other calamity, by act of God, or by the public enemy to a greater extent than 50 percent. The extent of damage or partial destruction shall be based upon the ratio of the estimated cost of restoring the structure to its condition prior to such damage or partial destruction to the estimated cost of duplicating the entire structure as it existed prior thereto. Estimates for this purpose shall be made by or shall be reviewed and approved by the community development director.
- D. Preexisting conditional uses described in this section are subject to the lapse provisions in Section 18.124.100.B. (Ord. 2120 § 1, 2015; Ord. 2000 § 1, 2009; prior code § 2-11.12)

18.124.120 Modification of conditional use.

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

- C. If the zoning administrator approves a modification of a conditional use permit for a bar in the downtown hospitality central core area or downtown hospitality transition area, he or she shall notify the planning commission and city council of the modification within 10 days of the approval. (Ord. 2055 § 2, 2012; prior code § 2-11.13)

18.124.130 Suspension and revocation.

Upon violation of any applicable provision of this chapter, or, if granted subject to conditions, upon failure to comply with conditions, a use permit shall be subject to suspension or revocation. The planning commission shall hold a public hearing within a reasonable time to consider such suspension or revocation in accord with the procedure prescribed in Section 18.124.040, and if not satisfied that the regulation, general provision or condition is being complied with, may suspend or revoke the use permit or take such action as may be necessary to ensure compliance with the regulation, general provision or condition. Within 10 days following the date of a decision of the commission suspending or revoking a use permit, the secretary shall transmit to the city council written notice of the decision. The decision shall become final 15 days following the date on which the use permit was suspended or revoked or on the day following the next meeting of the council, whichever is later, unless an appeal has been taken to the council, or unless the council shall elect to review and decline to affirm the decision of the commission, in which cases Section 18.124.090 shall apply. (Ord. 2065 § 1, 2013; prior code § 2-11.14)

18.124.140 Denial—New application.

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

18.124.150 Use permit to run with land.

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

18.124.160 Application with zoning reclassification.

Application for a use permit may be made at the same time as application for a change in district boundaries including the same property, in which case the planning commission shall hold the public hearing on the zoning reclassification and the use permit at the same meeting and may combine the two hearings. For the purposes of this section, the date of the commission decision on the use permit application shall be deemed to be the same as the date of enactment by the city council of an ordinance changing the district boundaries, provided that if the council modifies a recommendation of the commission on a zoning reclassification, the use permit application shall be reconsidered by the commission in the same manner as a new application. (Prior code § 2-11.17)

18.124.170 Temporary use permit.

Use permits for specified temporary conditional uses may be granted by the zoning administrator provided that the findings required by Section 18.124.070 shall be made. No public hearing shall be held unless the zoning administrator shall request a hearing. A permit for a temporary use shall authorize conduct of the use for a specified term as determined by the zoning administrator, provided that a permit for a subdivision sales office, reverse vending machines or other small recycling collection facilities, or a temporary construction yard or office may be for a period not to exceed one year. A decision of the zoning administrator on a temporary conditional use shall be subject to appeal as prescribed in Section 18.144.050 relating to administrative appeal procedure. (Ord. 2155 § 3, 2017; Ord. 2065 § 1, 2013; prior code § 2-11.18)

