

**EXHIBIT A**  
**Draft Pleasanton Municipal Code Amendment**  
**Case P16-1418**

(Proposed new language is underlined. Language proposed for deletion is in ~~strikeout~~)

**Chapter 9.22**

**RECYCLING**

**Sections:**

- 9.22.010 Purpose and findings.**
- 9.22.020 Definitions.**
- 9.22.030 Permits required.**
- 9.22.040 Permit approval process.**
- 9.22.050 Building permit required.**
- 9.22.060 Criteria and design standards.**

**9.22.030 Permits required.**

No person shall permit the placement, construction, or operation of any recycling facility without first obtaining a permit pursuant to the provisions set forth in this section. Recycling facilities may be permitted as set forth in Table 9.22.030. In addition, recycling facilities may also be allowed in planned unit developments (PUDs) which allow uses that are conditionally permitted in the commercial or industrial zoning districts listed in Table 9.22.030, and provided that the applicable permits are obtained pursuant to the requirements set forth in Table 9.22.030.

**Table 9.22.030**

**Permits Required for Recycling Facilities by Zoning District**

The types of recycling facilities listed below shall require the following permits in the commercial and industrial zoning districts, where the symbol “C” for conditional use permit, or “~~ACTC~~” for ~~administrative temporary~~ conditional use permit appears in the column beneath the zoning districts:

	<b>Zoning District</b>								
<b>Type of Facility</b>	<b><u>CR(m)</u></b>	<b><u>CR(p)</u></b>	<b>CN</b>	<b><u>CC</u></b>	<b>CS</b>	<b>CF</b>	<b><del>LI</del></b>	<b>IP</b>	<b>IG</b>
-	<del>(m)</del>	<del>(p)</del>	-		-	-	-	-	-
Recycling collection facility, small*	<u>TCAC</u>	<u>TCAC</u>	<u>TCAC</u>	<u>TC</u>	<u>TCAC</u>	<u>TCAC</u>	AC	<u>TCAC</u>	

Type of Facility	Zoning District								
	<u>CR(m)</u>	<u>CR(p)</u>	CN	<u>CC</u>	CS	CF	LI	IP	IG
-	<del>(m)</del>	<del>(p)</del>	-		-	-	-	-	-
Recycling collection facility, large							€	C	C
Recycling processing facility, small									C
Recycling processing facility, large									C

\* Note: Reverse vending machines are included in the category of small collection facilities.

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. (Ord. 1354 § 1, 1988)

**9.22.040 Permit approval process.**

A. Large collection and processing facilities may be allowed in the zoning districts shown in Table 9.22.030 upon the granting of a conditional use permit pursuant to the requirements of Chapter 18.124.

B. Reverse vending machines and small collection facilities may be allowed in the zoning districts shown in Table 9.22.030 upon the granting of ~~an administrative~~ a temporary conditional use permit by the zoning administrator pursuant to the requirements of Section 18.124.175.

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 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 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 Chapter 18.124.

3. ~~Administrative~~ Temporary conditional use permits for recycling 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. (Ord. 1354 § 1, 1988)

**9.22.060 Criteria and design standards.**

A. Those recycling facilities permitted with ~~an administrative~~ a temporary conditional use permit shall meet all of the applicable criteria and design standards listed in this section. Those recycling facilities permitted with a conditional use permit shall meet the applicable criteria and standards of this section, provided that the community development director, planning commission, or city council, as the case may be, may relax such standards or impose stricter standards as an exercise of discretion upon making a finding that such modifications are reasonably necessary in order to implement the general intent of this section and the purposes of this chapter.

B. The criteria and design standards for recycling facilities are as follows:

1. Reverse Vending Machine(s). Reverse vending machine(s) located within a commercial structure do not require discretionary permits. Reverse vending machines do not require additional parking spaces for recycling customers and may be permitted in those zoning districts listed in Table 9.22.030 with ~~an administrative~~ a temporary conditional use permit provided that they comply with the following standards:

- a. Shall be established in conjunction with a commercial use or community service facility which is in compliance with the zoning, building, and fire codes of the city;
- b. Shall be located within 30 feet of the entrance to the commercial structure and shall not obstruct pedestrian or vehicular circulation;
- c. Shall not occupy parking spaces required by the primary use;
- d. Shall occupy no more than 50 square feet of floor space per installation, including any protective enclosure, and shall be no more than eight feet in height;
- e. Shall be constructed and maintained with durable waterproof and rustproof material;
- f. Shall be clearly marked to identify the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative or poorly maintained;
- g. Shall have a maximum sign area of four square feet per machine, exclusive of operating instructions;
- h. Shall be maintained in a clean, litter-free condition on a daily basis;
- i. Shall include provisions for the donation of materials outside the hours of operation in order to prevent materials from being abandoned on the site; said provisions shall include posting of appropriate signs, provision of an unmanned drop bin, or other suitable measures as determined necessary by the zoning administrator;
- j. Shall maintain operating hours that are at minimum the same as those of the host use; and
- k. Shall be illuminated to ensure comfortable and safe operation if operating hours are between dusk and dawn.

2. Small Collection Facilities. Small collection facilities may be sited in those zoning districts listed in Table 9.22.030 with ~~an administrative~~ a temporary conditional use permit provided that they comply with the following standards:

- a. Shall be established in conjunction with a commercial use or community service facility which is in compliance with the zoning, building, and fire codes of the city;
- b. Shall be no larger than 500 square feet and occupy no more than five parking spaces not including space that will be periodically needed for removal of materials or exchange of containers;
- c. Shall be set back at least 10 feet from any street line and shall not obstruct pedestrian or vehicular circulation;
- d. Shall be screened from view from the public right-of-way by operating in an enclosed building or within an area enclosed on three sides by a permanent fence or wall six feet in height (or the maximum height of the facility, whichever is greater) with landscaping, unless located in such a way that the facility is not visible from beyond the property boundaries; the screening requirement may be satisfied through portable screening which meets the approval of the zoning administrator if the recycler or supermarket is unable to secure the cooperation of the landlord or property owner;
- e. Shall observe the setback and landscape requirements for the zoning district in which the facility is located;
- f. Shall accept only glass, metals, plastic containers, papers and reusable items. Used motor oil may be accepted with the authorization of the city's hazardous materials specialist;
- g. Shall use no power-driven processing equipment except for reverse vending machines;
- h. Shall use containers that are constructed and maintained with durable waterproof and rustproof material, covered when the site is not attended, secured from unauthorized entry or removal of material, and shall be of a capacity sufficient to accommodate materials collected based on the collection schedule;

- i. Shall store all recyclable material in containers or in the mobile unit vehicle, and shall not leave materials outside of containers when an attendant is not present;
- j. Shall be maintained free of litter and any other undesirable materials. Mobile facilities, at which truck or containers are removed at the end of each collection day, shall be swept at the end of each collection day;
- k. Shall include provisions for the donation of materials outside the hours of operation in order to prevent materials from being abandoned on the site; said provisions shall include posting of appropriate signs, provision of an unmanned drop bin, or other suitable measures as determined necessary by the zoning administrator;
- l. Shall not exceed noise levels of 60 dBA as measured at the property line of residentially zoned or occupied property (otherwise, shall not exceed 70 dBA);
- m. Attended facilities located within 100 feet of a property zoned or occupied for residential use shall operate only between the hours of nine a.m. and seven p.m.;
- n. Containers for the 24-hour donation of materials shall be at least 30 feet from any property zoned or occupied for residential use unless there is a recognized service corridor and acoustical shielding between the containers and the residential use;
- o. Containers shall be clearly marked to identify the type of material which may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and shall display a notice stating that no material shall be left outside the recycling enclosure or containers;
- p. Signs may be provided as follows:
  - i. Recycling containers may have identification signs with a maximum of 20 percent of the surface area of the container that is visible from outside the facility, or 16 square feet, whichever is smaller, in addition to informational signs required in paragraph k above; in the case of a wheeled facility, the side will be measured from the pavement to the top of the container,
  - ii. A recycling center (i.e., a mobile bin or cluster of igloos surrounded by a fence, wall or screen) may have a maximum of two wall-mounted identification signs; said signs shall not exceed six square feet per sign and shall bear no advertising message; at least one sign shall face a public street (if applicable), while one sign may be a single-faced, low-rise freestanding sign which identifies the interior or service side of the facility,
  - iii. Signs must be consistent with the character of the location,
  - iv. Directional signs, bearing no advertising message, may be installed with the approval of the zoning administrator if necessary to facilitate traffic circulation, or if the facility is not visible from the public right-of-way,
  - v. The zoning administrator may authorize increases in the number and size of signs upon making findings that it is compatible with adjacent businesses, and
  - vi. All signs for small collection facilities shall be subject to administrative design review and approval by the zoning administrator pursuant to the requirements of Section 18.20.060;
- q. The facility shall not impair the landscaping required by the code or by specific approved development plans for any concurrent use on the site;
- r. No additional parking spaces will be required for customers of a small collection facility located at the established parking lot of a host use. One space will be provided for the attendant, if applicable;
- s. Mobile recycling units shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present;
- t. Occupation of parking spaces by the facility and by the attendant may not reduce available parking spaces below the minimum number required for the primary host use unless all of the following conditions exist:
  - i. The facility is located in a convenience zone or a potential convenience zone as designated by the California Department of Conservation,
  - ii. A parking study shows that the existing parking capacity is not already fully utilized during the time the recycling facility will be on the site, and
  - iii. The permit will be reconsidered at the end of 18 months;
  - iv. A reduction in available parking spaces in an established parking facility may then be allowed as follows:

(a) For a commercial host use:

Number of Available Parking Spaces	Maximum Reduction
0-25	0
26-35	1
36-49	3
50-99	4
100 +	5

b) For a community facility host use, a maximum of five spaces reduction will be allowed when not in conflict with the parking needs of the host use; and

u. If the ~~administrative-temporary~~ conditional use permit expires without renewal, the collection facility shall be removed from the site on the day following permit expiration, and the site shall be returned to its former condition.

3. Large Collection Facilities. A large collection facility is one that is larger than 500 square feet, or is on a separate property not appurtenant to a host use, and which may have a permanent building. A large collection facility is permitted in those zoning districts shown in Table 9.22.030 with a conditional use permit, provided that the facility meets the following standards:

- a. Facility does not abut a property zoned or planned for residential use;
- b. Facility will be screened from the public right-of-way by operating in an enclosed building or:
  - 1. Within an area enclosed on all sides by an opaque fence or wall at least six feet in height (or the maximum height of the facility, whichever is greater) with landscaping, unless located in such a way that the facility is not visible from beyond the property boundaries,
  - 2. Located at least 150 feet from property zoned or planned for residential use, and
  - 3. Meets all applicable noise standards in this chapter;
- c. Setbacks and landscape requirements shall be those of the zoning district in which the facility is located;
- d. All exterior storage of material shall be in sturdy containers or enclosures which are covered, secured, and maintained in good condition. Storage containers for flammable material shall be constructed of nonflammable materials. Oil storage must be in containers approved by the city hazardous materials specialist. No storage, excluding truck trailers and overseas containers, will be visible above the height of the fencing;
- e. Site shall be maintained free of litter and any other undesirable materials, and will be cleaned of loose debris on a daily basis;
- f. Space will be provided on site for six vehicles or the anticipated peak customer load, whichever is higher, to circulate and to deposit recyclable materials, except where the planning commission determines that allowing overflow traffic above six is compatible with surrounding business and public safety;
- g. One parking space will be provided for each commercial vehicle operated by the recycling facility. Parking requirements will be as provided for the zoning district in which the facility is located, except that parking requirements for employees may be reduced when it can be shown that parking spaces are not necessary, such as when employees are transported in a company vehicle to a work facility;
- h. Noise levels shall not exceed 60 dBA as measured at the property line of residentially zoned or occupied property;
- i. If the facility is located within 500 feet of property zoned or planned for residential use, it shall not be in operation between seven p.m. and seven a.m.;
- j. Any containers provided for after-hours donation of recyclable materials will be at least 50 feet from any property zoned or occupied for residential use, shall be of sturdy, rustproof construction, shall have sufficient capacity to accommodate materials collected, and shall be secure from unauthorized entry or removal of materials;
- k. Donation areas shall be kept free of litter and any other undesirable material. The containers shall be clearly marked to identify the type of material that may be deposited. The facility shall display a notice stating that no material shall be left outside the recycling containers;
  - l. Facility shall be clearly marked with the name and phone number of the facility operator and the hours of operation; identification and informational signs will meet the standards of the zoning district, and directional signs,

bearing no advertising message, may be installed with the approval of the zoning administrator, if necessary, in order to facilitate traffic circulation, or if the facility is not visible from the public right-of-way; and

m. Power-driven processing, including aluminum foil and can compacting, baling, plastic shredding, or other light processing activities necessary for efficient temporary storage and shipment of material, may be allowed by the planning commission as part of the conditional use permit review and approval process if noise and other conditions are met.

4. Recycling Processing Facilities. Large and small recycling processing facilities are permitted in the I-G (general industrial) zoning district with approval of a conditional use permit. Processing facilities must meet the following conditions:

a. Facility does not abut a property zoned or planned for residential use;

b. Processors will operate in a wholly enclosed building (except for incidental storage) or:

1. Within an area enclosed on all sides by an opaque fence or wall not less than eight feet in height and landscaped on all street frontages, and

2. Located at least 150 feet from property zoned or planned for residential use;

c. Power-driven processing shall be permitted, provided that all noise level requirements are met. 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;

d. A small recycling processing facility shall be no larger than 45,000 square feet and shall have no more than an average of two outbound truck shipments of material per day and may not shred, compact or bale ferrous metals other than food and beverage containers;

e. A processing facility may accept used motor oil for recycling from the generator in accordance with Section 25250.11 of the California Health and Safety Code;

f. Setbacks and landscaping requirements shall be those of the I-G zoning district;

g. All exterior storage of material shall be in sturdy containers or enclosures which are covered, secured, and maintained in good condition. Storage containers for flammable material shall be constructed of nonflammable materials. Oil storage must be in containers approved by the city hazardous materials specialist. No storage, excluding truck trailers and overseas containers, will be visible above the height of the fencing;

h. Site shall be maintained free of litter and any other undesirable materials, and will be cleaned of loose debris on a daily basis and will be secured from unauthorized entry and removal of materials when attendants are not present;

i. Space shall be provided on site for the anticipated peak load of customers to circulate, park and deposit recyclable materials. If the facility is open to the public, space will be provided for a minimum of 10 customers or the peak load, whichever is higher, except where the planning commission determines that allowing overflow traffic is compatible with surrounding businesses and public safety;

j. One parking space will be provided for each commercial vehicle operated by the processing center. Parking requirements will otherwise be as mandated by the zoning district in which the facility is located;

k. Noise levels shall not exceed 60 dBA as measured at the property line of residentially zoned or occupied property;

l. If the facility is located within 500 feet of property zoned or planned for residential use, it shall not be in operation between seven p.m. and seven a.m. The facility will be administered by on-site personnel during the hours the facility is open;

m. Any containers provided for after-hours donation of recyclable materials will be at least 50 feet from any property zoned or occupied for residential use; shall be of sturdy, rustproof construction; shall have sufficient capacity to accommodate materials collected and shall be secure from unauthorized entry or removal of materials;

n. Donation areas shall be kept free of litter and any other undesirable material. The containers shall be clearly marked to identify the type of material that may be deposited. The facility shall display a notice stating that no material shall be left outside the recycling containers;

o. Sign requirements shall be those of the I-G zoning district. In addition, the facility shall be clearly marked with the name and phone number of the facility operator and the hours of operation; and

p. No dust, fumes, smoke vibration or odor above ambient level may be detectable on neighboring properties. (Ord. 2000 § 1, 2009; Ord. 1354 § 1, 1988)

*[No changes proposed to Sections 9.22.010, 9.22.010, and 9.22.050]*

**Title 18**  
**ZONING**

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- 18.08 Definitions**
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## Chapter 18.08

### DEFINITIONS

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**18.08.068 Birthing center.**

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

**18.08.115 Convenience market.**

~~“Convenience market” means a food market limited to 2,500 square feet of gross floor area which carries a limited inventory of food, beverages and convenience items, but excluding liquor stores, delicatessens and specialty food shops. (Ord. 1494 § 1, 1991)~~

**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.

**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.

**18.08.231 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.

**18.08.262 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.

**18.08.263 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.

**18.08.338 Mixed-use development.**

“Mixed-use development” means a project that integrates office, retail, or industrial uses with residential uses.

**18.08.375 Nursery school.**

“Nursery school” means a school for ~~five or more~~ 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, ~~or~~ after school group, or child-care center) for ~~five or more~~ 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. 1126 § 2, 1984; prior code § 2-5.26(a))

**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.

**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.

**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.

**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 ~~preschool and~~ grades kindergarten and 12. This does not include stand-alone nursery schools.

**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.

**18.08.473 Retail.**

“Retail” means the selling of goods, wares, or merchandise directly to the ultimate consumer or persons without a resale license.

**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.

## Chapter 18.40

### O OFFICE DISTRICT

#### Sections:

- 18.40.010 Purpose.
- 18.40.020 Required conditions.
- 18.40.030 Permitted uses.
- ~~18.40.040 Conditional uses.~~
- ~~18.40.050040 Prohibited uses.~~
- ~~18.40.060050 Underground utilities.~~
- ~~18.40.070060 Off-street parking.~~
- ~~18.40.080070 Off-street loading.~~
- ~~18.40.090080 Signs.~~
- ~~18.40.100090 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.

~~The following uses shall be permitted in the O district:~~

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

- ~~2. Business offices, including wholesaling establishments without stock, and not including the retail sale of any commodity on the premises.~~
- ~~3. Business service offices, including employment agencies, accountants, notaries, stenographic, addressing, computing, and related services.~~
- ~~4. Consulting service offices, business and professional.~~
- ~~5. Design professions offices not including retail sales on the premises.~~
- ~~6. Insurance offices.~~
- ~~7. Investment service offices.~~
- ~~8. Legal service offices.~~
- ~~9. Massage establishments where three or fewer massage technicians provide massage services at any one time. Massage establishments shall meet the requirements of Chapter 6.24.~~
- ~~10. Medical, dental and related health services offices, including laboratories rendering services only and not involving the manufacture, fabrication or sale of any article or commodity other than those incidental to the services provided.~~
- ~~11. Public utility consumer service offices.~~
- ~~12. Real estate, title company, and related service offices.~~
- ~~13. Research service offices, analytical and scientific, not involving the manufacture, fabrication, procession or sale of products on the premises.~~
- ~~14. Travel agencies.~~
- ~~B. Prescription pharmacies, provided that at least 80 percent of the interior display area shall be used for the preparation and sale of prescription or trade drugs.~~
- ~~C. Charitable institutions.~~
- ~~D. Churches and other religious institutions.~~
- ~~E. Private noncommercial clubs and lodges.~~
- ~~F. Mortuaries.~~
- ~~G. Nursing homes and senior care/assisted living facilities.~~
- ~~H. Parking facilities improved in conformity with the standards prescribed in Chapter 18.88 of this title relating to standards for off street parking facilities.~~
- ~~I. Any other use which is determined by the planning commission, as provided in Chapter 18.128 of this title, to be similar to the uses listed in this section.~~
- ~~J. Accessory structures and uses located on the same site as a permitted use and the following accessory structures and uses located on the same site with a permitted use or with a conditional use which has been granted a use permit in accord with the provisions of Chapter 18.124 of this title:
 
  - ~~1. Emergency standby electricity generator, fuel cell, and/or battery facilities provided that the facilities shall be tested from 8:00 a.m. to 5:00 p.m. Monday through Friday or from 10:00 a.m. to 12:00 noon on Saturday or Sunday only; the facilities shall not be tested for more than one hour during any day, and no testing shall be on "Spare the Air Days" in Alameda County.~~
  - ~~2. Photovoltaic facilities.~~
  - ~~3. Small electricity generator facilities that meet the following criteria:
 
    - ~~a. The fuel source for the generators shall be natural gas, biodiesel, or the byproduct of an approved cogeneration or combined cycle facility;~~
    - ~~b. The facilities shall use the best available control technology to reduce air pollution;~~
    - ~~c. The facilities shall not create any objectionable odors at any point outside of the property plane where the facilities are located;~~
    - ~~d. The facilities shall not exceed a noise level of 45 dBA at any point on any residentially zoned property outside of the property plane where the facilities are located; and~~
    - ~~e. On a site with fuel cell facilities, small electricity generator facilities shall not be permitted unless the aggregate wattage of the two facilities is less than one megawatt. If the aggregate wattage of the two facilities is one megawatt or greater, the small electricity generator facilities shall be subject to all requirements and processes prescribed in this title for medium or large electricity generator facilities, whichever is the most applicable, in the subject zoning district;~~
    - ~~f. The facilities shall be cogeneration or combined cycle facilities, if feasible.~~~~~~

