

EXHIBIT A

Planning Commission Work Session Discussion Points

Draft Pleasanton Municipal Code Amendment, Case P16-1418

August 31, 2016

- A. Does the Planning Commission find the proposed land use categories acceptable?
- B. Does the Planning Commission find the proposed definitions acceptable?
- C. Does the Planning Commission find the proposed Minor Conditional Use Permit process acceptable?
- D. Does the Planning Commission find the proposed modifications specific to Downtown appropriate, or would it like to defer any of them until the Downtown Specific Plan process is complete?

EXHIBIT B
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:

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

	Zoning District								
Type of Facility	CR	CR	CN	<u>CC</u>	CS	CF	LI	IP	IG
	(m)	(p)							
Recycling collection facility, large							C	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**
- 18.12 Administrative Provisions**
- 18.20 Design Review**
- 18.24 Districts Generally**
- 18.28 A Agricultural District**
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Chapter 18.08

DEFINITIONS

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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)

Community facility.

“Community facility” means any of the following uses or buildings: place of worship, rectory or convent, museum, park-and-ride lots, or other similar use or structure determined to be substantially similar by the Director of Community Development.

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.

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, and other uses determined to be similar by the Director of Community Development.

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, 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, food processing, and vehicle/equipment services.

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, food processing, wrecking yards, building material manufacturing, chemical plants, concrete and asphalt plants, and freight facilities.

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 childcare 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))

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.

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.

Mixed-use development.

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

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, gymnasiums and health clubs, holistic healing centers, nail salons, hair removal and/or replacement, massage establishments, acupuncture services, tailors, and other services of a similar nature. Accessory retail sales of related products may also be sold.

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.

Retail.

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

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.**
- 18.40.050 Prohibited uses.**
- 18.40.060 Underground utilities.**
- 18.40.070 Off-street parking.**
- 18.40.080 Off-street loading.**
- 18.40.090 Signs.**
- 18.40.100 Design review.**

18.40.010 Purpose.

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

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

18.40.020 Required conditions.

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

18.40.030 Permitted 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)~~

18.40.050 Prohibited uses.

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

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

18.40.060 Underground utilities.

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

18.40.070 Off-street parking.

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

18.40.080 Off-street loading.

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

18.40.090 Signs.

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

18.40.100 Design review.

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

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~~ **18.44.070** Required conditions.
- ~~**18.44.090** 080~~ **18.44.080** Permitted and conditional uses.
- ~~**18.44.095** 090~~ **18.44.090** Prohibited uses.
- 18.44.100** Underground utilities.
- 18.44.110** Off-street parking.
- 18.44.120** Off-street loading.
- 18.44.130** Signs.
- 18.44.140** Design review.

18.44.010 Purpose.

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

- A. To provide appropriately located areas for ~~spaces 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; ~~commercial areas.~~
- 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 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, “TC” for temporary conditional use appears in the column beneath the C district:

<u>Use</u>	<u>CN</u>	<u>CC</u>	<u>CR¹(m)</u>	<u>CR²(p)</u>	<u>CS</u>	<u>CF</u>	<u>O</u>	<u>I-P</u>	<u>I-G</u>	<u>I-I</u>
<u>RETAIL</u>										
<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 establishments⁴</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: ^{3,4,5,6}</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>C</u>	<u>C</u>				
<u>With service</u>				<u>P</u>	<u>C</u>	<u>C</u>				
<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 re-treading 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>						

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, “TC” for temporary conditional use appears in the column beneath the C district:

<u>Use</u>	<u>CN</u>	<u>CC</u>	<u>CR¹(m)</u>	<u>CR²(p)</u>	<u>CS</u>	<u>CF</u>	<u>O</u>	<u>I-P</u>	<u>I-G</u>	<u>I-I</u>
<u>PERSONAL AND GENERAL SERVICE</u>										
<u>Art and craft studios, including 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 public⁷</u>	P	P	P	P						
<u>Birthing center</u>		C								
<u>Carpet and rug cleaning and dyeing</u>					C					
<u>Crematoriums, mortuaries, and columbariums, not less than 300 feet from an R district</u>					C		C			
<u>Fortune telling, palmistry, augury, and related uses</u>								C	C	
<u>Furniture upholstery shops</u>					C	C				
<u>Glass replacement and repair shops</u>					P	P				
<u>Interior decorating shops</u>	P	P	P	P						
<u>Kennels, and other boarding facilities for small animals⁸</u>					C				C	
<u>Laundry:</u>										
<u>Laundries and dry cleaners</u>	P	P	P	P	P					
<u>Linen supply services</u>					P					
<u>Music and dance facilities⁷</u>	P	P	P	P	P	P				
<u>Personal services⁹</u>	P	P	P	P			P			
<u>Recreation and sport facilities, indoor^{7,9}</u>	P	P	P	P	P	P		P	P	
<u>Rifle and pistol ranges, indoor, with or without firearm sales³</u>			P		P					
<u>Rifle and pistol ranges, outdoor, with or without firearm sales³</u>									C	
<u>Taxidermists</u>		P		P	P				P	