18.124.175 Temporary use permit for small recycling collection facilities.

- A. Reverse vending machines and other small recycling collection facilities may be allowed in the zoning districts shown in Table 9.22.030 (Permits Required for Recycling Facilities by Zoning District) of this code upon the granting of a conditional use permit pursuant to the following requirements:
1. Application to install a reverse vending machine(s) or a small collection facility shall be made with the zoning administrator, including any fee established heretofore, and shall include a site plan, elevations and such other information as established in Section 9.22.060 (Criteria And Design Standards) of this code and determined as necessary by the zoning administrator to enable the application to be reviewed.
 2. The zoning administrator will review the application for conformance with Section 9.22.060 of this code and may approve, conditionally approve or deny the application. No application shall be approved, as applied for or conditioned, unless the zoning administrator finds that:
 - a. The proposed location of the conditional use is in accordance with the objectives of the zoning ordinance and the purposes of the district in which the site is located;
 - b. The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to the properties or improvements in the vicinity; and
 - c. That the proposed conditional use will comply with each of the applicable provisions of this chapter.
 3. Temporary conditional use permits for reverse vending machines or other small recycling collection facilities are valid for a period of 12 months from the date of approval and may be renewed prior to expiration upon the submittal of a new application and fee to the zoning administrator, who will review the application for continuing compliance with the purposes of this chapter and of Chapter 9.22 (Recycling) of this code.
 4. Any action of the zoning administrator may be appealed to the planning commission by any affected party pursuant to the requirements of Chapter 18.144 (Appeals) of this title. (Ord. 2155 § 3, 2017; Ord. 1354 § 8, 1988)

18.124.180 Design review.

All conditional uses shall be subject to design review as prescribed in Chapter 18.20 of this title. Applicants are advised to confer with the zoning administrator before preparing detailed plans. (Prior code § 2-11.19)

Article II. Minor Conditional Use Permits**18.124.190 Purpose—Authorization.**

In order to give each district the flexibility necessary to achieve the objectives of this chapter, in certain districts conditional uses are permitted, subject to the granting of a minor conditional use permit. These uses are less routine than permitted uses, and require special consideration so that they may be located properly with respect to the objectives of this title, and with respect to their effects on surrounding properties, but do not necessarily warrant review by the planning commission. In order to achieve these purposes, the zoning administrator is empowered to grant and to deny applications for minor conditional use permits for such conditional uses in such districts as are prescribed in the district regulations and to impose reasonable conditions upon the granting of minor use permits, subject to the right of appeal to the planning commission and/or city council, or to review by the planning commission and/or council. The zoning administrator may refer a minor conditional use permit to the planning commission for review and action if deemed to be controversial or complex in nature. (Ord. 2155 § 3, 2017)

18.124.200 Application—Required data and maps.

Application for a minor conditional use permit shall be filed with the zoning administrator on a form prescribed by the director of community development and shall include the following data and maps:

- A. Name and address of the applicant;
- B. Statement that the applicant is the owner or the authorized agent of the owner of the property on which the use is proposed to be located;
- C. Address or description of the property;
- D. Statement indicating the precise manner of compliance with each of the applicable provisions of this chapter, together with any other data pertinent to the performance standards and findings prerequisite to the granting of a use permit, prescribed in Section 18.124.240 of this article;
- E. An accurate scale drawing of the site and the surrounding area showing existing streets and property lines for a distance from each boundary of the site determined by the zoning administrator to be necessary to illustrate the relationship to and impact on the surrounding area;
- F. An accurate scale drawing of the site showing the contours at intervals of not more than five feet and existing and proposed locations of streets, property lines, uses, structures, driveways, pedestrian walks, off-street parking and off-street loading facilities, landscaped areas, trees, fences, and walls;
- G. The zoning administrator may require additional information, plans and drawings if they are necessary to determine whether the proposed use will comply with all of the applicable provisions of this chapter. The zoning administrator may authorize omission of any or all of the plans and drawings required by this section if they are not necessary. (Ord. 2155 § 3, 2017)

18.124.210 Application—Fee.

The application shall be accompanied by a fee established by resolution of the city council to cover the cost of handling the application as prescribed in this chapter. (Ord. 2155 § 3, 2017)

18.124.220 Notice.

No less than 10 days prior to the date on which the decision will be made on the application, the city shall give notice of the proposed minor conditional use permit to all property owners and occupants shown on the last equalized assessment roll as owning real property within 300 feet of the exterior boundaries of the property on which the minor conditional use permit is proposed. If within 10 days of mailing such notice, the zoning administrator receives a request for a hearing, the zoning administrator shall schedule an administrative hearing when practically feasible. Either administratively, if no hearing is requested, or after conducting the administrative hearing, the zoning administrator shall approve, conditionally approve, or disapprove the application. For a minor conditional use permit that is either appealed by the applicant or by any other person as prescribed in Section 18.144.020 of this title, or elected for review by planning commission and/or city council as identified in Section 18.124.250 of this chapter, the city shall give notice of the proposed minor conditional use permit to all property owners and occupants shown on the last equalized assessment roll as owning real property within 1,000 feet of the exterior boundaries of the property on which the minor conditional use permit is proposed. (Ord. 2155 § 3, 2017)