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

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

- K. ~~Financial institutions including banks, savings and loan associations, finance companies, credit unions and related services.~~
- L. ~~Private schools, tutorial schools, and colleges, including music and dance studios not less than 150 feet from an R district with no more than 20 students in the private school, tutorial school, college, music studio, or dance studio, at any one time shall be permitted uses subject to the following conditions:~~
  1. ~~The facility shall adhere to all occupancy, ADA, California Building Code, and exiting requirements;~~
  2. ~~The zoning administrator finds that adequate parking is available for such use.~~
- M. ~~Beekeeping meeting the requirements of Chapter 18.103 of this title.~~  
~~The standard city noise ordinance applies. (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 — Conditional uses.**

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

- A. ~~Hospitals and sanitariums, not including hospitals or sanitariums for mental, drug addict or liquor addict cases.~~
- B. ~~Restaurants, including on sale liquor and soda fountains, not including drive in establishments or establishments providing entertainment.~~
- C. ~~Private schools, tutorial schools, and colleges, including music and dance studios not less than 150 feet from an R district which cannot meet the criteria for private schools, tutorial schools, colleges, music studios, and dance studios as written in Section 18.40.030.~~
- D. ~~Public utility and public service facilities including pumping stations, power transmission stations, power distribution stations, equipment buildings, service yards, drainageways and structures, water reservoirs, percolation basins, well fields, and storage tanks. These facilities must be found by the planning commission to be necessary for the public health, safety, or welfare.~~
- E. ~~Accessory structures and uses located on the same site as a conditional use and the following accessory structures and uses located on the same site as a permitted use or a conditional use that has been granted a use permit:~~
  1. ~~Medium electricity generator facilities that meet the applicable standards of Section 18.124.290 of this title.~~
  2. ~~Medium fuel cell facilities that meet the applicable standards of Section 18.124.290 of this title.~~
- F. ~~Barbershops.~~
- G. ~~Massage establishments where four or more massage technicians provide massage services at any one time. Massage establishments shall meet the requirements of Chapter 6.24. (Ord. 2086 § 2, 2014; Ord. 1995 § 2, 2009; Ord. 1950 § 2 (Exh. A), 2007; Ord. 1880, 2003; Ord. 1743, 1998; Ord. 1726 § 1, 1997; Ord. 1668 § 1, 1995; prior code § 2-6.38)~~

#### **18.40.050040 Prohibited uses.**

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

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



**18.40.06050 Underground utilities.**

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

**18.40.07060 Off-street parking.**

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

**18.40.08070 Off-street loading.**

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

**18.40.09080 Signs.**

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

**18.40.10090 Design review.**

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

## Chapter 18.44

### C COMMERCIAL DISTRICTS

#### Sections:

- 18.44.010 Purpose.
- 18.44.020 Special purpose—C-N neighborhood commercial district.
- 18.44.030 Special purpose—C-C central commercial district.
- 18.44.040 Special purpose—C-R regional commercial district.
- 18.44.050 Special purpose—C-S service commercial district.
- 18.44.060 Special purpose—C-F freeway interchange commercial district.
- ~~18.44.070 Special purpose—C-A automobile commercial district.~~
- 18.44.080 070 Required conditions.
- 18.44.090 080 Permitted and conditional uses.
- 18.44.095 090 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 retail stores, offices, service establishments, amusement establishments, and wholesale businesses,~~ offering commodities and services required by residents of the city and its surrounding market area;
- B. To provide opportunities for retail stores, offices, service establishments, ~~amusement~~ 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. (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 pedestrian scale and to encourage mixed use and more intensive development in Pleasanton’s ~~central business-Downtown Revitalization~~ district;
- B. To maximize the efficiency of the Downtown Revitalization ~~central~~ district by limiting or prohibiting uses that break the continuity of commercial frontage or are incompatible with an attractive pedestrian shopping area;
- C. To facilitate the establishment of assessment districts for provision of off-street parking facilities by limiting or prohibiting drive-in type uses that would not benefit substantially from public off-street parking facilities. (Prior code § 2-7.02)

**18.44.040 Special purpose—C-R regional commercial district.**

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

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

**18.44.050 Special purpose—C-S service commercial district.**

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

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

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

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

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

**~~18.44.070 Special purpose—C-A automobile commercial district.~~**

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

**18.44.080 070 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, except as indicated below, shall~~ 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, or whatever), may conduct aspects of the business outside of a completely enclosed structure as determined by the zoning administrator. Such uses include the following and such other similar uses as determined by the zoning administrator:
    - a. ~~Service stations.~~
    - b. ~~Outdoor dining areas as part of a restaurant.~~

- e. ~~Nurseries.~~
- d. ~~Garden shops.~~
- e. ~~Christmas tree sales lots.~~
- f. ~~Lumberyards.~~
- g. ~~Utility substations and equipment installations.~~
- h. ~~Amusement parks.~~
- i. ~~Auto sales, rental, or leasing.~~
- j. ~~Boat sales.~~
- k. ~~Drive in theaters.~~
- l. ~~Outdoor art and craft shows.~~
- m. ~~Outdoor recreation and sports facilities.~~
- n. ~~Equipment rental yards.~~
- o. ~~Drive in restaurants.~~
- p. ~~Stone and monument yards.~~
- q. ~~Commercial storage yards.~~
- r. ~~Mobilehome sales.~~
- s. ~~Truck and trailer sales.~~
- t. ~~Special downtown accessory entertainment uses. The uses listed in subsections (B)(1)(a) through (s) shall require design review and/or use permit approval pursuant to the procedures of this title. Special downtown accessory entertainment uses may require use permit approval pursuant to the procedures of this title, and/or design review approval if exterior changes are proposed.~~

~~2. Temporary outdoor uses may be permitted pursuant to Section 18.116.040 of this title.~~

~~32.~~ 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 ~~produced on the site of any of the permitted uses~~ shall be sold primarily at ~~the retail on the site where produced.~~
- D. No use shall be permitted, and no process, equipment, or material shall be employed which is found by the 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. 2055 § 2, 2012; Ord. 1656 § 1, 1995; Ord. 1104 § 1, 1983; prior code § 2-7.07)

**18.44.090 080 Permitted and conditional uses.**

- A. Permitted uses and uses subject to a minor conditional use permit or conditional use permit and conditional uses in a C district are provided in Table 18.44.090080 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 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 C district where the symbol “P” for permitted use, “C” for conditional use, “MCUP” for minor conditional use, “TC” for temporary conditional use appears in the column beneath the C district.**

**If a property is zoned PUD, then the PUD shall be consulted for permitted and conditionally permitted uses before consulting this table.**

	<u>CN</u>	<u>CC</u>	<u>CR<sup>1</sup> (m)</u>	<u>CR<sup>2</sup> (p)</u>	<u>CS</u>	<u>CF</u>	<u>O</u>	<u>I-P</u>	<u>I-G</u>
<b><u>CULTURAL AND ENTERTAINMENT</u></b>									
<u>Adult entertainment establishments<sup>3</sup></u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>				
<u>Art galleries</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>					
<u>Auction rooms</u>		<u>C</u>			<u>C</u>	<u>C</u>			
<u>Bowling alleys, pool halls, indoor bocce court, and other similar uses</u>		<u>C</u>	<u>P</u>	<u>C</u>	<u>C</u>				
<u>Game arcades</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>					
<u>Regional attraction, including amusement parks, automobile racing stadiums, drive-in theater, miniature golf, indoor skating rinks, sports arenas, or stadiums</u>			<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>			
<u>Theaters and auditoriums</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>				
<b><u>EDUCATIONAL</u></b>									
<u>Nursery schools<sup>4, 5</sup></u>	<u>C</u>		<u>C</u>	<u>C</u>					
<u>Private schools with no more than 20 students at any one time<sup>5</sup></u>	<u>C</u>		<u>C</u>	<u>C</u>			<u>P</u>		
<u>Private schools with more than 20 students at any one time<sup>5</sup></u>	<u>C</u>		<u>C</u>	<u>C</u>			<u>C</u>		
<u>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<sup>5, 6</sup></u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>MCUP</u>		<u>P</u>
<u>Schools and colleges with more than 20 students in the facility at any one time.</u>	<u>MCUP</u>	<u>MCUP</u>	<u>MCUP</u>	<u>MCUP</u>	<u>MCUP</u>	<u>MCUP</u>	<u>C</u>		<u>MCUP</u>

**TABLE 18.44.080**

**PERMITTED AND CONDITIONAL USES**

**The following uses shall be permitted uses or conditional uses in a C district where the symbol “P” for permitted use, “C” for conditional use, “MCUP” for minor conditional use, “TC” for temporary conditional use appears in the column beneath the C district.**

**If a property is zoned PUD, then the PUD shall be consulted for permitted and conditionally permitted uses before consulting this table.**

	<u>CN</u>	<u>CC</u>	<u>CR<sup>1</sup> (m)</u>	<u>CR<sup>2</sup> (p)</u>	<u>CS</u>	<u>CF</u>	<u>O</u>	<u>I-P</u>	<u>I-G</u>
<u>This category includes trade schools, business schools, heritage schools, music and art schools, tutoring, but does not include general purpose schools<sup>5, 6</sup></u>									
<b><u>ENERGY / ACCESSORY USES</u></b>									
<u>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:</u>									
<u>Emergency standby electricity generator, fuel cell, and/or battery facilities<sup>7</sup>, photovoltaic facilities, small electricity generator facilities<sup>8</sup>, and small fuel cell facilities<sup>9</sup></u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Special downtown accessory entertainment uses, as defined in Chapter 18.08 of this title<sup>10</sup></u>		<u>P<sup>11</sup></u>							
<u>Special downtown accessory entertainment uses, as defined in Chapter 18.08 of this title, and the use does not comply with the hour restrictions for the use to be a permitted use. Temporary special downtown accessory entertainment uses shall be subject to the requirements of Section 18.116.060 of this title</u>		<u>TC<sup>11</sup></u>							

**TABLE 18.44.080**

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<u>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:</u>									
<u>Medium electricity generator facilities that meet the applicable standards of Section 18.124.420 of this title, and Medium fuel cell facilities that meet the applicable standards of Section 18.124.420 of this title</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>		
<u>Large electricity generator facilities<sup>12</sup></u>									
<u>Wind energy facilities</u>									<u>C<sup>13, 14</sup></u>
<b><u>GOVERNMENTAL</u></b>									
<u>Governmental facility, no outdoor storage<sup>15</sup></u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>					
<b><u>INDUSTRIAL</u></b>									
<u>Heavy industrial</u>								<u>C<sup>13</sup></u>	<u>C<sup>13</sup></u>
<u>Light industrial</u>					<u>P</u>			<u>P</u>	<u>P</u>
<u>Microbreweries<sup>16</sup></u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>			<u>P</u>	<u>P</u>
<u>“Radioactive materials uses” as defined in Section 18.08.445 of this title</u>					<u>C</u>				<u>C<sup>13</sup></u>
<u>Rental yards, including the rental of hand tools, garden tools, power tools, trucks and trailers and other similar equipment</u>					<u>C</u>				
<u>Warehousing, including self-storage, but not including storage of fuel or flammable liquids</u>		<u>P<sup>17</sup></u>			<u>MCUP</u>			<u>MCUP</u>	<u>P</u>



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<u>Winery<sup>16</sup></u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>			<u>P</u>	<u>P</u>
<b><u>OFFICE / BUSINESS SERVICE</u></b>									
<u>Financial institutions</u>	<u>P</u>	<u>P<sup>18</sup></u>	<u>P</u>	<u>P</u>	<u>P</u>				
<u>Medical office<sup>19</sup></u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>			<u>P</u>		
<u>Offices, including but not limited to business, professional and administrative offices</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>			<u>P</u>	<u>P</u>	<u>P</u>
<u>Radio and television broadcasting studios</u>	<u>P</u>	<u>C</u>		<u>P</u>	<u>P</u>	<u>P</u>			
<b><u>OUTDOOR USES<sup>20</sup></u></b>									
<u>Airports and heliports</u>									<u>C<sup>17</sup></u>
<u>Beekeeping meeting the requirements of Chapter 18.103 of this title for detached, single-family homes located in the Downtown Specific Plan Area</u>		<u>P</u>			<u>P</u>				
<u>Bus depots<sup>21</sup></u>		<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>			
<u>Car wash:</u>				<u>C</u>	<u>C</u>	<u>C</u>			
<u>Full service</u>				<u>C</u>	<u>C</u>	<u>C</u>			
<u>Self-service</u>		<u>C</u>							
<u>Seasonal sales lots</u>	<u>TC</u>	<u>TC</u>	<u>P</u>	<u>TC</u>	<u>TC</u>	<u>TC</u>			
<u>Circuses, carnivals and other transient amusement enterprises</u>	<u>TC</u>	<u>TC</u>	<u>P</u>	<u>TC</u>	<u>TC</u>	<u>TC</u>			
<u>Commercial radio and television aerials, antennas, and transmission towers with design review approval specified under Chapter 18.20 of this title<sup>22</sup></u>		<u>P</u>	<u>P</u>		<u>P</u>			<u>P</u>	<u>P</u>
<u>Farmer’s markets</u>	<u>TC</u>	<u>TC</u>	<u>TC</u>	<u>TC</u>	<u>TC</u>	<u>TC</u>			
<u>Freight forwarding terminals</u>					<u>C</u>				
<u>Full-service, self-service and quick-service stations:<sup>23</sup></u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>		<u>C</u>	<u>C</u>

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<u>With truck and trailer rental</u>					<u>C</u>	<u>C</u>			
<u>With a convenience market, excluding the sale of alcoholic beverages</u>					<u>C</u>	<u>C</u>			
<u>With a drive-through car wash</u>					<u>C</u>	<u>C</u>			
<u>Garden centers, including plant nurseries</u>			<u>P</u>	<u>C</u>	<u>C</u>	<u>C</u>			<u>C</u>
<u>Lumberyards<sup>24</sup></u>					<u>C</u>				
<u>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</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Newsstands</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>				
<u>Outdoor art and craft shows</u>	<u>TC</u>	<u>TC</u>		<u>TC</u>					
<u>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</u>		<u>C</u>							
<u>Parking lots</u>								<u>P</u>	
<u>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</u>	<u>C</u>	<u>C</u>		<u>C</u>	<u>C</u>	<u>C</u>		<u>C</u>	

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<u>Recreation and sports facilities, outdoor, including racetracks, golf driving ranges, skateboard parks, riding stables</u>					<u>C</u>	<u>C</u>			
<u>Recycling collection facilities, large</u>								<u>C</u>	<u>C</u>
<u>Recycling collection facilities, small</u>	<u>TC</u>	<u>TC</u>	<u>TC</u>	<u>TC</u>	<u>TC</u>	<u>TC</u>		<u>TC</u>	
<u>Recycling processing facilities, large</u>									<u>C</u>
<u>Recycling processing facilities, small</u>									<u>C</u>
<u>Rifle and pistol ranges, outdoor, with or without firearm sales<sup>27</sup></u>									<u>C</u>
<u>Stone and monument yards</u>					<u>P</u>				
<u>Storage yards for commercial goods, supplies and equipment including fuel storage, no less than 300 feet from any R or O district</u>					<u>C</u>			<u>C</u>	<u>C</u>
<u>Taxicab stands</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>			
<u>Transportation dispatch facilities for ambulances, taxicabs, limousine services, airport shuttles, tow trucks, and similar dispatch, without storage, not including truck terminals<sup>15</sup></u>					<u>P</u>				<u>P</u>
<u>Truck scales</u>					<u>P</u>	<u>C</u>			
<u>Trucking terminals, not less than 300 feet from an R or O district</u>					<u>C</u>				<u>P</u>
<u>Vehicle towing (with all vehicle storage inside a building, with outside storage, or both)</u>				<u>P</u>	<u>C</u>	<u>C</u>			
<b><u>PERSONAL AND GENERAL SERVICE</u></b>									
<u>Art and craft studios, with no more than 20 students in the facility at any one</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>					

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<u>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<sup>5</sup></u>									
<u>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<sup>5</sup></u>	<u>MCUP</u>	<u>MCUP</u>	<u>MCUP</u>	<u>MCUP</u>					
<u>Carpet and rug cleaning and dyeing</u>					<u>C</u>				
<u>Crematoriums, mortuaries, and columbariums, not less than 300 feet from an R district</u>					<u>C</u>		<u>C</u>		
<u>Fortune telling, palmistry, augury, and related uses</u>								<u>C</u>	<u>C</u>
<u>Furniture upholstery shops</u>					<u>C</u>	<u>C</u>			
<u>Glass replacement and repair shops</u>					<u>P</u>	<u>P</u>			
<u>Interior decorating shops</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>					
<u>Kennels, and other boarding facilities for small animals<sup>25</sup></u>					<u>MCUP</u>				<u>MCUP</u>
<u>Laundry:</u>									
<u>Laundries and dry cleaners</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>				
<u>Linen supply services</u>					<u>P</u>				
<u>Music and dance facilities with no more than 20 students in the facility at any one</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>			

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<u>time<sup>5</sup></u>									
<u>Music and dance facilities with more than 20 students in the facility at any one time<sup>5</sup></u>	<u>MCUP</u>	<u>MCUP</u>	<u>MCUP</u>	<u>MCUP</u>	<u>MCUP</u>	<u>MCUP</u>			
<u>Personal services<sup>26</sup></u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>			<u>P</u>		
<u>Recreation and sport facilities, gymnasiums, and health clubs, indoor, with no more than 20 students in the facility at any one time<sup>5, 26</sup></u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>
<u>Recreation and sport facilities, gymnasiums, and health clubs, indoor, with more than 20 students in the facility at any one time<sup>5, 26</sup></u>	<u>MCUP</u>	<u>MCUP</u>	<u>MCUP</u>	<u>MCUP</u>	<u>MCUP</u>	<u>MCUP</u>		<u>MCUP</u>	<u>MCUP</u>
<u>Rifle and pistol ranges, indoor, with or without firearm sales<sup>27</sup></u>			<u>P</u>		<u>P</u>				<u>C</u>
<u>Taxidermists</u>		<u>P</u>		<u>P</u>	<u>P</u>				<u>P</u>
<u>Veterinarian’s offices:</u>									
<u>And/or outpatient clinics excluding any overnight boarding of animals<sup>28</sup></u>	<u>MCUP</u>	<u>P</u>			<u>P</u>				
<u>Including outpatient clinics, small animal hospitals and/or short-term overnight boarding of animals<sup>28</sup></u>		<u>MCUP</u>			<u>P</u>				
<u>And/or small animal hospitals including operations not conducted within an entirely enclosed building<sup>25</sup></u>					<u>MCUP</u>				
<b><u>PLACES OF ASSEMBLY</u></b>									
<u>Community facilities and conference centers with 100 or fewer attendees at any one time</u>		<u>MCUP</u>					<u>MCUP</u>	<u>MCUP</u>	

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<u>Community facilities and conference centers with more than 100 attendees at any one time</u>		<u>C</u>					<u>C</u>	<u>C</u>	
<u>Meeting halls for concerts, lectures, meetings, and conferences</u>		<u>C</u>	<u>P</u>	<u>C</u>	<u>C</u>	<u>C</u>			
<u>Private clubs and lodges</u>		<u>C</u>			<u>C</u>		<u>C</u>		
<b><u>RESIDENTIAL</u></b>									
<u>Nursing homes and senior care/assisted living facilities</u>							<u>C</u>		
<u>Supportive housing that provides shelter for six or fewer persons in a dwelling unit, and that meets the standards of Chapter 18.107</u>		<u>P</u>							
<u>Watchman’s living quarters only when incidental to and on the same site as a permitted use</u>								<u>P</u>	<u>P</u>
<b><u>RETAIL</u></b>									
<u>Bars and brew pubs</u>		<u>C</u>	<u>C</u>	<u>C</u>		<u>C</u>			
<u>Feed and fuel stores</u>					<u>C</u>				
<u>Restaurants and catering establishments<sup>29</sup></u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>P</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Retail:<sup>27, 29, 30</sup></u>									
<u>Gross floor area of tenant space is up to 60,000 square feet</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>			
<u>Gross floor area of tenant space is greater than 60,000 square feet</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>			
<u>Sales, rental, and/or leasing of automobiles, motorcycles, and boats:</u>									
<u>No Service</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>MCUP</u>	<u>C</u>			
<u>With service</u>				<u>P</u>	<u>C</u>	<u>C</u>			

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<u>Sales and service of one-ton or greater trucks, trailers, and/or RVs</u>					<u>C</u>	<u>C</u>			
<u>Service of automobiles, motorcycles, and boats:</u>						<u>C</u>			
<u>Department store tire, battery and accessory shops</u>			<u>P</u>	<u>P</u>					
<u>Repair, overhauling, and painting</u>				<u>C</u>	<u>C</u>				
<u>Upholstery and top shops</u>						<u>C</u>			
<u>Tire sales and service, not including retreading and recapping or mounting of heavy truck tires</u>				<u>C</u>	<u>P</u>				
<u>Tires, batteries, and accessories</u>				<u>P</u>	<u>P</u>				
<u>Wholesale establishments</u>					<u>C</u>				<u>P</u>
<u>Wholesale establishments without stocks</u>		<u>P</u>		<u>P</u>					
<b><u>TEMPORARY LODGING</u></b>									
<u>Bed and breakfast inns</u>		<u>C</u>							
<u>Guard's' living quarters</u>					<u>C</u>				
<u>Homeless shelters<sup>31</sup></u>					<u>C</u>				
<u>Hotels and motels</u>		<u>P</u>		<u>C</u>		<u>P</u>			
<u>Trailers and mobilehome parks in accordance with the regulations prescribed in Chapter 18.108 of this title</u>					<u>C</u>	<u>C</u>			
<u>Transitional housing that provides shelter for six or fewer persons in a dwelling unit, and that meets the standards of Chapter 18.107</u>		<u>P</u>							

**Footnote****Text of Footnote**

- 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 A large electricity generator facility 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 for uses in the I-G district 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 Title 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 Title 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 Title 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:

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

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

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

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

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

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 Title 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 Title 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 Title 18.124.
- 30 Liquor stores and convenience markets shall only be permitted in the CR(m) and CR(p) districts, and shall be subject to a Conditional Use Permit as prescribed in Title 18.124 in the CN and CC districts.
- 31 Homeless shelters within the SF service facilities overlay district that meet the requirements set forth in Chapter 18.82 shall be a permitted use.