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, “TC” for temporary conditional use appears in the column beneath the C district:

<u>Use</u>	<u>CN</u>	<u>CC</u>	<u>CR¹(m)</u>	<u>CR²(p)</u>	<u>CS</u>	<u>CF</u>	<u>O</u>	<u>I-P</u>	<u>I-G</u>	<u>I-I</u>
<u>Veterinarian’s offices:</u>										
<u>And/or outpatient clinics excluding any overnight boarding of animals¹⁰</u>	<u>C</u>	<u>P</u>			<u>P</u>					
<u>Including outpatient clinics, small animal hospitals and/or short-term overnight boarding of animals¹⁰</u>		<u>C</u>			<u>P</u>					
<u>And/or small animal hospitals including operations not conducted within an entirely enclosed building⁸</u>					<u>C</u>					
<u>OFFICE / BUSINESS SERVICE</u>										
<u>Financial institutions</u>	<u>P</u>	<u>P¹¹</u>	<u>P</u>	<u>P</u>	<u>P</u>					
<u>Medical Office¹²</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>				
<u>INDUSTRIAL</u>										
<u>Heavy industrial</u>								<u>C¹⁷</u>	<u>C¹⁷</u>	
<u>Light industrial</u>					<u>P</u>			<u>P</u>	<u>P</u>	
<u>Microbreweries¹³</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>C¹⁷</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>P¹⁴</u>			<u>C</u>			<u>C</u>	<u>P</u>	
<u>Winery¹³</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>			<u>P</u>	<u>P</u>	
<u>CULTURAL AND ENTERTAINMENT</u>										
<u>Adult entertainment establishments¹⁵</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</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, “TC” for temporary conditional use appears in the column beneath the C district:

<u>Use</u>	<u>CN</u>	<u>CC</u>	<u>CR¹(m)</u>	<u>CR²(p)</u>	<u>CS</u>	<u>CF</u>	<u>O</u>	<u>I-P</u>	<u>I-G</u>	<u>I-I</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>Theaters and auditoriums</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>					
<u>OUTDOOR USES¹⁶</u>										
<u>Airports and heliports</u>									<u>C¹⁷</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 depots¹⁸</u>		<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>				
<u>Car wash:</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 title¹⁹</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:²⁰</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>	

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, “TC” for temporary conditional use appears in the column beneath the C district:

<u>Use</u>	<u>CN</u>	<u>CC</u>	<u>CR¹(m)</u>	<u>CR² (p)</u>	<u>CS</u>	<u>CF</u>	<u>O</u>	<u>I-P</u>	<u>I-G</u>	<u>I-I</u>
<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>Lumberyards²¹</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>		

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, “TC” for temporary conditional use appears in the column beneath the C district:

<u>Use</u>	<u>CN</u>	<u>CC</u>	<u>CR¹(m)</u>	<u>CR²(p)</u>	<u>CS</u>	<u>CF</u>	<u>O</u>	<u>I-P</u>	<u>I-G</u>	<u>I-I</u>
<u>Recreation and sports facilities, outdoor, including racetracks, golf driving ranges, skateboard parks, riding stables, etc.</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>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 terminals²²</u>					<u>P</u>				<u>P</u>	
<u>Truck scales</u>					<u>P</u>	<u>C</u>				
<u>Trucking terminals, not less than 150 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>				
<u>PLACES OF ASSEMBLY</u>										
<u>Community facilities</u>		<u>C</u>					<u>C</u>	<u>C</u>		
<u>Meeting halls for concerts, lectures, meetings</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>			

EDUCATIONAL

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, “TC” for temporary conditional use appears in the column beneath the C district:

Use	CN	CC	CR¹(m)	CR²(p)	CS	CF	O	I-P	I-G	I-I
<u>Childcare centers²³</u>	<u>C</u>		<u>C</u>	<u>C</u>						
<u>Schools and colleges including trade, business, heritage schools, music and art schools, but not including general purpose schools^{7, 24}</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>		<u>P</u>	
<u>Tutoring⁷</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>			
<u>RESIDENTIAL</u>										
<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>	
<u>GOVERNMENTAL</u>										
<u>Governmental facility, no outdoor storage²²</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>						
<u>ENERGY / ACCESSORY USES</u>										
<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 facilities²⁵, photovoltaic facilities, small electricity</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>	

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, “TC” for temporary conditional use appears in the column beneath the C district:

<u>Use</u>	<u>CN</u>	<u>CC</u>	<u>CR¹(m)</u>	<u>CR²(p)</u>	<u>CS</u>	<u>CF</u>	<u>O</u>	<u>I-P</u>	<u>I-G</u>	<u>I-I</u>
<u>generator facilities ²⁶, and small fuel cell facilities ²⁷</u>										
<u>Special downtown accessory entertainment uses, as defined in Chapter 18.08 of this title²⁸</u>		<u>P²⁹</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>TC²⁹</u>								
<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 facilities³⁰</u>										
<u>Wind energy facilities</u>									<u>C^{17, 31}</u>	
<u>TEMPORARY LODGING</u>										
<u>Bed and breakfast inns</u>		<u>C</u>								
<u>Guard's' living quarters</u>						<u>C</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, “TC” for temporary conditional use appears in the column beneath the C district:

<u>Use</u>	<u>CN</u>	<u>CC</u>	<u>CR¹(m)</u>	<u>CR² (p)</u>	<u>CS</u>	<u>CF</u>	<u>O</u>	<u>I-P</u>	<u>I-G</u>	<u>I-I</u>
<u>Homeless shelters^{3,2}</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>								

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 Any retail use that includes firearm sales shall be subject to a Conditional Use Permit as prescribed in Title 18.124. This provision does not apply to Districts where firearm sales are expressly prohibited.

⁴ Any use that includes a drive-through shall be subject to a Conditional Use Permit as prescribed in Title 18.124

⁵ 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.

⁶ Any non-retail/non-restaurant ground floor use along Main Street shall be subject to a Minor Conditional Use Permit as prescribed in Title 18.124.

⁷ The use with no more than 20 students in the facility 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; 3. The standard city noise ordinance applies. The use with more than 20 students shall be subject to a Minor Conditional Use Permit as prescribed in Title 18.124

⁸ The use shall be at least 300 feet from an R or O district

⁹ 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

¹⁰ 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

¹¹ 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

¹² Medical offices shall be subject to parking requirements identified in Title 18.88

¹³ 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

¹⁴ 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

¹⁵ See Chapter 18.114 of this title

¹⁶ A temporary outdoor use may be permitted pursuant to Section 18.116.040

¹⁷ 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

¹⁸ All buses shall not be stored on site and no repair work shall be conducted on site

¹⁹ 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.

²⁰ 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, soft drinks, candy and gum.

²¹ Lumberyards shall not include planing mills or sawmills and shall be at least 300 feet from an R or O district.

²² This use with outdoor storage shall be subject to a Conditional Use Permit as prescribed in Title 18.124.

²³ 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.

²⁴ Music and art schools shall be at least 150 feet from an R district.

²⁵ 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.

²⁶ 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.

²⁷ 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.

²⁸ 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

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- 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.

²⁹ 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.

³⁰ A large electricity generator facility shall be in accord with the provisions of Chapter 18.124 of this title.

³¹ 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.

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

PERMITTED AND CONDITIONAL USES

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

Note:
 * Uses which are part of a completely enclosed mall complex, all activities take place entirely indoors.
 ** Uses on peripheral sites physically separated from a central enclosed mall.