18.124.230 Action of zoning administrator.

Any action of the zoning administrator is subject to the appeal provisions in Chapter 18.144. (Ord. 2155 § 3, 2017)

18.124.240 Performance standards and findings.

A use approved for a minor conditional use permit shall meet the following performance standards:

- A. The facility shall adhere to all occupancy, ADA, California Building Code, and exiting requirements;
- B. Adequate parking is available for the use, and the proposal has an effective traffic circulation system including pick-up and drop-off for business patrons; and
- C. The use meets the city noise ordinance.

The zoning administrator may request a traffic study, noise study, or other professional study in order to determine whether the proposed use meets the above performance standards.

The zoning administrator shall make the following findings before granting a minor conditional use permit:

18.124.250

- A. That the proposed location of the minor conditional use is in accordance with the objectives of this chapter and the purposes of the district in which the site is located;
- B. That the proposed location of the minor conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to the properties or improvements in the vicinity;
- C. That the proposed minor conditional use will comply with each of the applicable provisions of this chapter. (Ord. 2155 § 3, 2017)

18.124.250 Effective date of minor conditional use permit.

Within 10 days following the date of a decision of the zoning administrator on a minor conditional use permit application, the secretary shall transmit written notice of the decision to the planning commission, city council, and to the applicant. A minor conditional use permit shall become effective 15 days following the date on which the use permit was granted or on the day following the next meeting of the council, whichever is later, unless an appeal has been submitted, or unless the planning commission and/or council has elected to review the decision of the zoning administrator. A minor conditional use permit shall become effective immediately after it is granted by the council. (Ord. 2155 § 3, 2017)

18.124.260 Review or appeal.

The planning commission or city council may elect to review a decision of the zoning administrator as prescribed in Section 18.144.010 of this title, or a decision of the commission may be appealed to the city council by the applicant or by any other person as prescribed in Section 18.144.020 of this title. An appeal shall be heard and acted upon as prescribed in Sections 18.144.030 and 18.144.040 of this title. (Ord. 2155 § 3, 2017)

18.124.270 Lapse of use permit.

- A. A minor conditional use permit shall lapse and shall become void one year following the date on which the minor conditional use permit became effective, unless prior to the expiration of one year a building permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the use permit application, or a certificate of occupancy is issued for the structure which was the subject of the use permit application, or the site is occupied if no building permit or certificate of occupancy is required, or the applicant or his or her successor has filed a request for extension with the zoning administrator pursuant to the provisions of Section 18.12.030.
- B. A minor conditional use permit shall lapse and become void if the use is abandoned or discontinued for a continuous period of one year or more. Abandonment or discontinuance shall include cessation of a use regardless of intent to resume the use. Indicia of abandonment or discontinuance may include, but not be limited to, lack of business license, no utility service, etc. (Ord. 2155 § 3, 2017)

18.124.280 Modification, suspension or revocation.

Upon violation of any applicable provision of this chapter, or, if granted subject to conditions, upon failure to comply with conditions, a minor conditional use permit shall be subject to modification, suspension, or revocation. The planning commission shall hold a public hearing within a reasonable time to consider such modification, suspension, or revocation in accord with the procedure prescribed in Section 18.124.040, and if not satisfied that the regulation, general provision or condition is being complied with, may modify, suspend, or revoke the use permit or take such action as may be necessary to ensure compliance with the regulation, general provision or condition. Within 10 days following the date of a decision of the commission modifying, suspending, or revoking a use permit, the secretary shall transmit to the city council written notice of the decision. The decision shall become final 15 days following the date on which the minor conditional use permit was suspended or revoked or on the day following the next meeting of the council, whichever is later, unless an appeal has been taken to the council, or unless the council shall elect to review and decline to affirm the decision of the commission, in which cases Section 18.124.090 shall apply. (Ord. 2155 § 3, 2017)