**PERMITTED AND CONDITIONAL USES**

The following uses shall be permitted uses or conditional uses in a C district where the symbol "P" for permitted use, "C" for conditional use, or "TC" for temporary conditional use appears in the column beneath the C district:							
Note:							
* Uses which are part of a completely enclosed mall complex, all activities take place entirely indoors.							
** Uses on peripheral sites physically separated from a central enclosed mall.							
	<b>CR*(m)</b>	<b>CR**(p)</b>	<b>CN</b>	<b>CC</b>	<b>CS</b>	<b>CF</b>	<b>CA</b>
Accessory uses and structures, not including warehouses, located on the same site as a permitted use and the following accessory structures and uses located on the same site with a permitted use or with a conditional use which has been granted a use permit in accord with the provisions of Chapter 18.124 of this title:							
1. Emergency standby electricity generator, fuel cell, and/or battery facilities provided that the facilities shall be tested from 8:00 a.m. to 5:00 p.m. Monday through Friday or from 10:00 a.m. to 12:00 noon on Saturday or Sunday only, the facilities shall not be tested for more than one hour during any day, and no testing shall be on "Spare the Air Days" in Alameda County	P	P	P	P	P	P	P
2. Photovoltaic facilities	P	P	P	P	P	P	P
3. Small electricity generator facilities that meet the following criteria:							
a. The fuel source for the generators shall be natural gas, biodiesel, or the byproduct of an approved cogeneration or combined cycle facility							
b. The facilities shall use the best available control technology to reduce air pollution							
c. The facilities shall not create any objectionable odors at any point outside of the property plane where the facilities are located							
d. The facilities shall not exceed a noise level of 45 dBA at any point on a residentially zoned property outside of the property plane where the facilities are located							
e. On a site with fuel cell facilities, small electricity generator facilities shall not be permitted unless the aggregate wattage of the two facilities is less than one megawatt. If the aggregate wattage of the two facilities is one megawatt or greater, the small electricity generator facilities shall be subject to all requirements and processes prescribed in this title for medium or large electricity generator facilities, whichever is the most applicable, in the subject zoning district							
f. The facilities shall be cogeneration or	P	P	P	P	P	P	P

combined cycle facilities, if feasible							
4. Small fuel cell facilities that meet the following criteria:							
a. The facilities shall not create any objectionable odors at any point outside of the property plane where the facilities are located							
b. The fuel cell facilities shall not exceed a noise level of 45 dBA at any point on any residentially zoned property outside of the property plane where the facilities are located							
c. On a site with electricity generator facilities, small fuel cell facilities shall not be permitted unless the aggregate wattage of the two facilities is less than one megawatt. If the aggregate wattage of the two facilities is one megawatt or greater, the small fuel cell facilities shall be subject to all requirements and processes prescribed in this title for medium or large fuel cell facilities, whichever is the most applicable, in the applicable subject district							
Small fuel cell facilities are encouraged to be cogeneration or combined cycle facilities	P	P	P	P	P	P	P
Accessory uses and structures, not including warehouses, located on the same site as a permitted use and the following accessory structures and uses located on the same site with a permitted use or with a conditional use which has been granted a use permit in accordance with the provision of Chapter 18.124 of this title:							
5. Special downtown accessory entertainment uses, as defined in Chapter 18.08 of this title:				P			
a. Indoor special downtown accessory entertainment uses with non-amplified or amplified sound in the downtown hospitality central core area and non-amplified sound in the downtown hospitality transition area (hours: 8:00 a.m.—11:00 p.m.)							
b. Indoor special downtown accessory entertainment uses with amplified sound in the downtown hospitality transition area (hours: 8:00 a.m.—9:00 p.m.)							
c. Outdoor special downtown accessory entertainment uses (hours: 8:00 a.m.—9:00 p.m.)							
d. The above accessory uses (5)(a)–(5)(c) shall meet all four of the following parameters:							
i. The use is in compliance with all applicable requirements of Chapter 9.04 (Noise Regulations). The applicant may be required to install noise mitigating measures to ensure compliance with the noise regulations							
ii. For indoor music and entertainment, the exterior doors of the establishment shall remain							

closed when not being used for ingress/egress and self-closing mechanisms shall be installed on all exterior doors							
iii. For indoor music and entertainment, the establishment's windows shall remain closed when music/entertainment activities are taking place							
iv. The use is in compliance with all applicable requirements of the Pleasanton Municipal Code and all other applicable laws, particularly pertaining to noise, public disturbance, littering, and parking							
6. Special downtown accessory entertainment uses, as defined in Chapter 18.08 of this title, and the use does not comply with the hour restrictions for the use to be a permitted use. Temporary special downtown accessory entertainment uses shall be subject to the requirements of Section 18.116.060 of this title				TC			
7. Special downtown accessory entertainment uses, as defined in Chapter 18.08 of this title, and the use does not comply with the hour restrictions and/or conditions required for the use to be a permitted use or a temporary conditional use				C			
Accessory uses and structures located on the same site as a conditional use and the following accessory structures and uses located on the same site as a permitted use or a conditional use that has been granted a use permit:							
1. Medium electricity generator facilities that meet the applicable standards of Section 18.124.290 of this title	C	C	C	C	C	C	C
2. Medium fuel cell facilities that meet the applicable standards of Section 18.124.290 of this title	C	C	C	C	C	C	C
Adult entertainment establishments (see Chapter 18.114 of this title)	P	P		P	P		
Ambulance services				C	P		
Amusement parks					C		
Antique stores, no firearm sales				P			
Antique stores with sales of antique firearms				C			
Appliance sales and repair, provided repair services shall be incidental to retail sales	P	P		P	P		
Art galleries and artists' supply stores	P	P	P	P			
Auction rooms				C	C	C	
Automobile racing stadiums and drag strips					C		
Automobile rental, sales and/or leasing; no service	P			P	C	C	P
Automobile repairing, overhauling and painting		C			C		P
Automobile sales and service including new and used car sales		P			C	C	P

Automobile supply stores, no service or shop work	P	P	C	P	P		P
Automobile upholstery and top shops						C	P
Barbershops and beauty shops	P	P	P	P			
Bars and brew pubs, as defined in Chapter 18.08 of this title	C	C		C		C	
Basement storage, as defined in Section 18.08.057, that meet all of the following criteria:				P			
1. Basement storage shall be limited to the central commercial (C-C) zoning district within the downtown specific plan area and limited to commercial buildings only							
2. Basement storage shall be limited to nontoxic, nonhazardous materials only. It is the responsibility of the storage space operator to prepare a list of prohibited storage items, to have the list approved by the Livermore-Pleasanton fire department, and to require all storage space users to agree in writing that no items on the list or other hazardous materials will be stored. The storage space shall be used for storage only and no other activities and/or uses are allowed							
3. Prior to allowing basement storage, the building owner shall contact the building and safety division and fire department to ensure that the basement meets applicable building and fire codes. If required, the building owner and/or responsible party shall secure all applicable permits and/or make any required changes to the basement space to ensure the space meets current code standards for fire, safety, and accessibility							
4. The hours of access for basement storage use shall be: Monday through Friday from 6:00 a.m. to 10:00 p.m. and Saturday and Sunday from 10:00 a.m. to 6:00 p.m. only							
5. One parking space per on-site storage employee and one parking space for storage customers. This parking requirement is in addition to the parking required for other uses on-site							
6. Prior to allowing and/or renting space for basement storage, the property owner and/or responsible party shall submit a zoning certificate application and secure a business license. The zoning certificate application shall be accompanied by a narrative that describes the type of storage proposed, where parking will be allowed, and the use(s) of the building and shall include a site plan and basement storage floor plan that clearly defines, but is not limited to, the following:							
a. The defined area(s) and square footage in							



which storage will take place							
b. How the individual storage areas will be delineated (e.g., cages, walls, etc.)							
e. Access and ADA accessibility							
Beauty shops including massage services of four or more massage technicians at any one time. Massage establishments within a beauty shop shall meet the requirements of Chapter 6.24	€	€	€	€			
Beauty shops or beauty shops including massage services of three or fewer massage technicians at any one time. Massage establishments within a beauty shop shall meet the requirements of Chapter 6.24	P	P	P	P			
Bed and breakfast inns				€			
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		
Bicycle shops	P	P	P	P	P		
Birthing center				€			
Blacksmiths' shops, not less than 300 feet from an R or O district				€	€		
Boat sales, service and repair					€	€	P
Boat sales, no service or repair	P				P		
Bookbinding					€	€	
Bookstores and rental libraries	P	P	P	P			
Bottling works					€		
Bowling alleys	P	€		€	€		
Building materials sales		€			€		
Bus depots, provided buses shall not be stored on site and no repair work shall be conducted on site		P		P	P	P	
Candy stores	P	P	P	P			
Carpet, drapery and floor covering stores	P	P	€	P	P		
Carpet and rug cleaning and dyeing					€		
Catalog stores, no firearm sales	P	P		P			
Catalog stores with firearm sales	€	€		€	€		
Catering establishments	P	P	P	P	P		
Charitable institutions and operations, including, but not limited to, lodging houses or dormitories providing temporary quarters for transient persons, organizations devoted to collecting or salvaging new or used materials, or organizations devoted principally to distributing food, clothing and other similar charitable operations				€	€		
Childcare centers provided that state mandated outdoor play areas face new or existing landscaping sufficient to buffer the play area from view, are separated from customer parking areas by a heavy wood fence or comparable barrier, are isolated from loading docks and	€	€	€				

associated delivery truck circulation areas, and contain landscaping for outdoor children's activities							
Christmas tree sales lots	P	TC	TC	TC	TC	TC	TC
Churches, parsonages, parish houses, monasteries, convents and other religious institutions				C			
Circuses, carnivals and other transient amusement enterprises	P	TC	TC	TC	TC	TC	TC
Clothing and costume rental establishment	P	P	P	P			
Clothing, shoe and accessory stores	P	P	P	P			
Columbariums and crematories, not less than 300 feet from an R district					C		
Commercial radio and television aerials, antennas, and transmission towers with design review approval specified under Chapter 18.20 of this title, having a minimum distance of 300 feet from the property lines of all of the following:	P			P	P		
1. Existing or approved residences or agricultural zoning districts or in planned unit developments with a residential or agricultural zoning designation							
2. Undeveloped residential or agricultural zoning districts or undeveloped planned unit developments with a residential or agricultural zoning designation and without an approved development plan, unless designated as a public and institutional land use in the general plan							
3. Existing or approved public schools, private schools, and childcare centers, not including schools which only provide tutorial services							
4. Neighborhood parks, community parks, or regional parks, as designated in the general plan							
5. Existing or approved senior care/assisted living facilities, including nursing homes							
All commercial radio and television aerials, antennas, and transmission towers shall be located so as to minimize their visibility and, unless determined by the zoning administrator to be significantly hidden from view, designed to ensure that they will not appear as an aerial, antenna, and/or transmission tower. All such facilities determined by the zoning administrator to be visible from residential land uses, the I 580 and/or I 680 rights of way, or other sensitive land uses such as parks, schools, or major streets, shall incorporate appropriate stealth techniques to camouflage, disguise, and/or blend them into the surrounding							

<p>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</p>							
<p>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</p>							
<p>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</p>							
<p>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</p>							
<p>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</p>							

occur at a noticed public hearing where the owner/operator of the aerial/antenna/transmission tower may present relevant evidence. If, upon such review, the planning commission finds that any of the above have occurred, the planning commission may modify or revoke all approvals and/or permits							
Copying and related duplicating services and printing/publishing services using only computers, copy machines, etc., not including lithographing, engraving, or such similar reproduction services	P	P	P	P	P		
Dairy products plants					C		
Dairy products manufacturing for retail sale on-premises only	P			C	P		
Dance halls (where no liquor is served)	P	C		C			
Delicatessen stores	P	P	P	P			
Department stores	P	P		P			
Department stores tire, battery and accessory shops	P	P					
Diaper supply services					P		
Drive-in theaters					C		
Drugstores and prescription pharmacies	P	P	P	P			
Dry goods stores	P	P	P	P			
Electrical equipment repair and electricians' shops					C		
Feed and fuel stores					C		
Financial institutions, including banks, savings and loan offices, finance companies, credit unions and related services	P	P	P	P***	P		
*** Conditionally permitted use if the subject location:							
1. Is zoned Central Commercial (C-C) or is zoned planned unit development (PUD) that references uses of the C-C district; AND							
2. Is located within the Downtown Revitalization District; AND							
3. Has ground floor frontage on Main Street							
Financial institutions that propose to locate on properties that do not meet all three of the above parameters shall be permitted uses and shall not be subject to the following additional considerations:							
When reviewing an application for a conditional use permit for a financial institution that meets the above three parameters, the planning commission shall discourage more than one financial institution within any block of Main Street (including both sides of the street as defined by address, e.g., 100 block, 200 block, etc.) and encourage retail businesses on corners that add to the vitality and pedestrian interest in downtown							
Existing financial institutions may remain as nonconforming uses. Notwithstanding Chapter 18.120 of this code, if an existing financial institution has been abandoned, discontinued, or changed to a conforming use for a continuous period of 180 days or more, the nonconforming use shall not be reestablished without securing a conditional use permit. Abandonment or discontinuance shall include cessation of a use regardless of intent to resume the use							
Firearm sales	C	C		C			
Firearm sales in which no more than 10 firearms are stored on site at any one time and the majority of firearms are sold through catalogs, mail order, or at trade shows	C	C		C	C		

Florists	P	P	P	P			
Food lockers	P			E	P		
Food market including supermarkets, convenience markets and specialty stores	P	P	E	E			
Freight forwarding terminals					E		
Full service, self service and quick service stations not less than 60 feet from residentially planned or zoned property, provided all operations except the sale of gasoline and oil shall be conducted within a building enclosed on at least three sides, and provided that the minimum site area shall be 20,000 square feet. Direct sales to the public shall be limited to petroleum products, automotive accessories, tobacco, soft drinks, candy and gum	E	E	E	E	E	E	E
With truck and trailer rental					E	E	
With a convenience market, excluding the sale of alcoholic beverages					E	E	
With a drive through car wash		E			E	E	
Full service car wash		E			E	E	
Furniture stores	P	P		P	P	P	
Furniture upholstery shops					E	E	
Game arcades as defined by Section 18.08.207 of this title	E	E	E	E			
Garden centers, including plant nurseries	P	E			E	E	
Gift shops	P	P	P	P			
Glass replacement and repair shops					E	P	
Guards' living quarters					E		
Gunsmiths	P	P		P	P		
Gymnasiums and health clubs	P	E	E	E	P		
Gymnasiums and health clubs including massage services of four or more massage technicians at any one time. Massage establishments within gymnasiums and health clubs shall meet the requirements of Chapter 6.24	E	E	E	E	E		
Gymnasiums and health clubs including massage services of three or fewer massage technicians at any one time. Massage establishments within gymnasiums and health clubs shall meet the requirements of Chapter 6.24	P	E	E	E	P		
Hardware stores	P	P	P	P	P		
Heating and air conditioning shops					E		
Hobby shops	P	P	P	P			
Homeless shelters shall be conditionally permitted in CS except that within the SF service facilities overlay district homeless shelters that meet the requirements set forth in Chapter 18.82 shall be a permitted use					E		
Hospital equipment, sales and rental	P	P		E	P		

Hotels and motels		€		P		P	
Household repair shops					€		
Ice cream sales	P	P	P	P			
Ice vending stations		€	€	€	€	€	
Interior decorating shops	P	P	P	P			
Janitorial services and supplies	P			€	P		
Jewelry stores	P	P	P	P			
Kennels, and other boarding facilities for small animals not less than 300 feet from an R or O district					€		
Laboratories		P		P	P		
Laundries and dry cleaners where service is provided	P	P	P	P	P		
Laundries, self service		P	P	P			
Laundry plants				€			
Leather goods and luggage stores	P	P	P	P			
Linen supply services					P		
Liquor stores	P	P	€	€			
Locksmiths	P	P	P	P			
Lumberyards, not including planing mills or sawmills not less than 300 feet from an R or O district					€		
Machinery sales					P		
Massage establishments where four or more massage technicians provide massage services at any one time. Massage establishments shall meet the requirements of Chapter 6.24	€	€		€			
Massage establishments where three or fewer massage technicians provide massage services at any one time. Massage establishments shall meet the requirements of Chapter 6.24	P	P		P			
Medical and orthopedic appliance stores	P	P		P			
Meeting halls	P	€		€	€	€	
Microbrewery	P****	P****		P****	P****		
**** Permitted use subject to the following conditions:							
1. The zoning administrator finds that adequate parking is available for said use							
2. If the zoning administrator determines that the use will be or is creating odor problems, an odor abatement device determined to be appropriate by the zoning administrator shall be installed within the exhaust ventilation system to mitigate brewery odors							
3. The applicant is in compliance with all applicable requirements of Chapter 9.04 of this code							
4. If operation of the use results in conflicts pertaining to parking, noise, odors, traffic, or other factors, the zoning administrator may modify or add conditions to mitigate such impacts, or may revoke the zoning certificate for the use							
Miniature golf	P	€					
Mortuaries				€	P		
Motorecycle sales, no service or repair	P			P			P
Motorecycle sales and service					€	€	€
Music stores	P	P	P	P			
Music and dance facilities which cannot meet the criteria for music and dance facilities as written in the use category below	P	€	€	€	€	€	
Music and dance facilities with no more than 20 students in the facility at any one time are permitted uses subject to the following conditions:	P	P	P	P	P	P	
1. The facility shall adhere to all occupancy, ADA, California Building Code, and exiting							

requirements							
2. The zoning administrator finds that adequate parking is available for the said use							
The standard city noise ordinance applies							
Newsstands	P	P	P	P	P		
Office buildings		P	C	P			
Office supply and business machines stores	P	P	P	P			
Offices, including, but not limited to, business, professional and administrative offices	P	P	P	P			
Outdoor art and craft shows		TC	TC	TC			
Paint, glass and wallpaper shops	P	P		P	P		
Parcel delivery services including garage facilities for trucks, and repair shops facilities					C		
Parking facilities, including required off-street parking facilities located on a site separated from the uses which the facilities serve and fee parking in accordance with the standards and requirements of Chapter 18.88 of this title				C			
Pest control shops				C	P		
Pet and bird stores	P	P	P	P	P		
Photographic studios	P	P	P	P			
Photographic supply stores	P	P	P	P	P		
Picture framing shops	P	P	P	P			
Plant shops	P	P	P	P			
Plumbing, heating and ventilating equipment showrooms with storage of floor samples only	P	P		P	P		
Plumbing shops					P		
Pool halls	P	C		C			
Post offices	P	P	C	P			
Prefabricated structure sales					C		
Printing, including also lithographing and engraving and other reproduction services				C	P		
Private clubs and lodges				C	C		
Private museums				C	C		
Public utility and public service facilities including pumping stations, power transmission stations, power distribution stations, equipment buildings, service yards, drainageways and structures, water reservoirs, percolation basins, well fields, and storage tanks. These facilities must be found by the planning commission to be necessary for the public health, safety, or welfare		C	C	C	C	C	
"Radioactive materials uses" as defined in Section 18.08.445 of this title					C		
Radio and television broadcasting studios		P	P	C	P	P	
Record and recording and sound equipment stores	P	P	C	P			
Recreation and sport facilities, indoor, which cannot meet the recreation and sport facility criteria as written in the use category below	C	C	C	C	C	C	
Recreation and sport facilities, indoor, with more than 20 students in the facility at any one time, or recreation and sports facilities, indoor, including massage services of four or more massage technicians at any one time. Massage establishments within recreation and sports facilities shall meet the requirements of Chapter 6.24	C	C	C	C	C	C	