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

f. The facilities shall be cogeneration or combined cycle facilities, if feasible	P	P	P	P	P	P	P
4. Small fuel cell facilities that meet the following criteria:							
a. The facilities shall not create any objectionable odors at any point outside of the property plane where the facilities are located							
b. The fuel cell facilities shall not exceed a noise level of 45 dBA at any point on any residentially zoned property outside of the property plane where the facilities are located							
c. On a site with electricity generator facilities, small fuel cell facilities shall not be permitted unless the aggregate wattage of the two facilities is less than one megawatt. If the aggregate wattage of the two facilities is one megawatt or greater, the small fuel cell facilities shall be subject to all requirements and processes prescribed in this title for medium or large fuel cell facilities, whichever is the most applicable, in the applicable subject district							
Small fuel cell facilities are encouraged to be cogeneration or combined cycle facilities	P	P	P	P	P	P	P
Accessory uses and structures, not including warehouses, located on the same site as a permitted use and the following accessory structures and uses located on the same site with a permitted use or with a conditional use which has been granted a use permit in accordance with the provision of Chapter 18.124 of this title:							
5. Special downtown accessory entertainment uses, as defined in Chapter 18.08 of this title:				P			
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			€	€	P
Automobile supply stores, no service or shop work	P	P	€	P	P		P
Automobile upholstery and top shops						€	P
Barbershops and beauty shops	P	P	P	P			
Bars and brew pubs, as defined in Chapter 18.08 of this title	€	€		€		€	
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.)							
c. Access and ADA accessibility							
Beauty shops including massage services of four or more massage technicians at any one time. Massage establishments within a beauty shop shall meet the requirements of Chapter 6.24	€	€	€	€			
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,							

<p>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</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</p>						

public safety and welfare necessity, the zoning administrator shall refer the use to the planning commission for review. Such reviews shall occur at a noticed public hearing where the owner/operator of the aerial/antenna/transmission tower may present relevant evidence. If, upon such review, the planning commission finds that any of the above have occurred, the planning commission may modify or revoke all approvals and/or permits							
Copying and related duplicating services and printing/publishing services using only computers, copy machines, etc., not including lithographing, engraving, or such similar reproduction services	P	P	P	P	P		
Dairy products plants					C		
Dairy products manufacturing for retail sale on-premises only	P			C	P		
Dance halls (where no liquor is served)	P	C		C			
Delicatessen stores	P	P	P	P			
Department stores	P	P		P			
Department stores tire, battery and accessory shops	P	P					
Diaper supply services					P		
Drive-in theaters					C		
Drugstores and prescription pharmacies	P	P	P	P			
Dry goods stores	P	P	P	P			
Electrical equipment repair and electricians' shops					C		
Feed and fuel stores					C		
Financial institutions, including banks, savings and loan offices, finance companies, credit unions and related services	P	P	P	P***	P		
*** Conditionally permitted use if the subject location:							
1. Is zoned Central Commercial (C-C) or is zoned planned unit development (PUD) that references uses of the C-C district; AND							
2. Is located within the Downtown Revitalization District; AND							
3. Has ground floor frontage on Main Street							
Financial institutions that propose to locate on properties that do not meet all three of the above parameters shall be permitted uses and shall not be subject to the following additional considerations:							
When reviewing an application for a conditional use permit for a financial institution that meets the above three parameters, the 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	€	€		€	€		
Florists	P	P	P	P			
Food lockers	P			€	P		
Food market including supermarkets, convenience markets and specialty stores	P	P	€	€			
Freight forwarding terminals					€		
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	€	€	€	€	€	€	€
With truck and trailer rental					€	€	
With a convenience market, excluding the sale of alcoholic beverages					€	€	
With a drive-through car wash		€			€	€	
Full service car wash		€			€	€	
Furniture stores	P	P		P	P	P	
Furniture upholstery shops					€	€	
Game arcades as defined by Section 18.08.207 of this title	€	€	€	€			
Garden centers, including plant nurseries	P	€			€	€	
Gift shops	P	P	P	P			
Glass replacement and repair shops					€	P	
Guards' living quarters					€		
Gunsmiths	P	P		P	P		
Gymnasiums and health clubs	P	€	€	€	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	€	€	€	€	€		
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	€	€	€	P		
Hardware stores	P	P	P	P	P		
Heating and air conditioning shops					€		
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							
Hospital equipment, sales and rental	P	P		C	P		
Hotels and motels		C		P		P	
Household repair shops					C		
Ice cream sales	P	P	P	P			
Ice vending stations		C	C	C	C	C	
Interior decorating shops	P	P	P	P			
Janitorial services and supplies	P			C	P		
Jewelry stores	P	P	P	P			
Kennels, and other boarding facilities for small animals not less than 300 feet from an R or O district					C		
Laboratories		P		P	P		
Laundries and dry cleaners where service is provided	P	P	P	P	P		
Laundries, self-service		P	P	P			
Laundry plants				C			
Leather goods and luggage stores	P	P	P	P			
Linen supply services					P		
Liquor stores	P	P	C	C			
Locksmiths	P	P	P	P			
Lumberyards, not including planing mills or sawmills not less than 300 feet from an R or O district					C		
Machinery sales					P		
Massage establishments where four or more massage technicians provide massage services at any one time. Massage establishments shall meet the requirements of Chapter 6.24	C	C		C			
Massage establishments where three or fewer massage technicians provide massage services at any one time. Massage establishments shall meet the requirements of Chapter 6.24	P	P		P			
Medical and orthopedic appliance stores	P	P		P			
Meeting halls	P	C		C	C	C	
Microbrewery	P****	P****		P****	P****		
**** Permitted use subject to the following conditions:							
1. The zoning administrator finds that adequate parking is available for said use							
2. If the zoning administrator determines that the use will be or is creating odor problems, an odor abatement device determined to be appropriate by the zoning administrator shall be installed within the exhaust ventilation system to mitigate brewery odors							
3. The applicant is in compliance with all applicable requirements of Chapter 9.04 of this code							
4. If operation of the use results in conflicts pertaining to parking, noise, odors, traffic, or other factors, the zoning administrator may modify or add conditions to mitigate such impacts, or may revoke the zoning certificate for the use							
Miniature golf	P	C					
Mortuaries				C	P		
Motorecycle sales, no service or repair	P			P			P
Motorecycle sales and service					C	C	C
Music stores	P	P	P	P			
Music and dance facilities which cannot meet the criteria for music and dance facilities as written in the use category below	P	C	C	C	C	C	