18.124.290 Denial—New application.

Following the denial of a minor conditional use permit application or the revocation of a minor conditional use permit, no application for a use permit for the same or substantially the same conditional use on the same or substantially the same site shall be filed within one year from the date of denial or revocation of the minor conditional use permit. (Ord. 2155 § 3, 2017)

18.124.300 Use permit to run with land.

A minor conditional use permit granted pursuant to the provisions of this chapter shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the use permit application. (Ord. 2155 § 3, 2017)

18.124.310 Design review.

All uses subject to a minor conditional use permit 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. 2155 § 3, 2017)

Article III. Conditional Use Permits for Large Family Day Care Homes

18.124.320 Procedure.

Applications for large family day care homes shall be processed in accordance with the provisions of this article. (Ord. 2155 § 3, 2017; Ord. 1126 § 9, 1984; prior code § 2-11.20(a))

18.124.330 Application.

Application for a large family day care home use permit shall be filed with the zoning administrator in accordance with the requirements of Section 18.124.020 of this chapter. (Ord. 2155 § 3, 2017; Ord. 1126 § 9, 1984; prior code § 2-11.20(a)(1))

18.124.340 Notice.

No less than 10 days prior to the date on which the decision will be made on the application, the zoning administrator, or his or her designee, shall give notice of the proposed use by mail to all owners shown on the last equalized assessment roll as owning real property within 100 feet of the exterior boundaries of the site of the proposed use. (Ord. 2155 § 3, 2017; Ord. 1126 § 9, 1984; prior code § 2-11.20(a)(2))

18.124.350 Public hearing.

If a hearing is requested by the applicant, or other affected person, a public hearing before the zoning administrator shall be held prior to a decision being made. No public hearing shall be held unless such a hearing is requested. (Ord. 2155 § 3, 2017; Ord. 1126 § 9, 1984; prior code § 2-11.20(a)(3))

18.124.360 Action of zoning administrator.

Upon close of the public hearing, if a hearing has been requested, or at the time set for the decision in the notice, the zoning administrator shall approve, approve in modified form, or deny the application. The zoning administrator shall grant the use permit if the proposed large family day care home, as applied for or as conditioned, complies with the standards set forth in this article. Any action of the zoning administrator may be appealed to the planning commission. (Ord. 2155 § 3, 2017; Ord. 1126 § 9, 1984; prior code § 2-11.20(b))

18.124.370 Standards.

Large family day care homes shall be required to meet the following requirements:

- A. Spacing. No large family day care home shall be approved if the site of the proposed use is located within 300 feet of the exterior boundary of another large family day care home or nursery school, unless the zoning administrator makes the specific finding that the concentration of such uses will not adversely affect the neighborhood in which it is located due to the cumulative increase in noise, traffic and/or parking requirements.
- B. Traffic Control. Large family day care homes shall not create any traffic hazard. The zoning administrator may prescribe such conditions as may be reasonably required to ensure the safety of all affected by the proposed use, including requiring traffic-control measures reasonably required to avoid any identified adverse effect.
- C. Parking Requirements. Parking spaces, including both off-street and on-street, shall be available for the actual parking demand created by the use, including the applicant's own vehicles, those of employees, and those of persons delivering and picking up children. On-street parking is available for the use if such spaces are within a reasonable distance of the home and can be reached safely from the home by children.
- D. Noise Control. Large family daycare homes shall not create noise levels in excess of those allowed in single-family residential areas in the noise element of the general plan or in excess of those allowed in residential property by Chapter 9.04 of this code. The zoning administrator may impose reasonable limits on the hours of operation of the large family daycare home in order to ensure that these limits are met.
- E. Fire Code Requirements. Large family daycare homes shall meet all regulations of the state fire marshal adopted as part of the California Administrative Code and relating specifically to large family daycare homes. (Ord. 2155 § 3, 2017; Ord. 1126 § 9, 1984; prior code § 2-11.20(c))

18.124.380 Additional procedures.

The regulations concerning effective date of the use permit, review or appeal, lapse of use permit, suspension and revocation, new application and successors in interest shall be those contained in this chapter. Modifications shall be handled by the zoning administrator pursuant to the procedures set forth in this article for new applications. (Ord. 2155 § 3, 2017; Ord. 1126 § 9, 1984; prior code § 2-11.20(d))

Article IV. Conditional Use Permits for Small Bed and Breakfasts and Bed and Breakfast Inns

18.124.390 Procedure.

Applications for small bed and breakfasts and bed and breakfast inns shall be processed in accordance with article I of this chapter.