Recreation and sport facilities, indoor, with no more than 20 students in the facility at any one time, and with no massage services or with massage services of three or fewer massage technicians at any one time. Massage establishments within recreation and sports facilities shall meet the requirements of Chapter 6.24	P	P	P	P	P	P	
1. The facility shall adhere to all occupancy, ADA, California Building Code, and exiting requirements							
2. The zoning administrator finds that adequate parking is available for the said use							
The standard city noise ordinance applies							
Recreation and sports facilities, outdoor, including racetracks, golf driving ranges, skateboard parks, riding stables, etc.					E		
Recycling collection facilities, small	E	E	E	E	E	E	
Refrigeration equipment sales					P		
Rental yards, including the rental of hand tools, garden tools, power tools, trucks and trailers and other similar equipment					E		
Residential uses (see subsection B of this section) see also "guards' living quarters," and Chapter 18.108 of this title				P	E	E	
Restaurants and soda fountains not including drive ins or take out food establishments	P	P	P	P	E	P	
Restaurants and soda fountains including drive ins and take out food establishments	P	E	E	E	E	E	
Saddleries	P	P		P	P		
Schools and colleges including trade, business, music and art schools, but not including general purpose or nursery schools which cannot meet the criteria for schools and colleges as written in the use category below	P	E	E	E	E	E	
Schools and colleges including trade, business, music and art schools, but not including general purpose or nursery schools, with no more than 20 students in the facility at any one time are permitted uses subject to the following conditions:	P	P	P	P	P	P	P
1. The facility shall adhere to all occupancy, ADA, California Building Code, and exiting requirements							
2. The zoning administrator finds that adequate parking is available for the said use							
The standard city noise ordinance applies							
Scientific instrument shops	P	P		P	P		
Secondhand stores and pawnshops				E			
Self service car wash				E			
Sheet metal shops				E			
Shoe repair shops	P	P	P	P			
Shoe stores	P	P	P	P			
Shooting galleries, indoor	P			E	P		
Shooting galleries, indoor, with firearm sales	E			E	E		
Sign painting shops	P			E	P		
Skating rinks, indoor	P	P			P	E	
Specialty stores selling those items normally sold in department stores	P	P		P			



Sporting goods stores, no firearm sales	P	P	P	P			
Sporting goods stores with firearm sales	C	C		C			
Sports arenas or stadiums					C	C	
Stamp and coin stores	P	P	P	P			
Stationery stores	P	P	P	P			
Stone and monument yards					P		
Storage buildings for household goods						P	
Storage yards for commercial goods, supplies and equipment including fuel storage, no less than 300 feet from any R or O district					C		
Supportive housing that provides shelter for six or fewer persons in a dwelling unit, and that meets the standards of Chapter 18.107				P			
Swimming pool sales, supplies and/or service	P		C	C	P	C	
Tailor or dressmaking shops	P	P	P	P			
Taxicab stands		P	P	P	P	P	P
Taxidermists	P	P		P	P		
Television and radio sales and repair shops	P	P	P	P	P		
Theaters and auditoriums	P	P	C	P		C	
Tire sales and service, not including retreading and recapping or mounting of heavy truck tires		C		C	P		P
Tires, batteries and accessories	P	P					
Tobacco stores	P	P	P	P			
Tool and cutlery sharpening or grinding				C	P		
Toy stores	P	P	P	P			
Trailers and mobilehome parks in accordance with the regulations prescribed in Chapter 18.108 of this title					C	C	
Transitional housing that provides shelter for six or fewer persons in a dwelling unit, and that meets the standards of Chapter 18.107				P			
Truck, trailer and/or RVs, sales and service					C	C	P
Truck scales					P	C	
Trucking terminals, not less than 150 feet from an R or O district					C		
Tutoring which cannot meet the criteria for tutoring as written in the use category below	C	C	C	C	C	C	
Tutoring with no more than 20 students at the facility at any one time are permitted uses subject to the following conditions:	P	P	P	P	P	P	
1. The facility shall adhere to all occupancy, ADA, California Building Code, and exiting requirements							
2. The zoning administrator finds that adequate parking is available for the said use							
The standard city noise ordinance applies							
Variety stores	P	P	P	P			
Vending machine sales and service				C	P		
Veterinarians' offices and out patient clinics, excluding any overnight boarding of animals, and including incidental care such as bathing and trimming, provided that all operations are conducted entirely within a completely enclosed building which complies with specifications for soundproof construction prescribed by the chief building official			C				
Veterinarians' offices, out patient clinics, and small animal hospitals, including short term overnight boarding of animals and incidental				C	P		

care such as bathing and trimming, provided that all operations are conducted entirely within a completely enclosed building which complies with specifications for sound proof construction prescribed by the chief building official							
Veterinarians' offices and small animal hospitals including operations not conducted within an entirely enclosed building, not less than 300 feet from an R or O district					€		
Warehouses except for the storage of fuel or flammable liquids					€		
Watch and clock repair shops	P	P	P	P			
Waterbed shops including the sale of small incidentals, such as linens, wall hangings, and other similar items	P	P	P	P			
Wholesale establishments					€		
Wholesale establishments without stocks		P		P			

(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)

**18.44.095090 Prohibited uses.**

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

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

**18.44.100 Underground utilities.**

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

**18.44.110 Off-street parking.**

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

**18.44.120 Off-street loading.**

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

**18.44.130 Signs.**

No sign, outdoor advertising structure, or display of any character shall be permitted in the C districts, except as prescribed in Chapter 18.96 and chapter 18.74, as applicable, of this title. (Prior code § 2-7.12)

**18.44.140 Design review.**

All ~~permitted and conditional~~ 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. (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 Special purpose—L-I light industrial district.~~
- 18.48.050040 Required conditions generally.
- 18.48.060050 Noise restrictions.
- 18.48.070060 Emissions.
- 18.48.080070 Odor.
- 18.48.090080 Vibration.
- 18.48.100090 Heat and cold, glare and electrical disturbance.
- 18.48.110100 Radiation.
- 18.48.120110 Insect nuisance.
- 18.48.130120 Disposal of industrial waste.
- 18.48.140130 Permitted uses—I-P district.
- 18.48.150140 Permitted uses—I-G district.
- ~~18.48.160 Permitted uses—L-I district.~~
- ~~18.48.170 Conditional uses—Generally.~~
- ~~18.48.180 Conditional uses—I-P district.~~
- ~~18.48.190 Conditional uses—I-G district.~~
- ~~18.48.200 Conditional uses—L-I district.~~
- 18.48.204150 Prohibited uses.
- 18.48.210160 Underground utilities.
- 18.48.220170 Off-street parking.
- 18.48.230180 Off-street loading.
- 18.48.240190 Signs.
- 18.48.250200 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 Special purpose—L-I light industrial district.**~~

~~The special purpose of the L-I district is to provide locations for industries that are more restrictive in terms of use than the I-G district and can operate in relatively close proximity to commercial and residential uses with a minimum of adverse effects. (Prior code § 2-7.18(b))~~

**18.48.05040 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. (Prior code § 2-7.19)

~~**18.48.06050 Noise restrictions.**~~

~~In an I-P or L-I 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.~~

<b>Octave Band (Cycles Per Second)</b>	<b>Maximum Permitted Sound Pressure Level (Decibels)</b>
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

(Prior code § 2-7.19(1))

**18.48.070060 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. (Prior code § 2-7.19(2))

**18.48.080070 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. (Prior code § 2-7.19(3))

**18.48.090080 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. (Prior code § 2-7.19(4))

**18.48.100090 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. (Prior code § 2-7.19(5))

**18.48.110100 Radiation.**

No use shall be permitted which emits dangerous radioactivity. (Prior code § 2-7.19(6))

**18.48.120110 Insect nuisance.**

No use shall be permitted which creates insect nuisance beyond the boundaries of the site. (Prior code § 2-7.19(7))

**18.48.130120 Disposal of industrial waste.**

All uses shall comply with regulations prescribed by city ordinance. (Prior code § 2-7.19(8))

**18.48.140130 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.

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

A. ~~Light industrial and related uses, including only:~~

~~Manufacturing, assembling, compounding, packaging and processing of articles or merchandise from the following previously prepared materials: bone, canvas, cellophane, cellulose, cloth, cork, feathers, felt, fiber and synthetic fiber, fur, glass, hair, ink, horn, leather, paint (not employing a boiling process), paper, plastics, precious or semiprecious metals or stones, rubber and synthetic rubber, shell, straw, textiles, tobacco and wood (not including a planing mill or a sawmill).~~

~~Manufacture and assembly of business machines, including electronic data processing equipment, accounting machines, calculators, typewriters and related equipment.~~

~~Manufacture and assembly of communications and testing equipment.~~

~~Manufacture of cutlery, hardware and hand tools; die and pattern making; metal stamping and extrusion of small products such as custom jewelry, pins and needles, razorblades, bottle caps, buttons and kitchen utensils.~~

~~Manufacture and assembly of electrical supplies such as coils, condensers, crystal holders, insulation, lamps, switches and wire and cable assembly, provided no noxious or offensive fumes or odors are produced.~~

~~Manufacture of scientific, medical, dental and drafting instruments, orthopedic and medical appliances, optical goods, watches and clocks, electronics equipment, precision instruments, musical instruments and cameras and photographic equipment except film.~~

~~Assembly of small electric appliances such as lighting fixtures, irons, fans, toasters and electric toys, but not including refrigerators, washing machines, dryers, dishwashers and similar home appliances.~~

~~Assembly of electrical equipment such as radio and television receivers, phonographs and home motion picture equipment, but not including electrical machinery.~~

~~Laboratories, commercial, testing, research, experimental or other, including pilot plants.~~

~~General office uses (including computer centers).~~

~~Photographic processing.~~

~~Printing, lithographing and engraving.~~

~~Publishing.~~

~~Microbreweries\*.~~

~~\*Permitted use subject to the following conditions:~~

~~1. The zoning administrator finds that adequate parking is available for said use.~~

~~2. If the zoning administrator determines that the use will be or is creating odor problems, an odor abatement device determined to be appropriate by the zoning administrator shall be installed within the exhaust ventilation system to mitigate brewery odors.~~

~~3. The applicant is in compliance with all applicable requirements of Chapter 9.04 of this code.~~

~~4. If operation of the use results in conflicts pertaining to parking, noise, odors, traffic, or other factors, the zoning administrator may modify or add conditions to mitigate such impacts, or may revoke the zoning certificate for the use.~~

B. ~~Incidental services for employees on a site occupied by a permitted use.~~

C. ~~Watchmen's living quarters only when incidental to and on the same site with a permitted use.~~

D. ~~Parking lots improved in conformity with the standards prescribed in Chapter 18.88 of this title.~~

E. ~~Any other use which is determined by the city planning commission as provided in Chapter 18.128 of this title would be similar or compatible with the industrial park concept.~~

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

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

~~2. Photovoltaic facilities.~~

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

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

- G. ~~Commercial radio and television aerials, antennas, and transmission towers with design review approval specified under Chapter 18.20 of this title, having a minimum distance of 300 feet from the property lines of all of the following:
 
  1. ~~Existing or approved residences or agricultural zoning districts or in planned unit developments with a residential or agricultural zoning designation;~~
  2. ~~Undeveloped residential or agricultural zoning districts or undeveloped planned unit developments with a residential or agricultural zoning designation and without an approved development plan, unless designated as a public and institutional land use in the general plan;~~
  3. ~~Existing or approved public schools, private schools, and childcare centers, not including schools which only provide tutorial services;~~
  4. ~~Neighborhood parks, community parks, or regional parks, as designated in the general plan; and~~
  5. ~~Existing or approved senior care/ assisted living facilities, including nursing homes.~~~~

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

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

~~Roof mounted aerials and antennas shall be located in an area of the roof where the visual impact is minimized. Roof mounted and ground mounted aerials, antennas, and transmission towers shall not be allowed in the direct~~



~~sightline(s) or sensitive view corridors, or where they would adversely affect scenic vistas, unless the facilities incorporate the appropriate, creative techniques to camouflage, disguise, and/or blend them into the surrounding environment, as determined to be necessary by the zoning administrator.~~

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

~~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.~~

~~H. Public or private recreation facilities with no more than 20 students on the site at any one time are permitted uses subject to the following conditions:~~

- ~~1. The facility shall adhere to all occupancy, ADA, California Building Code, and exiting requirements;~~
- ~~2. The zoning administrator finds that adequate parking is available for the said use.~~

~~The standard city noise ordinance applies. (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))~~

#### **18.48.150140 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.

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

A. All uses permitted in Section 18.48.140 of this chapter.

B. General industrial and related uses, including only:

~~Aircraft and aircraft accessories and parts manufacture.~~

~~Automobile, truck and trailer accessories and parts manufacture.~~

~~Automobile, truck and trailer assembly.~~

~~Bag cleaning.~~

~~Bakeries.~~

~~Battery manufacture.~~

~~Boat building.~~

~~Boiler works.~~

~~Bottling works.~~

~~Box factories and cooperage.~~

~~Breweries and distilleries.~~

~~Building materials manufacture and assembly, including composition wallboards, partitions, panels and prefabricated structures.~~

~~Can and metal container manufacture.~~

~~Candle manufacture, not including rendering.~~

~~Carpet and rug manufacture.~~

~~Cement products manufacture, including concrete mixing and batching.~~

~~Chemical products manufacture, provided no hazard of fire or explosion is created, including adhesives, bleaching products, bluing, calcimine, dyestuffs (except aniline dyes), essential oils, soda and soda compounds, and vegetable gelatin, glue and size.~~

Clay products manufacture including brick, fire brick, tile, pipe, vitreous china, fine earthenware and porcelain electrical supplies.

Cold storage plants.

Cork manufacture.

Dairy products plants.

Firearms manufacture.

Flour, feed and grain mills.

Food products manufacture, including such processes as cooking, dehydrating, roasting, refining, pasteurization, and extraction involved in the preparation of such products as casein, cereal, chocolate and cocoa products, cider and vinegar, coffee, glucose, milk and dairy products, molasses and syrups, oleomargarine, pickles, rice, sauerkraut, sugar, vegetable oils and yeast.

Freight forwarding terminals.

Glass and glass products manufacture.

Graphite and graphite products manufacture.

Gravel, rock and cement yards.

Gunsmiths.

Hair, felt and feathers processing.

Ice manufacture.

Insecticides, fungicides, disinfectants and similar industrial and household chemical compounds manufacture.

Jute, hemp, sisal and oakum products manufacture.

Laundry and cleaning plants.

Leather and fur finishing and dyeing, not including tanning and curing.

Machine tools manufacture, including metal lathes, metal presses, metal stamping machines and woodworking machines.

Machinery manufacture, including heavy electrical, agricultural, construction and mining machinery and light machinery and equipment such as air conditioning, commercial motion picture equipment, dishwashers, dryers, furnaces, heaters, refrigerators, ranges, stoves, ovens, and washing machines.

Manufacture and maintenance of electric and neon signs, commercial advertising structures, and light sheet metal products including heating and ventilating ducts and equipment, cornices, eaves and the like.

Manufacturing, assembling, compounding, packaging and processing of cosmetics, drugs, pharmaceuticals, perfumes, perfumed toilet soap (not including refining or rendering of fats or oils), and toiletries.

Manufacturing, canning, and packing of food products, including fruits and vegetables but not including meat products, pickles, sauerkraut, vinegar or yeast, dehydrating of garlic or onions, or refining or rendering of fats or oils.

Match manufacture.

Mattress manufacture.

Meat products processing and packaging, not including slaughtering and glue and size manufacture.

Metal alloys and foil manufacture, including solder, pewter, brass, bronze and tin, lead and gold foil.

Metal casting and foundries, not including magnesium foundries.

Metal finishing and plating.

Motor and generator manufacture.

Motor testing of internal combustion motors.

Painting, enameling and lacquering shop.

Paper products manufacture, including shipping containers, pulp goods, carbon paper and coated paper stencils.

Paraffin products manufacture.

Plastics manufacture.

Porcelain products manufacture, including bathroom and kitchen fixtures and equipment.

Precious metals reduction, smelting and refining.

Public utility and public service pumping stations, equipment buildings and installations, service yards, power stations, drainageways and structures, reservoirs, percolation basins, well fields, storage tanks, and transmission lines.

Railroad equipment manufacture, including railroad car and locomotive manufacture.

- ~~Railroad stations, repair shops and yards; bus depots.~~
- ~~Repair shops.~~
- ~~Rubber products manufacture, including tires and tubes.~~
- ~~Sandblasting.~~
- ~~Sheet metal shops.~~
- ~~Shoe polish manufacture.~~
- ~~Starch and dextrine manufacture.~~
- ~~Steel products manufacture and assembly, including steel cabinets, lockers, doors, fencing and furniture.~~
- ~~Stone products manufacture and stone processing, including abrasives, stone screening, and sand and lime products (excluding asbestos).~~
- ~~Structural steel products manufacture, including bars, girders, rails and wire rope.~~
- ~~Textile bleaching.~~
- ~~Textile, knitting and hosiery mills.~~
- ~~Trade schools with no more than 20 students in the school at any one time are permitted uses subject to the following conditions:~~
  - ~~1. The facility shall adhere to all occupancy, ADA, California Building Code, and exiting requirements;~~
  - ~~2. The zoning administrator finds that adequate parking is available for the said use.~~
    - ~~The standard city noise ordinance applies.~~
    - ~~Trucking terminals.~~
    - ~~Warehousing, not including the storage of fuel or flammable liquids.~~
    - ~~Welding shops.~~
    - ~~Wholesale business establishments.~~
    - ~~Wood and lumber processing and woodworking, including planing mills, sawmills, excelsior, plywood, veneer and wood preserving treatment.~~
    - ~~Woodworking shops; cabinet shops.~~
    - ~~Wool scouring and pulling.~~
- ~~C. Any other use which is determined by the city planning commission, as provided in Chapter 18.128 of this title, to be similar to the uses listed in this section. (Ord. 1950 § 2 (Exh. A), 2007; Ord. 1738 § 1, 1998; prior code § 2-7.20(2))~~

**18.48.160 — Permitted uses — L-I district.**

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

~~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:~~

- ~~A. Emergency standby electricity generator, fuel cell, and/or battery facilities provided that the facilities shall be tested from 8:00 a.m. to 5:00 p.m. Monday through Friday or from 10:00 a.m. to 12:00 noon on Saturday or Sunday only; the facilities shall not be tested for more than one hour during any day, and no testing shall be on "Spare The Air Days" in Alameda County.~~
- ~~B. Photovoltaic facilities.~~
- ~~C. Small electricity generator facilities that 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 any residentially zoned property outside of the property plane where the facilities are located; and~~
  - ~~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.

D. Small fuel cell facilities that 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; and

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 subject zoning district;

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

Bakeries.

Beverage distributors.

Blacksmith shops.

Blueprint and photostat shops.

Bookbinding.

Building materials yards.

Cabinet shops.

Carpenter shops.

Clothes cleaning and dyeing.

Cold storage plants.

Commercial radio and television aerials, antennas, and transmission towers with design review approval specified under Chapter 18.20 of this title, having a minimum distance of 300 feet from the property lines of all of the following:

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; and

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.~~

~~Contractors' equipment, rental and storage areas.~~

~~Dairy products plants.~~

~~Electrical repair shops.~~

~~Feed and fuel stores.~~

~~Freight forwarding terminals.~~

~~Frozen food distributors.~~

~~Heating and ventilating shops.~~

~~Ice storage houses.~~

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

~~Laundry plants.~~

~~Lumberyards, not including planing mills or sawmills.~~

~~Machinery sales and rental.~~

~~Mattress repair shops.~~

~~Microbreweries.\*~~

~~\*Permitted use subject to the following conditions:~~

~~A. The zoning administrator finds that adequate parking is available for said use.~~

~~B. If the zoning administrator determines that the use will be or is creating odor problems, an odor abatement device determined to be appropriate by the zoning administrator shall be installed with the exhaust ventilation system to mitigate brewery odors.~~

~~C. The applicant is in compliance with all applicable requirements of Chapter 9.04 of this code.~~

~~D. If operation of the use results in conflicts pertaining to parking, noise, odors, traffic, or other factors, the zoning administrator may modify or add conditions to mitigate such impacts, or may revoke the zoning certificate for the use.~~

~~Packing and crating.~~

~~Parcel delivery service including repair shop facilities.~~

~~Prefabricated structure sales.~~

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

~~Storage yard for commercial and/or recreational vehicles.~~

~~Tire sales and service, including retreading and recapping.~~

~~Truck terminals.~~

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

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

**18.48.170 — Conditional uses — Generally.**

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

**18.48.180 — Conditional uses — I-P district.**

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

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

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

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

~~Churches and similar religious and meeting facilities in existing structures.~~

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

~~Fortune telling, palmistry, augury, and related uses.~~

~~Garden centers.~~

~~Motion picture production.~~

~~Nurseries.~~

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

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

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

~~Recycling collection facilities, large.~~

~~Recycling collection facilities, small.~~

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

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

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

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

**18.48.190 — Conditional uses — I-G district.**

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

- A. ~~Any use listed as a conditional use in Section 18.48.180 of this chapter.~~
- B. ~~The following uses, provided that the city planning commission shall make a specific finding that the use will conform with each of the required conditions prescribed for uses in the I-G district in Sections 18.48.050 through 18.48.130 of this chapter, in addition to the findings prescribed in Section 18.48.070 of this chapter:~~
- ~~Airports and heliports.~~
  - ~~Asphalt and asphalt products manufacture.~~
  - ~~Cement, lime, gypsum and plaster of Paris manufacture.~~
    - ~~Chemical products manufacture including acetylene, aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, cleaning and polishing preparations, creosote, exterminating agents, hydrogen and oxygen, industrial alcohol, nitrating of cotton or other materials, nitrates of an explosive nature, potash, pyroxyline, rayon yarn, and carbolic, hydrochloric, picric and sulfuric acids.~~
  - ~~Churches and similar religious and meeting facilities in existing structures.~~
  - ~~Drive in theaters.~~
  - ~~Drop forges.~~
  - ~~Explosives manufacture and storage.~~
  - ~~Fertilizer manufacture.~~
  - ~~Film manufacture.~~
  - ~~Gas and oil wells.~~
  - ~~Incineration of garbage and refuse.~~
  - ~~Junkyards.~~
  - ~~Large electricity generator facilities, in accord with the provisions of Chapter 18.124 of this title.~~
  - ~~Large fuel cell facilities, in accord with the provisions of Chapter 18.124 of this title.~~
  - ~~Linoleum and oil cloth manufacture.~~
  - ~~Manure, peat and topsoil processing and storage.~~
  - ~~Motor vehicle wrecking yards.~~
  - ~~Paint manufacture including enamel, lacquer, shellac, turpentine and varnish.~~
  - ~~Paper mills.~~
  - ~~Petroleum and petroleum products storage.~~
  - ~~Radioactive material uses as defined in Section 18.08.445 of this title.~~
  - ~~Recycling collection facilities, large.~~
  - ~~Recycling processing facilities, large.~~
  - ~~Recycling processing facilities, small.~~
  - ~~Rifle and pistol ranges.~~
  - ~~Rifle and pistol ranges, with firearm sales.~~
  - ~~Rolling mills.~~
  - ~~Rubber manufacture or processing including natural or synthetic rubber and gutta percha.~~
  - ~~Sanitary fill operations.~~
  - ~~Soap manufacture including fat rendering.~~
  - ~~Steam plants.~~
  - ~~Storage of used building materials.~~
  - ~~Storage yard for commercial (exclusive of contractors' or construction) and/or recreational vehicles.~~
  - ~~Tanneries and curing and storage of rawhides.~~
  - ~~Trade schools which cannot meet the criteria for trade schools as written in Section 18.48.150.~~
  - ~~Wind energy facilities that 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.~~
    - ~~3. Facilities on hillsides or ridges shall not be visible from a public right of way.~~
- C. ~~Accessory structures and uses located on the same site as a conditional use. (Ord. 1950 § 2 (Exh. A), 2007; Ord. 1880, 2003; Ord. 1743, 1998; Ord. 1738 § 1, 1998; Ord. 1354 § 6, 1988; Ord. 1088 § 1, 1983; prior code § 2 7.21(2))~~

**18.48.200 — Conditional uses — L-I district.**

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

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

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

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

~~Auction establishments including outdoor display.~~

~~Bottling works.~~

~~Carpet and rug cleaning and dyeing.~~

~~Churches and similar religious and meeting facilities in existing structures.~~

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

~~Garden centers.~~

~~Recycling collection facilities, large.~~

~~Recycling collection facilities, small.~~

~~Sheet metal shops. (Ord. 1880, 2003; Ord. 1738 § 1, 1998; Ord. 1354 § 7, 1988; Ord. 1088 § 1, 1983; prior code § 2-7.21(3))~~

**18.48.204150 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. 1880, 2003)

**18.48.210160 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. 2000 § 1, 2009; prior code § 2-7.22)

**18.48.220170 Off-street parking.**

Off-street parking facilities shall be provided for each use as prescribed in Chapter 18.88 of this title. (Prior code § 2-7.23)

**18.48.230180 Off-street loading.**

Off-street loading facilities shall be provided for each use as prescribed in Chapter 18.92 of this title. (Prior code § 2-7.24)

**18.48.240190 Signs.**

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

**18.48.250200 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. (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.

#### 18.52.020 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 18.48.060~~050~~ through 18.48.130~~120~~ of this title. (Prior code § 2-7.31)

*[No changes proposed to Sections 18.52.010 and 18.52.030 through 18.52.140]*

## Chapter 18.82

### SF SERVICE FACILITIES OVERLAY DISTRICT

#### Sections:

- 18.82.010 Purposes.**
- 18.82.020 Area designation.**
- 18.82.030 Applicability.**
- 18.82.040 Permitting procedures and standards.**

#### **18.82.040 Permitting procedures and standards.**

- A. Permitted Use. Within the SF overlay district a homeless shelter that meets all of the standards provided in subsection B shall be approved ministerially with a zoning certificate, without discretionary review or a public hearing.
  - 1. The application for a zoning certificate for a homeless shelter shall be submitted to the planning division and shall include:
    - a. Plot plan (drawn to scale) showing the dimensions of the lot on which the homeless shelter will be located; the location and dimension of setbacks of all existing and proposed structures on the proposed site; all easements; building envelopes; and parking for the project site; and
    - b. Floor plans of the entire structure or structures with each room dimensioned, the resulting floor area calculated for each room, and calculation of the total floor area. The use of each room shall be identified; and
    - c. A homeless shelter management plan as required in subsection B of this section; and
    - d. Any additional drawings or statements demonstrating compliance with the standards required by subsection B of this section.
  - 2. The zoning certificate shall document compliance of the homeless shelter with this chapter and shall be kept on file in the community development department for the duration of the operation of the homeless shelter.
- B. Required Standards for Homeless Shelters.
  - 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 18.44.08070(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. 2061 § 2, 2013)

*[No changes proposed to Sections 18.82.010 through 18.82.030]*

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. 2080 § 2, 2013; Ord. 1250 § 1, 1986; prior code § 2-5.34(a))

Table 18.84.010 [excerpt]

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 1 ACCESSORY STRUCTURES 18.84.160		
	Area	Width 18.84.050	Depth	Front 18.84.080	One Side/ Both Sides 18.84.090	Rear 18.84.090					Maximum Height 18.84.140	Minimum Distance to Side Lot Line	Minimum Distance to Rear Lot Line
C-C	---	---	---	18.84.130	18.84.130	---	1,000 sq ft 18.44.090 18.84.030E	150 sq ft	300%	40 ft 18.84.150	40 ft 18.84.150	---	---

[No changes proposed to Sections 18.84.020 through 18.84.270]

## Chapter 18.114

### ADULT ENTERTAINMENT ESTABLISHMENTS

#### Sections:

- 18.114.010 Purpose and intent.
- 18.114.020 Definitions.
- 18.114.030 Prohibition.
- 18.114.040 Measure of distance.
- 18.114.050 Zoning districts—Permitted.
- 18.114.060 Adult entertainment establishment permit required.
- 18.114.070 Adult entertainment establishment permit application fee.
- 18.114.080 Adult entertainment facilities and operation requirements.
- 18.114.090 Adult motion picture theaters.
- 18.114.100 Viewing booths.
- 18.114.110 Inspection by officials.
- 18.114.120 Business name.
- 18.114.130 Business location change.
- 18.114.140 Transfer of interest.
- 18.114.150 Display of permit.
- 18.114.160 Suspension of adult entertainment establishment permit.
- 18.114.170 Revocation of adult business permit.
- 18.114.180 Exceptions.
- 18.114.190 Severability.

#### 18.114.050 Zoning districts—Permitted.

An adult entertainment establishment shall be permitted only in the commercial zones listed in Table 18.44.090080 of Chapter 18.44. (Ord. 1603 § 1, 1993)

*[No changes proposed to Sections 18.114.010 through 18.114.040 and 18.114.060 through 18.114.190]*

**Chapter 18.116**

**TEMPORARY USES**

**Sections:**

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

**18.116.010 Temporary conditional uses.**

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

- A. Temporary conditional uses in C districts prescribed in Section 18.44.090 of this title;
- B. Subdivision sales offices, and model home complexes; such uses shall be located so as to minimize their impact on adjoining occupied dwellings, generally a minimum separation of 200 feet;
- C. Construction yards located not less than 200 feet from any existing dwelling outside the subdivision;
- D. Nonresidential uses conducted in trailers, provided each use shall be a permitted use or a conditional use in the district in which it is located;
- E. Trailer residence of fair, circus or carnival personnel or Christmas tree sales personnel on the site of the principal use, or trailer residence of a watchman on the site of a construction project.
- F. Reverse vending machines or other small recycling collection facilities in accordance with Chapter 9.22 (Ord. 1312 § 1, 1987; prior code § 2-10.22)

**18.116.060 Special downtown accessory entertainment uses.**

If expanded operation hours are requested for a special downtown accessory entertainment use which would otherwise adhere to the permitted use parameters in Table 18.44.090~~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. 2055 § 2, 2012)

*[No changes proposed to Sections 18.116.015 through 18.116.050]*

Chapter 18.124

CONDITIONAL USES

Sections:

Article I. General Provisions-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 ~~Administrative~~ 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

- 18.124.190~~320~~ Procedure.
- 18.124.200~~330~~ Application.
- 18.124.210~~340~~ Notice.
- 18.124.220~~350~~ Public hearing.
- 18.124.230~~360~~ Action of zoning administrator.
- 18.124.240~~370~~ Standards.
- 18.124.250~~380~~ Additional procedures.

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

**18.124.~~260~~390 Procedure.**

**18.124.~~270~~400 Standards.**

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

**18.124.~~280~~410 Procedure.**

**18.124.~~290~~420 Standards.**



## **Article I. ~~General Provisions~~ 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. ~~This provision shall not apply to a proposed public utility right-of-way;~~
- 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. (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. 2065 § 1, 2013; prior code § 2-11.18)

**18.124.175 Administrative 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. ~~Administrative 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. 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.

**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.

**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.

**18.124.220 Notice.**

No less than ten 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 condi-

tional use permit is proposed. If within ten 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.

**18.124.230 Action of zoning administrator.**

Any action of the zoning administrator is subject to the appeal provisions in Chapter 18.144.

**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:

- 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.

**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 council has elected to review the decision of the commission. A minor conditional use permit shall become effective immediately after it is granted by the council.

**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.

**18.124.270 Lapse of use permit.**

A. An 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.

**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.

**18.124.290 Denial—New application.**

Following the denial of an 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.

**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.

**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.

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

**18.124.190320 Procedure.**

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

**18.124.200330 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. 1126 § 9, 1984; prior code § 2-11.20(a)(1))

**18.124.210340 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. 1126 § 9, 1984; prior code § 2-11.20(a)(2))

**18.124.220350 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. 1126 § 9, 1984; prior code § 2-11.20(a)(3))

**18.124.230360 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. 1126 § 9, 1984; prior code § 2-11.20(b))

**18.124.240370 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. 1126 § 9, 1984; prior code § 2-11.20(c))

**18.124.250380 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. 1126 § 9, 1984; prior code § 2-11.20(d))

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

**18.124.260390 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. 1636 § 10, 1994)

**18.124.270400 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. 1636 § 10, 1994)

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

**18.124.280410 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. 1880, 2003)

**18.124.290420 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. 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 planning commission.**
- 18.128.050 Effective date of determination.**
- 18.128.060 Appeals to city council.**
- ~~**18.128.070 Determination by city council.**~~

#### **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, planning commission, upon its own initiative or upon 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. (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, and 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. (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. (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 Appeals to city council.**

~~A decision of the planning commission may be appealed to the city council by the applicant or any other person as prescribed in Section 18.144.020 of this code. Any appeal pursuant to this action shall follow the procedures outlined in Section 18.144 of this title. (Prior code § 2-10.48)~~

**~~18.128.070 Determination by city council.~~**

~~The determination of the city council shall be rendered in writing within 40 days unless the applicant consents to an extension of the time period, and shall include findings supporting the conclusion. (Prior code § 2-10.49)~~

**TABLE 1 – COMMENTS IMPLEMENTED**

	<b>Comment</b>	<b>Applicable Code Section</b>	<b>Notes</b>
1	Make footnotes clearer and in bigger font	Table 18.44.080	Completed.
2	Add numbering for new definitions	Chapter 18.08	Completed.
3	Order the subcategories in alphabetical order	Table 18.44.080	This has been completed. The subcategories are: Cultural and Entertainment, Educational, Energy/Accessory Uses, Governmental, Industrial, Office / Business Service, Outdoor Uses, Personal and General Service, Places of Assembly, Residential, Retail, and Temporary Lodging.
4	Does “Industrial” definition include regional distribution?	Chapter 18.08	This is included in the definition of “Industrial, light.”
5	The definitions for “community facility” and “governmental facility” have too much overlap. Which one would a civic center fall under?	Chapter 18.08	Modified definition of “community facility” to exclude uses or buildings owned or operated by a local, state, or federal government agency or service facility.
6	Mixed-use definition does not indicate “retail.” It only indicates “commercial.”	Chapter 18.08	Modified the definition of “mixed-use” to include, “office and retail” instead of “commercial.”
7	Consider modifying the minimum distance required between storage yards for commercial goods, supplies, and equipment and any R or O district to be greater than the currently specified 150 feet	Table 18.44.080	Modified the distance to be 300 feet.
8	Add conference center	Table 18.44.080	Added “conference centers” to category identified as “community facilities,” (which distinguishes between less than 100 people and more than 100 people). Also modified the category “meeting halls” to include conferences as a use in the meeting hall.

**TABLE 1 – COMMENTS IMPLEMENTED**

	<b>Comment</b>	<b>Applicable Code Section</b>	<b>Notes</b>
9	There should be sensitivity to schools and other similar uses with an outdoor area and their noise impacts	Table 18.44.080	Footnote #4 has been modified to reference the Noise Ordinance. Footnote #5 pertaining to performance standards has been modified such that, if applicable, an outdoor play area must not cause ambient noise levels at the property plane to increase by 4 dB Ldn <sup>1</sup> in order for the use to either be a permitted use or processed as a MCUP. In other words, the day-night average sound level may not be exceeded by 4 dB, which approximates the smallest noise increase that is audible in an outdoor environment. A use that cannot meet this condition would be subject to a Conditional Use Permit.
10	Food processing should be considered light industrial	Chapter 18.08	The definition of “industrial, light” now includes food processing where previously it was included in “industrial, heavy.”
11	Vocational schools are not identified but should be	Table 18.44.080	Trade schools are included and would include vocational schools.
12	Identify “MCUP” in the use table itself instead of with use of footnotes	Table 18.44.080	Completed. This adds more rows to the chart, but makes it easier to identify the process (e.g., Permitted – P, Conditional Use Permit – CUP, Minor Conditional Use Permit – MCUP, or Temporary Conditional Use Permit – TC).

<sup>1</sup> Ldn (Day-Night Average Noise Level): The 24-hour Leq (average noise level) with a 10-dBA (decibels on an “A-frequency” weighted curve) “penalty” for noise events that occur during the noise-sensitive hours between 10 p.m. and 7 a.m. In other words, 10 dBA is “added” to noise events that occur in the nighttime hours, and this generates a higher reported noise level when determining compliance with noise standards. The Ldn attempts to account for the fact that noise during this specific period of time is a potential source of disturbance with respect to normal sleeping hours.

Leq (Equivalent Noise Level): The average noise level. In noise environments determined by major noise events, such as aircraft over-flights, the Leq value is heavily influenced by the magnitude and number of single events that produce the high noise levels.

**TABLE 1 – COMMENTS IMPLEMENTED**

Comment	Applicable Code Section	Notes
13 Consider expanding MCUP scope to include more types of uses	Table 18.44.080	<p>The following uses were subject to MCUP in the previous draft of the Zoning Code Update:</p> <ul style="list-style-type: none"> <li>• 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 → CN, CC, CR(m), and CR(p) Districts</li> <li>• Music and dance facilities with more than 20 students in the facility at any one time → C-N, C-C, C-R(m), C-R(p), C-S, and C-F Districts</li> <li>• Recreation and sport facilities, indoor, with more than 20 students in the facility at any one time → C-N, C-C, C-R(m), C-R(p), C-S, C-F, I-P, and I-G Districts</li> <li>• 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 → C-N, C-C, C-R(m), C-R(p), C-S, C-F, and I-G Districts</li> <li>• Any use not in conjunction with a medical use that includes massage service of four or more technicians at any one time</li> </ul> <p>The following uses were added to be subject to MCUP in response to this comment. Staff believes these uses are routine in nature, with minimal potential for neighborhood impacts with implementation of standard performance standards.</p> <ul style="list-style-type: none"> <li>• Sales, rental, and/or leasing of automobiles, motorcycles, and boats, no service → C-S District</li> </ul>

**TABLE 1 – COMMENTS IMPLEMENTED**

Comment	Applicable Code Section	Notes
14 Fitness centers large and small should be added to the recreation and sports facilities category	Table 18.44.080	<ul style="list-style-type: none"> <li>• Kennels, and other boarding facilities for small animals → C-S and I-G Districts</li> <li>• Veterinarian’s offices and/or outpatient clinics excluding any overnight boarding of animals → C-N District</li> <li>• Veterinarian’s offices including outpatient clinics, small animal hospitals and/or short-term overnight boarding of animals → C-C District</li> <li>• Veterinarian’s offices and/or small animal hospitals including operations not conducted within an entirely enclosed building → C-S District</li> <li>• Warehousing, including self-storage, but not including storage of fuel or flammable liquids → C-S and I-P Districts</li> <li>• Community facilities with no more than 100 attendees at any one time</li> <li>• Gymnasiums, and health clubs with more than 20 students in the facility at any one time (this use has been added to the “recreation and sports facilities, indoor” use category)</li> <li>• 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 → O District</li> </ul> <p>Gymnasiums and health clubs have been incorporated into the “recreation and sports facilities” category and are subject to the “20 students” rule.</p>



**TABLE 1 – COMMENTS IMPLEMENTED**

	<b>Comment</b>	<b>Applicable Code Section</b>	<b>Notes</b>
15	What was the “office” category previously? It is now identified as, “offices, including, but not limited to, business, professional and administrative offices”	Table 18.44.080	In the old/existing code, office uses in the O District were organized into several categories (e.g., business offices, consulting service offices, insurance offices, investment offices, legal service offices, medical offices, travel agencies, etc.). Office uses in the C District were more succinctly categorized, and this organizational strategy was employed as a part of the Zoning Code Update. A footnote to distinguish the more stringent parking requirements for medical uses has been added.
16	Does the “public utility and public service facilities” category include low-cost housing?	Table 18.44.080	No, this use category does not include housing or the provision to provide public utility and public services for a specific use.
17	Footnote #4 addresses landscaping requirements for State-mandated outdoor play areas, but does not address noise. If the outdoor play area is State-mandated, then a CUP should be required to protect neighbors from noise intrusions	Table 18.44.080	This footnote applies to childcare centers (which now are referred to as “nursery schools.” Nursery schools are subject to a CUP in the C-N, C-R(m), and C-R(p) Districts, and thus the Planning Commission would review these uses to ensure noise impacts are addressed.
18	Include “birthing center” as part of a medical use or hospital	Table 18.44.080	Birthing center has been deleted as a use category (as has its definition) since it would be considered a medical use.
19	Add text that indicates if a property is within a PUD, refer to the PUD for uses and development standards. The text would also indicate that although the PUD may refer to the code for uses, the development standards are per the PUD	Table 18.44.080	Added the following language to the header of Table 18.44.080 regarding land uses in PUDs: <i>If a property is zoned PUD, then the PUD shall be consulted for permitted and conditionally permitted uses before consulting this table.</i>
20	The items identified as acceptable for sale at service station is too specific and not reflective	Footnote 23 to Table 18.44.080	Modified text of footnote to say, “food products and limited household goods” instead of, “soft drinks, candy, and gum.”