In addition to the findings listed in Section 18.124.070 of this chapter, the planning commission shall make the following finding before granting of a use permit for a small bed and breakfast in an R-1 district: The proposed location of the small bed and breakfast will not change the residential character of the neighborhood due to an overconcentration of small bed and breakfasts or other home business establishments in the area. (Ord. 2155 § 3, 2017; Ord. 1636 § 10, 1994)

18.124.400 Standards.

- A. Small bed and breakfasts shall be owner occupied. Bed and breakfast inns shall be owner occupied or shall provide for a resident manager.
- B. Meal service shall be limited only to residents and overnight guests, except that in the C-C district, a restaurant may be approved as part of the use permit for a bed and breakfast inn.
- C. No receptions, banquets, or other commercial gatherings shall be permitted unless approved as part of the use permit for a bed and breakfast inn in the C-C district.
- D. Small bed and breakfasts and bed and breakfast inns shall conform to the requirements of the county health department, the uniform building code, and Title 24 of the California Administrative Code.
- E. Parking shall be provided on-site as provided in Sections 18.88.030 and 18.88.040 of this title. (Ord. 2155 § 3, 2017; Ord. 1636 § 10, 1994)

**Article V. Conditional Use Permits for Medium and Large Electricity Generator Facilities
and Medium and Large Fuel Cell Facilities**

18.124.410 Procedure.

- A. Applications for large electricity generator facilities and large fuel cell facilities shall be processed in accordance with Article I of this chapter, with the following exceptions:
 - 1. Notice of public hearings shall be given to all property owners within the city of Pleasanton.
 - 2. The applicant shall pay all costs of said noticing in subsection (A)(1) of this section, including administrative costs. The cost of each notice shall be established by resolution of the city council.
- B. Applications for medium electricity generator facilities and medium fuel cell facilities shall be processed in accordance with Article I of this chapter, with the following exceptions:
 - 1. Notice of all required public hearings shall be given to all property owners within one and a half miles of the property where the facility is proposed to be located.
 - 2. The applicant shall pay all costs of said noticing in subsection (B)(1) of this section, including administrative costs. The cost of each notice shall be established by resolution of the city council. (Ord. 2155 § 3, 2017; Ord. 1880, 2003)

18.124.420 Standards.

In addition to making the findings in Section 18.124.070 of this chapter, the decision making body shall make the following findings before granting a use permit for medium or large electricity generator facilities, and medium or large fuel cell facilities:

- A. The facilities shall use the best available control technology to reduce air pollution.
- B. The facilities shall not create any objectionable odors at any point located outside of the property plane where the facilities are located.
- C. The facilities shall not exceed a noise level of 45 dBA at any point on any residentially zoned property outside of the property plane where the facilities are located.
- D. The facilities shall be cogeneration or combined cycle facilities, if feasible.
- E. Toxic and hazardous chemicals shall not be routed through existing or proposed residential neighborhoods.
- F. In no case shall electricity generator facilities and fuel cell facilities exceed 49.9 megawatts in size. If there are electricity generator facilities and fuel cell facilities on site, in no case shall the aggregate wattage of the facilities exceed 49.9 megawatts in size.
- G. The fuel source for electricity generator facilities shall be natural gas, bio diesel, or the byproduct of an approved cogeneration or combined cycle facility.
- H. On a site with electricity generator facilities, medium fuel cell facilities shall not be permitted unless the aggregate wattage of the two facilities is either: (1) 10 megawatts or less, or (2) if the aggregate wattage is greater than 10 megawatts, no electricity is exported off site. If the aggregate wattage is greater than 10 megawatts in size, and some electricity is exported off site, the fuel cell facilities shall be subject to all requirements and processes prescribed in this title for large fuel cell facilities in the applicable zoning district.
- I. On a site with fuel cell facilities, medium electricity generator facilities shall not be permitted unless the aggregate wattage of the two facilities is either: (1) 10 megawatts or less, or (2) if the aggregate wattage is greater than 10 megawatts, no electricity is exported off site. If the aggregate wattage is greater than 10 megawatts in size, and some electricity is exported off site, the electricity generator facilities shall be subject to all requirements and processes prescribed in this title for large fuel cell facilities in the applicable zoning district.
- J. If the facilities are large electricity generator facilities, the facilities shall be designed such that there is no wastewater discharged into the sewer system.