**TABLE 1 – COMMENTS IMPLEMENTED**

Comment	Applicable Code Section	Notes
of current practice		
21 Remove requirement for non-retail first floor uses along Main Street to secure a MCUP	Table 18.44.080 and Chapter 18.124	This requirement has been deferred for discussion in conjunction with the Downtown Specific Plan update.

**TABLE 2 – COMMENTS NOT IMPLEMENTED AND/OR DEFERRED**

Comment	Rationale
1 Write out headings for zoning districts in chart	The full text of the zoning districts are already identified in the beginning of each Chapter, and providing the full names would reduce legibility.
2 Encode time limits (e.g., 45 days) to ensure timely review	The Permit Streamlining Act already regulates the timeframes within which a jurisdiction must review applications.
3 Increase the City allowable noise at the property line. Most major streets in Pleasanton already exceed the 60 decibel maximum noise level	The Noise Ordinance is not within the scope of this update and may be modified with a future update.
4 The definition for “nursery school” is confusing and should be rewritten	The wording for this definition is in part dictated to State law, which limits the ability to modify it.
5 Do not delete the C-A and L-I Districts	Since no properties have this zoning designation, and in the spirit of making the code more streamlined and user-friendly, these districts are proposed for deletion.
6 Increase noticing radius from 300-feet to a greater radius for MCUP applications	Since uses subject to MCUPs are intended to be routine with limited impacts, staff is proposing to maintain the noticing radius at 300 feet. For perspective, a 100-foot radius noticing is required for Large Family Day Care Homes and Beekeeping applications, a 300-foot radius is required for Variances, and a 1,000-foot radius is required for PUD Minor Modifications and any project that goes to Planning Commission and City Council.
7 Modify wireless ordinance and consider the use of cellular sites in all commercial districts	The Wireless Ordinance is not within the scope of this update and may be modified with a future update.
8 The C-C District should not conditionally allow retail uses greater than 60,000 square feet since a use in this size is not appropriate for the Downtown	There are areas outside of Downtown that are zoned C-C, as well as PUDs outside of Downtown that refer back to the C-C District where it would be more appropriate to have this requirement in place. Staff notes that there are limited opportunities for large retail spaces in Downtown, and new buildings accommodating such spaces would be subject to Design Review by the Planning Commission.

**TABLE 2 – COMMENTS NOT IMPLEMENTED AND/OR DEFERRED**

Comment	Rationale
9 Disallow uses in PUDs to be added or modified such that they are subject to MCUPs	One of the objectives of the Zoning Code Update is to streamline the review process, and while the Planning Commission may not review a MCUP, it would be informed of staff’s action. A PUD Minor Modification process is noticed within a 1,000-foot radius and is subject to a 20-day appeal period. Additionally, actions taken by the Zoning Administrator, including Minor Conditional Use permits as indicated in proposed section 18.124.250, are/would be published and provided to the Planning Commission and City Council within the appeal period. Provided that these measures inform the Planning Commission about changes to the uses within a PUD or those that are subject to a MCUP, staff is proposing to not prohibit PUD Minor Modifications from establishing uses subject to a MCUP.
10 Identify the ratio of commercial to residential uses for specific parcels within the Downtown for mixed-use projects	The Downtown Specific Plan is the most appropriate place to determine lot-specific regulations within the Downtown. This undertaking could be incorporated with the upcoming update to the Downtown Specific Plan.
11 Make “day time senior care” a conditionally permitted use in the I-P or O Districts	“Adult day care” uses are regulated by State law and thus should the City receive a request to locate this use at a site, the City would accommodate it in accordance with State law requirements.
12 Make “adult drug and alcohol recovery facilities” a use category	This use does not appear to be frequently requested and where it has been requested in the past, staff has been able to utilize an existing use indicate how it would likely be classified under new use categories.
13 A new use in one building in a complex of buildings should not require a CUP if it is within the envelope of the larger retail center	A new use within an existing shopping center may have operational aspects that impact adjacent tenants and thus require independent evaluation.
14 Restaurants open and serving alcohol past 11 pm should not be classified as bars	The 11 pm cut off was implemented as part of preparation of the Downtown Hospitality Guidelines. The scope of the current phase of the Zoning Code Update does not include modifications such as this, but it could be considered in the future.

**TABLE 2 – COMMENTS NOT IMPLEMENTED AND/OR DEFERRED**

<b>Comment</b>	<b>Rationale</b>
15 Add various uses as either permitted or conditionally permitted in all zoning districts	Changes such as these could be implemented as part of a future Zoning Code Update. Some of the overarching objectives of the current phase include establishing the Minor Conditional Use Permit process and consolidation of existing use categories to make the code more user-friendly. Making certain conditionally permitted uses into permitted uses would require a customized site-by-site level analysis that is outside the scope of this first phase of the Zoning Code Update.
16 Include sale of alcoholic beverages in convenience markets at service stations	This modification could be considered in a future update to the Code.
17 Disagree with footnotes regarding financial institutions, basement storage, service stations, and distance requirements for music and art schools	These provisions exist in the current code and are not new requirements or restrictions. They could be considered as part of a future update, but have not been included in the scope of this update to the Zoning Code.
18 Omit “walk-in activities for the general public” from the use category, “art and craft studios”	Permitted walk-in activities, particularly in the Downtown, will allow for pedestrians to engage in an art and craft session on their way from or to a meal or shopping activity, promoting vitality. Thus no change is warranted.
19 Personal service uses that include nuisances should not be permitted (e.g. massage parlors, childcare centers if an outdoor play area is proposed, adult entertainment).	Childcare centers and adult entertainment do not fall under the definition of personal service. Massage establishments are permitted if three or fewer technicians are present at one time, and are proposed to be subject to a MCUP if four or greater technicians are proposed to be present at one time and in any case must meet the requirements in Chapter 6.24 of the Municipal Code. Personal service uses are not expected to generate noise.
20 Regarding the 60,000 square foot threshold – what parking analysis can be done when an existing use expands beyond 60,000 square feet? The parking lot may be shared and the circulation system is already in-place.	This does not appear to be different from a situation where we evaluate parking in a situation that a CUP is required and a parking lot is shared and the circulation system is in-place. The primary focus would be to ascertain whether the expanded retail use can be adequately served by the existing parking supply and circulation system.

**TABLE 2 – COMMENTS NOT IMPLEMENTED AND/OR DEFERRED**

<b>Comment</b>	<b>Rationale</b>
21 Re-evaluate the 10-day noticing period proposed for MCUPs	Planning applications typically have a noticing period of between 7 days and 10 days. Staff finds the 10-day period to be most appropriate for the MCUP process. For perspective, a 10-day noticing period is required for Large Family Day Care Homes, PUD Minor Modifications, and a 7-day noticing period is required for Beekeeping and Administrative Design Review applications.
22 Consider modifying the 60,000 square foot threshold for retail uses (permitted v. subject to CUP)	Staff considered modifying the threshold and concluded 60,000 square feet is the most appropriate threshold for retail establishments within Pleasanton. This threshold could be reconsidered at a later time if necessary.

### P16-1418, Zoning Code Update

Work session to consider an amendment to the Pleasanton Municipal Code to: update and simplify the list of permitted and conditionally permitted land uses; establish a Minor Conditional Use Permit process for routine uses; reflect current practices, modify review procedures, replace out-of-date references, and undertake other changes to make the Code more user-friendly.

Shweta Bonn presented the staff report and described the scope and key elements of the proposal.

Commissioner Balch: Quick question about the noticed radius. So 300 feet is what we're currently doing for minor CUPs right now or is it 500 feet?

Bonn: Minor CUPs don't exist in the code at all. For Conditional Use Permits we notice 1,000 feet because it comes to the Planning Commission.

Commissioner Balch: Okay, I apologize. I don't know where it fits in. So with my beekeeping application, what was the radius that that was?

Bonn: I believe beekeeping applications are also 300 feet or 500 feet, I'd have to double check but I don't believe they're a 1,000 feet. CUPs, because they specifically come to the Planning Commission, are noticed to a 1,000 foot radius.

Commissioner Balch: So I just ask, the 300-foot radius is basically consistent with what the City's doing at this level and then they have other level for greater radius is what I hear.

Weinstein: So it's a new process, right, so we're trying to figure out what is the appropriate radius to send notices out to, and the rationale here is that these minor CUP projects are routine in nature. They have typically standard performance criteria we can apply to them to reduce neighborhood impacts and so the net result of that is that there shouldn't be a lot of spillover impacts into the greater neighborhood and to us that's what supports a substantially reduced radius from 1,000 feet to 300 feet; 1,000 feet for CUPs to 300 feet for this minor CUP. But if you have comments on whether that should be expanded or detracted, we're happy to hear them.

Chair Ritter: Questions?

Commissioner Balch: So I guess the question is, right, given the current approval levels you have in the City, what are your radius levels now. You have 1,000 feet I know and we've heard that we don't want to reduce it to the statutory 500 feet required because it's basically a City process or a procedure forever that that is the radius we notice, right?

Beaudin: So I'm not going to be able to answer your question directly. The statutory requirement is 300 feet and so we here in Pleasanton have decided to notice 1,000 feet for CUPs. I don't know the answer on if we're doing 500 feet or 1,000 feet on Zoning Administrator level approvals right now. Kendall may know because she does all of the noticing for us. Do you know what the radius for the legal notice is?

Kendall Rose: If it goes to any type of hearing including Zoning Administrator, Staff Review Board, Planning Commission, or City Council, we notice a 1,000-foot radius. If it's an administrative level project, such as an ADR, we only notice the adjacent properties. Then we have 100, 300, and 600-foot radius projects such as outdoor dining, Christmas tree lots, large family daycares, and new wireless sites.

Commissioner Balch: There comes my adjourned challenge to which is, what is your radius of notice even in the new process in light of your current processes for staff and zoning administrator process or others, right, I would advise given the 1,000 feet has been told to me for a while that we need a consistent....and it doesn't need to be a consistent 1,000 feet but it's something that you're able to defend as your process.

Commissioner Nagler: Can I ask a question? Can you give us an example of....you point out that what you're really trying to cover are those items that currently come to the Planning Commission which are typically on Consent. Can you just give us an example of an item if you have one that came to the Planning Commission that was not on Consent but you would include in this definition of a Minor Conditional Use Permit? Do you know what I'm asking?

Weinstein: So we're in the process of going back now and reviewing all of our CUPs that have gone to the Planning Commission over the last several years. We've only gone back a couple of years at this point so I don't think we have a great list of the breakdown for different CUPs. But what we're talking about here are uses like arts and crafts studios with more than 20 students on site at any given time. These are often uses that are looking to locate in retail centers but there's already lots of activity. Generally speaking, the times people are coming to these sorts of uses are metered, right? There's not a huge outpouring of people at 5:00 p.m. or in pouring at 8:00 a.m. so again, they're routine uses that generally don't have a lot of spillover impacts.

Commissioner Nagler: No, that's fine. Here's why I'm asking the question and to be thought about, is what you are proposing are minor things just like you suggested, but the issue is really what might be outliers. What might be those things which would be included in the definition that is ultimately adopted for a minor CUP but which in fact is that two percent of the applications which ought to maybe have a public hearing.

Beaudin: Can I just say from a procedural perspective, anything that comes in as a minor CUP can always...you know, if it starts to generate a lot of neighborhood interest, if it starts to generate a lot of concern even at the staff level, it will be pushed to the Planning Commission and it will be still called a minor CUP but it will be reviewed here and ultimately everything is appealable as well. So if we make a decision that's questioned by anyone, they come forward with the appeal and it comes to the Planning Commission as well, so there is a check in the process both on the front end and on the back end.

Chair Ritter: I can think of two tennis courts.

Weinstein: And from the Planning Commission, all I'm saying is either the Planning Commission or the City Council could pull items as well that would be listed on our report that would be published and included in your packet as well.



Commissioner Brown: Would they still be charged the \$750 versus the \$3,000 in that instance?

Beaudin: The lower fee, whatever it is set at, would apply.

Commissioner Balch: And the other element to that is obviously if it gets pulled up you have to re-notice if you're not 1,000 feet.

Beaudin: We would. We would do that for a hearing.

Commissioner Balch: Okay. To Commissioner Nagler's comment, when I read this I kept thinking Zoning Administrator type actions and so what does this do that that's not providing you that this whole new group is here?

Beaudin: Yes, it's the cost and the amount of time that goes into it.

Commissioner Balch: Just because it meets the criteria of a conditional use, right?

Beaudin: Right, and so the amount of staff review and the amount of lead time we need with the application is much less and the cost is significantly less. This would be reflected in the Master Fee Schedule knowing that the zoning ordinance update was coming, and so we pegged it at \$750 versus \$3,000 for the CUP. So it's an easier hurdle for someone who's trying to establish a business that we've seen established a number of times in the community and then the timeframe is on the order of months and not weeks in terms of time savings just because of the hearing process and the amount of staff work that goes into a standard use permit.

Bonn: Maybe the other point too is that this is a new process and you know, I'd be the first to admit there's probably going to be some uses that should be included that aren't and maybe vice versa, so at some point it's going to take some self-evaluation on staff's part to say, is this really achieving what we want it to or you know, is it really doing what we intended to. So there's probably going to be a check at some point to see if it's actually accomplishing the goal.

Commissioner Balch: So on that note, if you find that it's catching too many or not catching enough, how do you amend this given you're asking for a zoning amendment, right? Is there flexibility in how you've written it that you can exclude more?

Beaudin: We'll come back. It'll be a public hearing process and we'll probably call it "Zoning Ordinance Cleanup Number 1" and that's just what happens when you take something 30+ years old that really hasn't been comprehensively looked at in a period of time. I was telling staff that when I've done this in other communities that that is the process, and you probably pick a date frankly as staff from the day it's adopted and you say six months from now we're going to evaluate what we've seen so far and then you'll do it again in six months and probably again in another six months. And we may be back with you in six months or 12, but I can guarantee you that within the first year we'll be back with a list of things we need to make further adjustments to.

Commissioner Brown: What was the justification for the 10 days for minors given that it sounds like you're shortening something that could say take a month or two months? You've shortened it down to 10 days, is that enough? My concern is people go away for a week and it takes three days to get the mail, etc., etc. So 10 days to me is a little short. I mean you're drastically improving it for people. You lower the cost of the fee which is great and you're going from months down to 10 days which seems a little short. Was there a justification for the 10 days or is that up for discussion?

Bonn: It's certainly up for discussion. The thought process there is that it's sort of a middle point. So we have some administrative processes that require a seven day noticing period so it's even shorter than the 10-day, and the other factor is the appeal period on the tail end and on the front end, the time it takes for staff to be able to send out the notices. We typically have to work with applicants a little bit before we're prepared to send out the notice to surrounding neighbors so it's not necessarily day one. I mean, if it's a great, clean, perfect application and it has everything we need then we can send the notices out on day one, but what happens more often than not is that there's something that needs to get clarified or we have to work through some topics of discussion and it's a little bit of time before that notice can go out. So like I said, it's certainly up for discussion. It was sort of maybe the middle ground. The minor modification process that we have now is a 10 day noticing process.

Commissioner Brown: Okay.

Commissioner Balch: Could you repeat that? The zoning administrator actions are a 10 day process right now, right? The intended notice period?

Bonn: So for a PUD where's somebody is proposing to modify the PUD, we call it a PUD Minor Modification. The notification for that is a 10 day noticing.

Commissioner Balch: Sorry. I misheard, but thank you.

Bonn: So we've touched on a lot of the information that's on this slide already with the types of uses that would be subject to a minor CUP. What I do want to bring your attention to is the first bullet point. The draft of the zoning code update that you received includes a proposal to include non-retail, non-restaurant, first floor uses along Main Street to be subject to this new minor CUP process. Staff has heard from the community and we have done some outreach efforts and at this time, we're proposing that to be actually tabled for discussion until the Downtown Specific Plan update is well underway, thinking it's more of a policy discussion and more appropriate for that forum rather than the zoning code update. So that's why it's in grey on this slide because we are proposing to step back from that

Commissioner Allen: A question on that, are you moving to the next slide?

Bonn: Yes.

Commissioner Allen: Okay. On the second item on students—would that apply to a tutoring facility that had an outdoor playground area? And I'm thinking of the Raley's situation that we had where it was kind of a school and it was going to have a

playground or outdoor meeting area and we ended up saying the outdoor area was an issue because of the resident noise issue. Would this apply or not?

Weinstein: It wouldn't as we've currently crafted it. So, and another issue—tutoring heritage schools are not included on this list of minor CUPs or projects that are eligible for the minor CUP process. And the project behind Raley's or in the Raley's shopping center—that outdoor play area also required a Design Review application to go along with it as well. It was a new outdoor use so it went through an entirely different process as well for that outdoor play area, although we combined the CUP application and the Design Review application together.

Chair Ritter: If it wasn't a play area it would have been a Minor CUP, correct? The Raley's one we're talking about.

Weinstein: Right.

Commissioner Allen: That's what I'm leading to. Would this be some kind of tutoring center that had some outdoor area? And the reason I'm asking is because the noise ordinance does not measure human voices and yelling and screaming, so that wouldn't help with the situation and so that's why I'm asking about that outdoor area.

Weinstein: So for schools like that, you need an outdoor area so there would have to be another process involved.

Commissioner Allen: So would any of these potentially have an outdoor area that you're proposing or not? Or, if there was an outdoor area we'd say...

Beaudin: ...if they did they'd be in a separate process.

Commissioner Allen: Okay, thank you.

Commissioner Balch: Can I follow up on that? So, two other examples I want to just ask....so the coding school that went in down by the Safeway area, as I recall it went through a Zoning Administrator action to change its PUD which was a Zoning Administrator and then it could go through this process, so both levels would hit staff-only approvals, correct?

Weinstein: That's right.

Commissioner Balch: And it would have been on our Consent Calendar. It was a Consent Calendar item.

Weinstein: Right.

Commissioner Balch: Okay, next one. The Tri-Valley Korean School that just went in at Valley Business Park, there was a minor PUD mod at the staff level to change the hours of operation allowed on weekends because there was a prior PUD condition 43 as I recall that limited outdoor use on weekends. That went through but then it had to come

to us, but it was a full blown hearing. Was that because of community outreach or would that have qualified?

Weinstein: We just decided to do that particular one because it was a slightly more complex CUP than the permits that usually come through the planning division and also to give Jay some exposure to the Planning Commission.

Commissioner Balch: Couldn't it have been a minor CUP?

Weinstein: So if my recollection is correct, that was a private club. That was the use category and that's not part of our list of uses that are eligible for minor CUPs. Under our current proposal it would not be eligible for a minor CUP.

Commissioner Balch: Let me phrase it another way. That club, if they would have come in and say they were a chamber orchestra music facility could they have been a minor CUP?

Weinstein: Right, if they were just simply a music academy, but as part of the application review process we look at proposals and we ascertain what use the applicant....

Commissioner Balch: ...Let me tell you what my concern is, right, so here's what's happened with that particular one. Staff level approval of a minor PUD modification which modifies conditions set by this body to allow uses outside of a designated time block. It was a condition of the PUD right? Then you move forward 25 or so years and so we do a staff level, Zoning Administrator approval to modify that condition and then come sometime you could do a minor CUP and have a chamber orchestra in an industrial area, a light industrial area, which may be considered an incompatible use but yet all approvals are at the staff level. It is similar to the coding school. Both could have been at staff level under this process. Does that concern you?

Beaudin: Can I suggest....I think we need to establish a better list of uses and a more concrete list of uses for the minor use permit process and here's just frankly what happened. We looked into all of the CUPs over the last couple of years and we couldn't find any that fit really well into this category so far so we're going to cast a wider net and see which uses may not fit and ultimately, this minor use permit concept just might not have a use that fits there right now. We committed to exploring this idea because what we hear a lot of times is that the CUP process is too onerous but it's hard to have a conversation with you tonight in a really meaningful way because we don't have a list of uses we'd like to put into that bucket and create that streamlined process for, and I think your question, Commissioner Balch, is valid except that we're not even sure that a use like that is going to end up in here. I think we've got some uses we think could work but the 20 students is a lot depending on the size of a shopping center and I think if you think of a music school, maybe it's two rooms and they have up to five kids on site at any given time, maybe that's a different scenario than 20, and 20 might work at a site that has a 200,000 square foot office complex so even just putting the number of students in here gives me pause.

Commissioner Balch: Maybe where I'm also going and I hadn't gotten there during question time, is does age play a factor. I was an applicant which I lost horribly in front of the Planning Commission which is actually what got me involved in city government whereby the age of the 20 students was approximately 8-10 year olds. So it was really a day care trying to produce itself as some other use because it couldn't get into an approval route that it wanted to do and the applicant's position at the time was basically then, well code enforcement will have to come get me and we know how over-the-board he is. And it's such a...why I'm talking up this particular one with the chamber orchestra, you know, yes it was a private club and that's a valid point but a slight change in the narrative and it's a music facility, right?

Beaudin: So I'll say that again, I think the uses we identify for this have to be a lot more concrete so you can have a real conversation and then, you know, for the games that people play, I mean I've seen people play all different ways right? You write the narrative for the project, you get your approval and suddenly it's something else. That's just kind of the nature of the game that some people are willing to play in the communities where they want to operate. They fairly quickly get identified and they become problematic and then they're essentially removed or they get through the right process and they get the right approvals and some people do it by accident and some people don't, and so I don't want to write the regulations around the folks who are going to try and circumvent the process because they'll always exist. So I think getting the right uses and trying to set up a framework that allows us to be successful to help people efficiently get into a space is the right mindset, but I think it needs to be more concrete to help you decide if it's right.

Commissioner Balch: I have no further questions.

Commissioner Nagler: So let me just say in this context, I know you want to....but let me just say, the idea of coming up with a category of CUPs that are so minor however that's defined and so routine however that's defined that it ought not cost the applicant as much time and money and need not take the time of this Commission is a laudable goal. How you get there is the point you're raising, but I just want to make sure it's clear that it's a laudable rule.

Commissioner Brown: Why not just make it permitted?

Beaudin: Because there are certainly uses that fit the laudable goal definition that Commissioner Nagler just mentioned. They become routine but they still need the clarification and they need a set of parameters that help them operate in rules that don't affect their neighbors in an adverse way. It's largely about neighbors. There are some things that are community-wide but that kind of elevates it. It's really, if you're in a business park or a business center or you're even in a residential area.

Commissioner Brown: So one other question is, are there two levels of CUPs today in terms of....do all CUPS have the same fee? Or, are there other CUPs?

Beaudin: No, there's one CUP application process and you can do modifications or approvals that cost less...do you have a master fee schedule? Or do you know off the

top of your head? If we were doing a modification to a CUP do we charge the full rate or is it a....?

Bonn: It's usually a new cost. We usually do substantial conformance. The Director of Community Development can determine it's in substantial conformance to the CUP. The Director can also discern that it makes certain slight changes to the proposed use or if the Director deems it's substantial, then it comes to the Planning Commission.

Commissioner Brown: I meant a new CUP.

Beaudin: Yes, it's a fee for a CUP. If you need it, you pay the fee and you get in line with the other folks who need to come to hearing.

Commissioner Brown: Thank you.

Chair Ritter: Keep going Shweta, you're doing great.

Bonn: I think we're getting close to the end. Right now the Administrative CUP process is unique to Chapter 9.22. It applies only to recycling facilities. These are the mailbox style, kiosk style enclosures that you may have seen in a lot of parking lots around town. This is really just for simplification purposes. Instead of having an Administrative use permit process on top of a minor CUP on top of the CUP, we're proposing to delete references in Chapter 9.22 to the Administrative CUP process and we're replacing it with another very streamlined administrative review that's called a Temporary CUP. So it's strictly just for cleanup and simplicity not to have too many CUP processes outlined in the code.

Commissioner Balch: Are we eliminating the CUP process or are we just rebranding the CUP process?

Beaudin: This point is a hard one. There's just too many use permit names out there. So the Administrative Use Permit has to do only with recycling facilities in our code right now and when you start to have a minor use permit and an administrative use permit and a temporary use permit, there's just too many use permits along with our standard CUP. So what this does is it eliminates Administrative CUPs and rolls those particular uses into the Temporary CUPs.

Commissioner Balch: But all the criteria, all the conditions, all the applications are all the same.

Beaudin: Same thing, but you do have to come back and ask. The temporary use permit is good for 12 months and so you're coming back and you're re-upping, and those are the kinds of uses we want to see people re-up on because sometimes they just get left behind and forgotten about.

Commissioner Balch: There's just a recycling use permit for the city.

Beaudin: Yes, it's a marginal...it's probably a loss for us by the time we do the paperwork.

Chair Ritter: This is the third time I've heard this presentation but it's actually good because I'm looking forward to hearing, I think Pam might talk about the Permit Pleasanton Open Counter, so what we're trying to do is get all of our data in line so it fits in this great tool that's logical as an applicant comes and that's where we're going with this, so we've got to get through this so we get on to the next step. That's why I'm trying to keep us moving.

Bonn: So lastly, I think it's substantively that determinations of CUPs is not listed. Right now, this section of the code specifically calls out the Planning Commission or charges the Planning Commission with that responsibility but in practicality when people come in with new ideas and new concepts, the Zoning Administrator makes a determination for a use that may be similar to a use that's already called out. This really just makes it clear that that's possible and feasible.

I alluded to this earlier—we have done some public outreach recently so EVC heard this topic on the 18<sup>th</sup>. We've been to the Chamber, Downtown Vitality Committee heard it last week, and we're obviously here tonight and planning on taking it to the PDA Board in September. So overall, staff feels that the proposal makes the code more navigable, transparent, more accessible, there's the Minor CUP process and the protections against potential land use and compatibility are still in place if not strengthened in some instances.

So in conclusion we've identified some questions to guide the discussion of the Planning Commission. These were identified in your staff report. The last one, again, and you're welcome to discuss it if you'd like but it was really intended to focus on the first floor non-retail, non-restaurant uses so again, we're proposing to table that for now and the first 3 really deal with the meat of the rest of the proposed amendments.

Chair Ritter: Great. Should we hear from our resident before 6:00 a.m.? Brad Hirst. Thank you for staying late and we value your opinion and you have five minutes.

#### **THE PUBLIC HEARING WAS OPENED.**

Brad Hirst: Thanks for taking so much time going through the line by line. Let me say first of all that this is a huge, huge step forward. The staff is dealing with the same zoning code that I dealt with in 1969. Things change. Gerry probably has a better handle on the importance of the zoning code than anybody that's been in City planning since 1969 that I know of, so he is in my opinion really guiding you in the right direction. And the right direction is to simplify and save time. It's going to save the staff time which in turn directly affects the City budget which is kind of important. It's going to save you time. It's going to save property owners time and very importantly, it's going to save business owners time who want to get in. So saving time is hugely important.

With that, there are a few other things I would like to say. Just for historical information, the 1,000 foot notification came about because the City used to follow the state statutory requirement of 300 feet and then around 1970 people obviously were never notified. They get 25 different cards but they never got a notice, so the City Council at that time said okay, we'll go 500 feet. Well, the same people still weren't getting notified so they went to 1,000 feet. So that's really how it happened was because people said they never got notified. So that's just for historical information.

One thing I would like to mention that Commissioner Brown brought up about the time. The two categories of people that are not being considered in those comments are the property owners and the businesses that want to locate. It may not seem like much time to somebody at the City if they have to wait 60-90 days to find out whether or not a business can locate, but if you own a vacant property on Quarry Lane or you're a machine shop trying to lease that property on Quarry Lane and you have to wait 45 days, that makes a big difference. A classic example in Pleasanton is the Kolln Hardware Building. It came within less than three hours of being foreclosed on by a bank because they didn't have a tenant. Fortunately, Community Bank stepped up, made them the loan and time went on and they could sign the loan with the bank. And speaking of banks, I would like to just mention to you that when you see a lot of banks in town, do you know what that means? There's a lot of money. There's a lot of money. I was in downtown Lodi one time and I couldn't figure out how many banks there were. I did a little community research and I found out why there were so many banks in downtown Lodi. There was a lot of money there.

Okay, having said all of that, I'm not taking up all of my 5 minutes which I appreciate. I would like to, and I think that all of you probably have gotten the email that I sent in and just to paraphrase a couple of things, I would like to encourage you not to delete the LI professional district. Maybe you could do some consolidating into IP, but the reason—I think there are a couple of LI districts now; one on Sonoma Drive and one on Old Santa Rita Road. I think those are both LI....well, Santa Rita might be IG, but IP is an industrial park. When you're dealing in LI, you're usually dealing with one or two parcels of property and it frankly is kind of ludicrous to do a landscape plan with botanical names for a machine shop and that's what's been happening. So anything you could do to speed up the process would be good, and I would encourage you to make cell sites permitted uses in all of the commercial and office districts. Julie Harryman did a cell site ordinance and brought us into compliance with federal law and I can assure you that there's going to be a lot more cell sites in the coming years. We're just scratching the surface. Data transfer is the elephant in the room. There's going to be more and more of it. There's going to be more and more cell sites that are going to be camouflaged. Flagpoles look a lot better than the fake trees, and things are going to get better, so I encourage you to do that and I would encourage you to find some appropriate districts for conference centers and event centers. There's going to be more of those. And I'll close with one final prediction. I-580/I-680 is going to change the face of this city more in the next 20 years than it has in the last 50 years. That's my prediction. Thank you very much for your time.

Commissioner Nagler: May I ask a question of him? Mr. Hirst?

Hirst: You can call me Brad. I'm still for 3-story parking in the civic center.

Commissioner Nagler: I know. We fought that battle. We did well on that one, thank you very much. So on your table or comments of the table, are there any particular ones here that rise to a higher level of importance for you that you want to highlight?

Hirst: I'd like to defer answering that question at the moment. I'm sure if I sat down and gave it some thought I'd come up with some. In fairness to staff, they just got those the



day before yesterday or maybe yesterday and I don't know if they can even read my handwriting which is a challenge, but I'd be happy to answer that question if I could....

Commissioner Nagler: ...Okay, an invitation to answer the question. Prioritize. Okay, thank you.

Hirst: Thank you very much.

Chair Ritter: All right, we'll close the public hearing and bring it back.

## **THE PUBLIC HEARING WAS CLOSED.**

Chair Ritter: Okay, let's go through the questions. Number 1:

### **Does the Planning Commission find the proposed land use categories acceptable?**

Weinstein: So just for clarification, we're talking about primarily the really broad categories that we used to organize the uses in the table. Under the existing code we had these long laundry list of uses, so what we're doing is consolidating them into these broader categories like office, business service, industrial, retail, instead of listing out every single type of retail use...candy shop, clothing shop, etc.

Chair Ritter: So I guess instead of asking that--Which ones do we not....?

Commissioner Balch: Are these on pages 12 and 13? Are these the ones we're talking about specifically? And just as a general comment on the table, I'm just horrible at remembering all of the definitions of the IP and I think you guys should rotate that 90 degrees and write them out frankly at the top of your table, like 'Commercial X' because a user....

Commissioner Brown: You read my mind. It's one of my points too.

Commissioner Balch: You know, and I think different cities have different secondary needs for commercial that I work with, so which one is this city's versus a different municipality does matter and it makes it a little easier. It's a little complex, but I think the question I had is 12 and 13 you're asking about, right, Mr. Weinstein?

Weinstein: The best place to look is the attachment actually. It's Table 18.44.080.

Bonn: It starts on page 22.

Commissioner Allen: 22?

Commissioner Balch: I know that but where does this conversation come up? This is page 12 and 13.

Weinstein: Number 2.

Commissioner Balch: Okay, I'll move on.

Commissioner Allen: Okay, retail I thought seemed good. Are we together? All right, so I was comfortable with collapsing the retail and I thought it made sense. The one that I was a little concerned with was on the personal services that got collapsed. As I look there are a lot of personal services and I see personal services in two buckets. There's one kind that would be the potentially nuisance services and that could be massage parlors, maybe adult entertainment, maybe a child care center with an outdoor area. Those could be nuisance related personal services that today are generally conditionally allowed where they're allowed, and that is contrasted with the other personal services like beauty salons, or the general personal services you think of, and most of those where they are allowed are permitted. So my thought is we need to be careful about that category so we don't end up permitting things that might be general nuisances potentially and have two buckets under personal services.

And my final comment is, I do like the way you....and this is back to retail, I do like the way you broke out retail into the under 60,000 square feet and the over 60,000 square feet. In general, I like that concept but I noticed that you only excluded over 60,000 feet. I'm in the detail on this one, but on the over 60,000 feet retail like Safeway or Home Depot, you said they would not be allowed in CN. They were excluded from CN. I would propose they also be excluded from CC or downtown for two reasons; one I don't think we have a lot of space downtown and I'd rather see it be used for pedestrian vital retail and/or residential where it's appropriate and not be a big Safeway. I'd rather see a New Leaf Market or a smaller kind of boutique Gene's Fine Foods downtown rather than a Safeway or a Home Depot because we have a very limited amount of space. Let's really maximize it for a vital pedestrian area. Those are my comments.

Commissioner Nagler: Clarification on that, right, so you're saying the greater than 60,000 feet permitted?

Commissioner Allen: No, be excluded.

Commissioner Nagler: Oh, I see, removed conditionally.

Commissioner Allen: Just so we're all looking at the same thing, what table....

Beaudin: Page 22, Table 18.44.080.

Commissioner Nagler: So to your point Nancy, look on page 23.

Commissioner Allen: Okay, I'm on page 23.

Commissioner Nagler: And there are those personal services listed.

Commissioner Balch: Could we go by section rather....

Commissioner Allen: It says 2,000.

Commissioner Nagler: I'm sorry, continue....

Commissioner Balch: Maybe I could suggest we go by retail and then we move to page 23 and go by personal?

Chair Ritter: We've got an hour to go through 4 questions and how do we do this most efficiently? That's what I'm asking. So staff, what do you really need from us is I guess what we need to know.

Weinstein: Commissioner Allen's comment was really helpful. I think if you have problems with any of the categories, then let us know.

Beaudin: This isn't your only opportunity. We will be back, so if you're looking at this two days from now, send us an email and we'll keep iterating on this as we take it around and show it to other people as well and when we come back, we'll try to capture all the changes for you in a staff report.

Chair Ritter: Just like Brad did with his email.

Commissioner Brown: Before we move onto the 60,000, when I looked at Table 1, approximate square footage of retail venues and I looked at the size of Lucky's, Macy's, Safeway, both the Pleasanton Gateway and Amador Center and when I think about the Johnson Drive EDZ and the Measure MM or whatever it is coming up in the fall, that's set at 50,000. Would 50,000 not be a more appropriate number based on the examples in Table 1 versus 60,000?

Weinstein: One of the authors is sitting in this room right now, he'll admittedly say that you know, 50,000 square feet is a somewhat arbitrary breakoff in terms of regulating uses above that differently than regulating uses below it. So again, we're open to different suggestions on the appropriate square footage for the breakoff, but in looking at uses here in town that exist right now, it seemed like uses above 60,000 square feet had slightly different use patterns than uses below that, but the breakdown could be anywhere really; it seemed like 60,000 was about the right number.

Chair Ritter: So a question. You came up with all of these. Is there some city that we're mimicking that's done it really well that we're trying to figure out how it works best?

Commissioner Balch: No, that's why we're here.

Chair Ritter: Okay, let's make it better than the other best city. How did we start with this? That's what I'm.....

Beaudin: ...Maybe I'll just try and pull back to the definition of you know retail and larger footprint retail. We've done a lot of work with Amy Herman Economics as part of the Johnson Drive work and she's been really helpful in terms of characterizing different scales of a different size of retail footprints and what that really means in terms of actual vendors. I don't have her table with me tonight, but I would say that anything 80,000 and larger is large footprint retail. That's a pretty common threshold and it's used both in planning terms and by economists to define "big box" and so I think what we said is the scale and character of Pleasanton is a little bit different and smaller than elsewhere, and

so we pushed down to 60,000 using this table. So that's where we started. It is a start and we're happy to adjust it, but we think 60,000 is appropriate.

Chair Ritter: So my question was a little higher level. All of these, from energy to government to educational, how did we come up with all of the broader categories? Did this come off of a template that Open Counter created for us or is it a template we created based on the past history of use?

Beaudin: Shweta and Adam and I appreciate Mr. Hirst's comment about my involvement, but really this is an effort that we've been looking at best practices, and it's the "Royal We". Everyone that's still in the room here tonight has been looking at best practices for the zoning code so this is an effort that's usually undertaken with consultants and what we thought is, let's go out and look at the latest and greatest examples of zoning code updates that have been done and Shweta did that legwork to make sure we were starting with a framework that's commonly used and successfully used in other jurisdictions. So the broader classifications you see here and some of the grouping that's been done as well as some of the definitions we included are all coming from what we would call best practices for zoning.

Commissioner Nagler: Could I ask a similar question. On the specific listing of uses under the broad categories, does that reflect what the community actually is? Or, does it reflect sort of a general template of categories that appear in zoning ordinances. How did you come up with that particular detailed list under the broad categories?

Beaudin: It's really all of the above. It's taking what we see in Pleasanton and it's consolidating into terms that are commonly used in cities to regulate land use. And so, what we try to do is create broad enough categories to have an umbrella over the range of uses we expect to see in Pleasanton without being overly broad because we didn't want to kind of invite new permitted uses without thinking them through. And so, do you want to add to that Adam or Shweta?

Weinstein: Yeah, I mean, Shweta talked a little bit about some deletions like the famous one is Blacksmith, right? So we're getting rid of blacksmith as a specific use but in fact that is actually now encompassed under a different or broader category. It would be under the industrial category, so it's not like we're getting rid of blacksmith uses or other uses that were struck from the list, we're just making this list a lot simpler in the form of this table.

Beaudin: And actually I say this in a lot of presentations. It was actually difficult because we had a blacksmith in town. You know there are probably folks who would really appreciate that and metal work and things like that.

Hirst: We had hitching posts until the 70's.

Commissioner Allen: Okay, so where are we?

Commissioner Brown: We're still on retail.

Chair Ritter: Do we want to just go through each one?

Commissioner Balch: You're back to my initial suggestion.

Chair Ritter: Well, we've got until 11:30 p.m.

Commissioner Balch: Honestly, I don't know what qualifies us to say that laundry ought to be included or not included. You're sitting on the Planning Commission. What do you think your job is?

Chair Ritter: I don't want to rule from the dais. Staff's made the recommendations. What have you heard or what's changed from your outreach of things that should be changed? Or have you already made the modifications?

Commissioner Allen: Are we copping out by asking that?

Chair Ritter: No, I'm just trying to get .....

Beaudin: To be honest, no one's gotten head long into the long list into uses. People have generally appreciated the broader categories. I think that the comments tonight and if there are others like it, you know, with personal services or, you know I think the other....

Commissioner Allen: ...the 60,000?

Beaudin: ...the 60,000; that was a great comment and we can continue to kind of bolster those kinds of decisions.

Commissioner Balch: Let's go by section if I can recommend. I want to touch on the 60,000 myself, so I recommend we go by category.

Chair Ritter: So we're doing retail.

Commissioner Balch: Right, retail. So for my 60,000 and I definitely agree with staff's recommendation that there's got to be a larger group and kind of the smaller group. I challenge that in how you're going to craft that because I think of the list you provided in Table 1 which is excellent to demonstrate it, and I think of a Ranch Market or I think of if a Whole Foods was on this list, and the traffic generated from them. Or, if you simply look at the two Safeway's, right? The Safeway on Amador Center versus possibly the Raley's or the other Safeway, just where it's at in town and the artery streets and kind of how that sits, it's a challenge for the Amador Center Safeway much more so than others by the way that retail center is laid out. So, you know, if you think of the old Nob Hill which is now the Wal-Mart Neighborhood Market down the street and it's just a different feeling shopping center because of the retail center itself. So while I agree there's two large categories, 60,000 is a fine starting point—don't get me wrong—unfortunately, there's probably going to be people below that but will generate more traffic and that's a concern. How you handle it I'm not sure, but I see that potential. I'll just say it like that.

Beaudin: So maybe there are three categories here rather than two....you know, it's hard because we've really tried to scale it down and curtail it, but for me there's retail that kind of fits into the typical downtown spaces, there's retail that might be what you

just described as kind of in a middle range that has the potential to generate some additional impact, and then there's things that we know at a different level and different scale and will necessitate a different level of input and consideration from the City. I think just hearing your conversation tonight has got me thinking a little more about a middle range that we might be able to put some additional scrutiny or public process around.