- K. If the facilities are large electricity generator facilities or large fuel cell facilities, the facilities shall be located at least one mile away from the property lines of the following:
1. Existing or approved residences in Pleasanton; and
 2. Undeveloped residential zoning districts and undeveloped planned unit developments in Pleasanton with a residential zoning designation and without an approved development plan. (Ord. 2155 § 3, 2017; Ord. 1880, 2003)

Chapter 18.128

DETERMINATION AS TO USES NOT LISTED

Sections:

- 18.128.010 Purpose and initiation.**
- 18.128.020 Application.**
- 18.128.030 Investigation—Report.**
- 18.128.040 Determination by zoning administrator or planning commission.**
- 18.128.050 Effective date of determination.**
- 18.128.060 Appeals.**

18.128.010 Purpose and initiation.

In order to ensure that this title will permit all similar uses in each district, the zoning administrator upon receipt of a written request, shall determine whether a use not specifically listed as a permitted use or a conditional use in an A, O, C or I district shall be deemed a permitted use or a conditional use in one or more districts on the basis of similarity to uses specifically listed. The zoning administrator may refer a request to the planning commission, or the planning commission may seek such a determination upon its own initiative. The procedures of this chapter shall not be substituted for the amendment procedure as a means of adding new uses to the lists of permitted uses and conditional uses, but shall be followed to determine whether the characteristics of a particular use not listed are sufficiently similar to a listed use to justify a finding that the use should be deemed a permitted use or a conditional use in one or more districts. (Ord. 2155 § 3, 2017; prior code § 2-10.43)

18.128.020 Application.

Application for determination that a specific use should be included as a permitted use or a conditional use in an A, O, C or I district shall be made in writing to the zoning administrator, and shall include a detailed description of the proposed use and such other information as may be required by the zoning administrator to facilitate the determination. (Prior code § 2-10.44)

18.128.030 Investigation—Report.

The zoning administrator shall make such investigations of the application as he or she deems necessary to compare the nature and characteristics of the proposed use with those of the uses specifically listed in this chapter. In cases where the zoning administrator refers the request to planning commission, the zoning administrator shall prepare a report thereon which shall be submitted to the planning commission to aid the commission in making its determination of the classification of the proposed use. (Ord. 2155 § 3, 2017; prior code § 2-10.45)

18.128.040 Determination by zoning administrator or planning commission.

The determination of the zoning administrator or planning commission shall be rendered in writing within 60 days unless the applicant consents to an extension of the time period, and shall include findings supporting the conclusion. (Ord. 2155 § 3, 2017; prior code § 2-10.46)

18.128.050 Effective date of determination.

Within 10 days following the date of a decision of the planning commission on a request for a determination as to a use not listed, the secretary shall transmit to the city council written notice of the decision. The decision shall become effective 15 days following the date on which the determination was made or on the day following the next meeting of the council, whichever is later, unless an appeal has been taken to the council, or unless the council shall elect to review the decision of the commission. (Prior code § 2-10.47)

18.128.060

18.128.060 Appeals.

Any appeal pursuant to this action shall follow the procedures outlined in Section 18.144 of this title. (Ord. 2155 § 3, 2017; prior code § 2-10.48)