Commissioner Brown: One other possible thing you could consider if it has its own dedicated parking as delineation. So I mean, a center of stores could have their own dedicated parking which presumably is sized to meet the needs of that store hopefully whereas like a shopping center, it's going to share. It's going to be pulled parking. Anyway, it's just something to consider as part of that.

Beaudin: And typically when we see any kind of parking arrangement that needs a public process, it'll be here. It will be a CUP and we'll look at the whole thing comprehensively.

Commissioner Brown: Similar comments on 60,000, how did you arrive at the 11:00 p.m. definition of a bar? The reason I say that is on the weekend you mentioned to consider the kids and we ended up at the new, what I consider a bar across from...next to the old Stacy's. I forget the name of it...

Bonn: Pairings.

Commissioner Brown: Pairings. I mean, that's Pairings Cellars and that's actually a bar. We were there at 7 o'clock. I don't know what time it closes. I think it closes at 11:00 p.m., but I don't know. But, it just seemed that a retail business whose primary mission in life is to sell alcohol I think should be a bar versus something that stays open after 11 o'clock. I thought it was a bit arbitrary. That's just my own view.

Commissioner Balch: Especially in Pleasanton because not much stays open.

Commissioner Brown: Exactly.

Beaudin: So we're thinking that it's the current definition of a bar and there's no reason we couldn't adjust the timeframe. I think what we might want to do in that case and I'm not sure a bar is a conditionally permitted use or not.

Bonn: Yes.

Beaudin: It is a CUP? And so you can always adjust the hours in a CUP process.

Bonn: If I could just add too that the 11:00 p.m. was actually amended from 10:00 p.m. as part of the downtown hospitality guidelines so it used to actually be a threshold of 10:00 p.m. which was extended to 11:00 p.m. to encourage pedestrian activity and vitality in the downtown specifically.

Commissioner Balch: This might also be hard to bring up about the light industrial that the speaker commented out and reduction or removal of it, so given I am a building owner at Quarry Lane, you know, that business park is an old one and it is under a PUD

as you have wisely said. It is not in this zoning because it's just not needed. It's already got its PUD and it's already been here. But as I think about it, it does make sense, and in fact when we define it internally in my company we do define it as light industrial because that is a pretty synonymous term with what it's at versus what one would consider heavy industrial. Heavy industrial typically means you can do way more. It has heavy power in the area. Livermore has a very large, heavy industrial space near Greenville Road. You attract a different clientele from that area than you do to a multi-tenant light industrial, kind of almost mixed use, bordering on mixed use between that and other uses. I get that it might not be technically necessary yet, but we have that use. It's just hiding under a PUD umbrella in my opinion at this point.

Commissioner Brown: One thing to clarify, I mean, there was light industrial as a district and the comment in the staff report is that there's nothing zoned in that district and therefore we should delete it. Yet, when you go under definitions and you look at the table, light industrial is defined and it's within the table. So I guess my question as well was.....

Commissioner Nagler: It's actually in the table and we're deleting the table....

Commissioner Balch: It's on page 12.

Commissioner Brown: But it was defined on 18.080.15.

Commissioner Balch: It's defined, but if you look at the table....

Commissioner Brown: No, the top of the table is crossed off, LI as a district; however, if you look on page 24 under Industrial, it is defined there so LI is deleted as a district but it's still defined as a category if you're using the right terms under Industrial. Therefore, it showed up in the definitions on 18.080.015 and does that.....I have public comments about it, but I don't know if that satisfies Mr. Hirst's concern or not.

Commissioner Balch: But then the concern is that you might not like this medical office building right above it and it theoretically can't go in a light industrial area because....it's permitted in this case obviously, but industrial G or an industrial park, right?

Weinstein: So what we're saying is that we think it's okay in the absence of any LI districts in town; we think it's okay to delete them from our zoning ordinance because light industrial uses are allowed in other districts, right? We don't need that LI district anymore to accommodate light industrial uses because light industrial uses can be accommodated elsewhere, so that's the concept here. If we think there's a need for LI districts, we'll need to rezone existing districts to that district so that would, in itself, require a rezoning, I just want to point that out.

Commissioner Brown: I was confused at first, but I'm okay with what you did personally.

Commissioner Allen: Me too.

Chair Ritter: Okay, any other comments on the categories?

Commissioner Balch: I do like it.

Commissioner Brown: I don't know where it fits in these questions but the....on page 8 when you have, the planning division occasionally receives requests from prospective owners opening a business type which is not specifically identified in the zoning code as a permitted or conditionally permitted use, you're essentially suggesting that the control moves away from the Planning Commission and goes to the Zoning Administrator unless they feel it's necessary to bump up. I'm not sure if I'm particularly comfortable with that.

Beaudin: We're looking at people who own property in the room, so when you come in with a business what happens right now, and I feel comfortable saying this publicly because I've only been here for a year, for years what's happened is the Community Development Director or Zoning Administrator, someone at the City has been deciding...if somebody comes in and says I want to put in a laser tag facility, that's substantially similar to an indoor community recreation use or an indoor public recreation use and those uses have gone forward without coming to a broader public hearing with a staff report explaining the rationale for that. I mean, this is the first time that I've seen a City have it come to a public hearing to make those kinds of determinations in the code and just practically it hasn't happened that way in a very long time. And so what we're trying to do here is just daylight the whole thing. These decisions get made all the time. People come in and try to figure out whether their business works or not in Pleasanton and then somebody makes the call that it's substantially similar or not to an existing use. And in the case of the categories, you couldn't leave everything as vague as: let us take it to the Planning Commission to make sure it fits into one of these broad categories. It just wouldn't work for us. It's just like too much glue in a process that's already cumbersome.

Commissioner Balch: Having been a person who just did a PUD Minor Modification for the business park that I mentioned in town in 2014, you know, it amazes me the number of uses we have explicitly and painstakingly detailed out that just are burdensome to even find out if you can facilitate anything. And just a few nuances in your use versus that can cause such delay for nothing. So I know this is going on and I personally think it's got to make the process work, and I think the nuances....the business park that I'm talking about is 40 years old or so, or getting close to it, and it has smelting on it. It has the blacksmith. It has some of these uses that are permitted uses and to get that off in this case a PUD Minor Modification, and that's where I kind of come back to this. When I look at this, I think this is much better, and that's why a Minor CUP process that we kind of shot holes in a little bit earlier, I do want to say I support the idea as he was saying, how do you get that segue to do what I'm going to say which is, I don't want it to be a serial approval. And what I mean by that, like I mentioned earlier, I don't think a serial approval of a Zoning Administrator action to change a condition and then on top of it a Minor CUP mod to get it through staff level at both levels, I don't think that should be allowed. I think that is where just like on Brown Act items, how is a serial meeting conducted? How is serial approval conducted? So you get one and then you get your second without going up again, that's where I get concerned more so than trying to clarify laser tag is the same as indoor recreational. I hope staff understands what I'm trying to point at.

Beaudin: Can I paraphrase that a little bit just to make sure I'm clear? So what you're saying is, if you need to amend a PUD to enable a use and then a couple of weeks later



you need to do a CUP for that, what you're saying is you need maybe a Zoning Administrator approval for something, your concern is that you get an approval which kind of is the first domino in what you need to get to the end and that's happening maybe not as publicly as you would like. Is that the concern?

Commissioner Balch: Don't get me wrong. We see it because we see Zoning Administrator actions, and the one I have is the coding school. Not that we said 'no' to the coding school at the Safeway there on Bernal, right, but that one had and correct me if my memory is incorrect, as it is late in the hour, but the PUD for that had a PUD Minor Mod the first time though. That got approved at the Zoning Administrator level and then they came in for a CUP which is a very minor CUP, very customary, which was a Consent item. I would like to see that because that means one of those is coming here.

Beaudin: I understand, and you will continue to see those things. What happens in those scenarios is, essentially, there is a decision made to allow a particular use even if it's a conditional use. It still has to come to hearing, but what you're essentially seeing is step 2 when step 1 was really the enabling act on that use.

Commissioner Balch: When we put in place the Minor CUP process.

Beaudin: Understood—you want to make sure the full CUP comes back in scenarios where things are....

Commissioner Balch: ...initially on the premise of a Zoning Administrator action. If no Zoning Administrator action is first, meaning you're just a Minor PUD straight up, I have no problem with that concept. I think the noticing that you do, and that was where we were talking about—I'm jumping around pretty good, but the radius of the notice and the time—that's where I challenge you to figure out what you can facilitate but not make too overly burdensome. I don't think I personally have a problem with the 10 and I do know that we could deal with it here knowing that you guys do excellent work to kind of keep us informed of that, but it's the serial meeting. At least that's my biggest sticking point. This we're kind of in with the Community Development Director basically doing similar uses—that I think is just the reality of a changing world.

Beaudin: Just to maybe clarify how that's helpful with some of these really old PUDs. We have a lot of Planned Unit Developments in town and when they have that established use list, what you find is that even if a use is really clear that that's exactly what you're doing there, it's just not defined that way in the PUD or it's got an old term or definition and to have to, by strict reading of the code, come to a public setting and say that's what it is, is something we haven't been doing and we'd like to get clarified in the code.

Commissioner Brown: I retract my reservation then, but with those types of examples, I'm good.

Beaudin: Okay. I'm sorry. I was trying to find a fun example. My other favorite is doggy day care which is a great example of a minor use permit where you know, you have to have your dog on a leash, and you have to figure out the dog waste. There's a whole

host of things that go with every dog day care application that you could probably, with noise and the right setting. So, as I think about other uses and things that we have to process in the City, I'm sure there will be a handful of uses we get regular requests for.

Commissioner Balch: I have a perfect example for you. So, business park again. It's an old PUD, very old, as I said 40 years as I said earlier, and it did not have the trades; trades being HVAC contractors, electricians, general contractors, as a permitted use in the PUD. This is the Valley Business Park. As a result of that every application was basically a minor PUD modification Zoning Administrator action here, and that delay, although they have been trying, it just doesn't follow current logic when you think about that business park and what its intent was. It's a 40 year old PUD and those uses were not in. So what we did was we did a broad PUD mod, minor mod as I said, to add the particular uses in a group versus the a la carte as the applications came. So it provided a lot of knowledge as to how this is working for the delays that these people saw because you're an HVAC contractor, you just want to store your material there and go install it at a person's house in Pleasanton. You are not allowed, either because of warehousing, right, without a retail element or you're a trade because maybe you were doing a little bit of sheet metal formation work in the warehouse area. You're running 2,000 feet and you've got to go and get a minor PUD mod, you know, to get in and let's say it does take 7 day or 10 day notice period....

Commissioner Nagler: ....Okay, let me just ask you this in your example, where specifically—because it's following the definitions, right....

Commissioner Balch: I already found out it was okay.

Commissioner Nagler: Okay, so how does this address that?

Commissioner Balch: So on page 12 when it talks about light industrial, contractors is just listed as contractors. It's on the third line from the bottom, and then you go over to here right, and you say, light industrial—it's a permitted use. Done. Right? I did it correctly, yes? And its things like as a business owner or property owner, it's things where the uses are uses that support our local economy with people who are moving into the Valley Business Park or other similar business parks here. Hacienda is a great example. You know they support here with the jobs and depending on their size, dictates how long they can wait, and I think the Minor CUP process you're proposing is excellent. I just don't know how we bifurcate out those versus others. But other than that, I think this is excellent.

Beaudin: And that's a good example. It's one of those no harm, no foul kinds of scenarios, right? You make a permitted use to do light industrial uses in a light industrial business park.

Commissioner Balch: But because of its old PUD, you're trapped up.

Beaudin: Right, and that's a major reason we're doing the work we're doing now. We were stumbling around on these and they take a lot of staff time, right? You start to write staff reports and you start to have the City Attorney's office involved and

everyone's looking at these things and we're saying they want to pre-fab some sheet metal in a large warehouse. It wasn't working.

Commissioner Nagler: So let me just ask a related question. Back to the point to Commissioner Brown raised—you've created for purposes for ease of administration the ability for the Director of Community Development....

Beaudin: I think it's the Zoning Administrator...

Commissioner Nagler: Staff level. It says the Director of Community Development but it doesn't matter. For community facility, financial institution, governmental facility, right? Governmental facility. Under personal service, the definition needs to stand on its own and be broad enough to encompass what would interpreted to be all personal services, right? So my question really is pretty straight forward. Why allow for the sort of in-office interpretation on one category, because some of these are pretty obvious right? You're an office business professional—that's pretty obvious. But, something like personal services back to Commissioner Allen's question—why would....you know what I'm asking? Why would that not be....

Beaudin: I'd actually rather pull out "as determined by the Director of Community Development" in the definition and have that as an over-arching possibility for determining the uses are substantially similar. I don't think you need to say that in the definition because most of our definitions say "including but not limited to" and so it's a redundant catch if you have a catch-all that says kind of the rules of use for the code that the Director of Community Development or the Planning Manager—however we want to put the responsibility—can make those kinds of determinations based on definitions.

Commissioner Nagler: Okay, that makes sense.

Commissioner Brown: The only other real comment I had was I was a bit confused when I looked at the definitions on page 12 and 13 from a numbering perspective. I assume you're going to clean it up because otherwise all these other definitions are under these convenience market—I assume that will be cleaned up. But, for consistency sake, you modified 18.080.375 on nursery schools. You kind of take out five or more, etc. but you left in the 13 or more at the bottom. I had presumed you were trying to come up with general descriptions of things without limiting them to certain numbers, but you took out five or more but you didn't take out 13 or more.

Beaudin: Because it's a state law. There's a threshold for large family daycare and so we were trying to get consistent with state law in that definition.

Commissioner Nagler: It's a licensing thing, right?

Beaudin: Yes, it's small family versus large family day care.

Commissioner Balch: Can I ask another one about that while we're on that page is the laundry plants that's still under light industrial. I was trying to look and I didn't finish it, but laundry plants versus laundromats. Laundromats can be considered retail? Personal

service? Where do you put a laundromat versus a commercial laundry plant, I would consider putting a commercial laundry plant instead of that because I know that a laundry plant is where the commercial cleaning of hotel linens and whatnot takes place versus the corner store.

Bonn: Yes, so maybe I can clarify that. So in the table on Page 23 there's actually a separate category for laundry. So laundries and dry cleaners are permitted uses in the commercial districts and that's really intended to address the coin machine single person type use of laundries versus laundry plants which are more industrial in nature.

Commissioner Balch: Okay, personal and general services. Okay, so the definition on page 13 should correlate to general services to include all these types of things, right? That's the concept we're working with.

Beaudin: Yes.

Commissioner Balch: Okay, not that a change is needed. I was just reading it. When I read personal services, I didn't know if laundromats are allowed in it because it is a little bit more unique and different given the nature of that versus the ones that are in that example. But, it's not....

Weinstein: Yeah, what we did, again, we were moving away from these long lists of uses and to replace those we had these broader categories and wanted to make sure the broader categories are useful so we felt like we needed to provide some examples of those uses in the definitions, but we didn't want to put every single potential use in the definition, so that's what you're seeing.

Commissioner Nagler: Also if I could just as a general comment, I appreciate the utility of going through the specific lists. The real sort of action though of this table is what's conditional and what's permitted, right?

Commissioner Balch: And what's out. Prohibited uses is anything not one of those two.

Commissioner Nagler: Right, and so I don't know...tonight is not the night, but I think that even though we're all supposed to use it, I think this conversation's been very illuminating and that what we all ought to take as assignments after the meeting is to go back to this table and review what is permitted and conditional, and as Mr. Hirst has done really makes specific recommendations about whether they're categorized properly because that's....

Chair Ritter: ...I think that's what Gerry was saying. Send them a note and let them know. I see bed and breakfasts. Does that include VRBO if people wanted to do that or Airbnb?

Weinstein: So VRBO's and Airbnb's and the like are sort of in a grey area in our code right now and are not explicitly listed as allowed so they are theoretically prohibited, but we acknowledge that Airbnb's and the like can be good things for our local economy so we're trying to tread pretty lightly on those right now until we have more resolution in terms of what our actual City policy should be. So we're dealing with them on a code enforcement basis as people voice complaints about them.

Commissioner Balch: So I apologize—you're updating the zoning and you're saying we're excluding looking at the zoning for this. What would be the normal process to kind of bring them in as a whole?

Beaudin: So cities are approaching this in all different ways, right? So right now it's conscience. We've considered it and we're keeping our hands off of it, and you know, the funny but real example is Ruby Hill used as a bridal shower or event center and that was shut down. It was problematic in terms of how that home was being used. So if there are complaints from residents about things happening like a house being rented out for VRBO, we're getting involved. You can go on those websites and you can see the options available in Pleasanton and we've taken a hands-off approach so far and it's been conscious. So if it becomes an issue in Pleasanton, I would expect it to come through the City Council work plan and it may even come out of this process if somebody wants to elevate it to that level. It does require a lot of study. There's a lot of legal time that goes into it and there are cities that are currently collecting hotel tax and trying to work that out. It's the larger cities who are doing that and there are a lot of cities who have taken a completely hands-off approach which is what we continue to do.

Weinstein: And just to be clear, we're dealing here primarily with commercial office and industrial districts and the VRBO's and similar shared self-rental type of places are in residential districts.

Beaudin: And I don't know if we said this at the start but we did break this into a number of phases. We've got a minimum of three pieces of zoning work to do and this is our first. So we'll come back with other modules and pieces of the code as we go. We really wanted to hit what we thought were some of the efficiency and really updated pieces of the code first and there's some state law issues we wanted to clean up as well, so that's what we're doing in the first round.

Commissioner Brown: And Mr. Hirst pointed out cell sites. Is that in here?

Beaudin: Julie's our expert.

Harryman: It's not. We have a separate wireless ordinance altogether so that's what would need to be amended.

Commissioner Brown: Okay, all right. I'm just being selfish. My cell always drops out on Santa Rita.

Chair Ritter: I concur.

Commissioner Balch: And commercial and event centers as Mr. Hirst mentioned, you're probably going to take a look at that?

Beaudin: We've got Mr. Hirst's email and we're going to make sure we address it as we go through the staff report process. I think Shweta characterized it correctly. You know, we've heard really...this is probably the strongest reaction we've had to our original zoning code and the reaction has been there's this fundamental tension between local government regulation, particularly in downtowns, but in general, and property owner

rights. And the feeling is that downtown ground floor is something unique and it's something very important to maintain vitality. We visited other jurisdictions recently. They've talked to us about some of the things they regret doing, some of which are putting non-active uses in on the ground floor and not being able to get them out. We've seen a few examples of that in Downtown Pleasanton recently so we did draft code language that does attempt to require a process for owners and businesses that want to put non-retail, non-restaurant uses on the ground floor. And the idea there was that it was a check, right? What kind of use are you trying to put into a ground floor space in a downtown and it was going to be the minor use permit process so it was quicker and cheaper but it was still a check and a public process and it let us vet it in a more comprehensive way. Pretty strong reactions on both sides and what we ultimately have come to the conclusion is that the Downtown Specific Plan update is probably a better conversation to have. This would have been a middle step if it gets taken at all, and so it's not off the table. It's up here tonight. You've got the language in the materials and we're happy to take comment on. If it's something the Planning Commission wants us to pursue, then it's on the table.

Commissioner Allen: So I will just say I totally agree with the other comments that are coming through. I was going to recommend that we take that off of the table and bring it in the DSP, not only just the item you mentioned in terms of ground floor but also you had some other modifications specific to downtown in your write-up on page 8. Those include an addition to the first floor. It also included a definition of multi-use, and I think we need to think about....because you say something about allowing multi-use or mixed use. And I think it's appropriate in the downtown to begin thinking about what is mixed use. Is 5% office or retail and 95% housing on a site? Is that mixed use? Are we together here? Gerry, do you follow me?

Beaudin: Yes.

Commissioner Allen: I think that whole question of what's mixed use, we really need to define it and define maybe one area downtown that might even have a different ratio potentially of mixed use than another. One could be more heavily residentially oriented mixed use and another one could be more heavily oriented commercial retail.

Commissioner Nagler: Or it could be that you're more granular in defining.

Commissioner Allen: Yeah, where it's important, where you'd want to drive certain pedestrian flavor or not.

Commissioner Nagler: So you have different labels for different....you know, like the Carey project across the street from City Hall versus....

Commissioner Allen: ....downtown Main Street.

Commissioner Nagler: Exactly.

Commissioner Allen: Right.

Chair Ritter: We probably ought to get onto the other agenda item here. I'm not sure we have a presentation if it matters.

Commissioner Balch: Did Shweta get what she needed?

Chair Ritter: Did you get what you need from us? I just wanted to keep us moving.

Bonn: Yes, I think we did, thank you.