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

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

Shooting galleries, indoor	P			C	P		
Shooting galleries, indoor, with firearm sales	C			C	C		
Sign painting shops	P			C	P		
Skating rinks, indoor	P	P			P	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					E	E	
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					E		
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	E	P		E	
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					E	E	
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					E	E	P
Truck scales					P	E	
Trucking terminals, not less than 150 feet from an R or O district					E		
Tutoring which cannot meet the criteria for tutoring as written in the use category below	E	E	E	E	E	E	
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			E				

enclosed building which complies with specifications for soundproof construction prescribed by the chief building official							
Veterinarians' offices, out-patient clinics, and small animal hospitals, including short-term overnight boarding of animals and incidental care such as bathing and trimming, provided that all operations are conducted entirely within a completely enclosed building which complies with specifications for sound-proof construction prescribed by the chief building official				€	P		
Veterinarians' offices and small animal hospitals including operations not conducted within an entirely enclosed building, not less than 300 feet from an R or O district					€		
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

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:

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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))~~

18.48.050040 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)

18.48.060050 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.

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

(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 semi-precious 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.—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 18.44.080070(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 18.84.170`	BASIC FLOOR AREA LIMIT (% OF SITE AREA)	MAXIMUM HEIGHT OF MAIN STRUCTURE 18.84.140	CLASS 1 ACCESSORY STRUCTURES 18.84.160		
	Area	Width 18.84.050	Depth	Front 18.84.080	One Side/ Both Sides 18.84.090	Rear 18.84.090					Maximum Height 18.84.140	Minimum Distance to Side Lot Line	Minimum Distance to Rear Lot Line
C-C	---	---	---	18.84.130	18.84.130	---	1,000 sq ft 18.44.090080 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~~. 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.

18.124.180

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. ~~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 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;
- H. 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 conditional use permit is proposed.

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:

1. The facility shall adhere to all occupancy, ADA, California Building Code, and exiting requirements;
2. 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;
3. The use meets the city noise ordinance; and
4. Where applicable, the proposed use does not compromise the retail character of Main Street.

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

18.124.190 320 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))

18.124.200 330 Application.

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

18.124.210 340 Notice.

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

18.124.220 350 Public hearing.

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

18.124.230 360 Action of zoning administrator.

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

18.124.240 370 Standards.

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

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

18.124.250 380 Additional procedures.

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

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

18.124.260 390 Procedure.

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

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

18.124.270 400 Standards.

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

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

18.124.280 410 Procedure.

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

18.124.290 420 Standards.

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

- A. The facilities shall use the best available control technology to reduce air pollution.
- B. The facilities shall not create any objectionable odors at any point located outside of the property plane where the facilities are located.
- C. The facilities shall not exceed a noise level of 45 dBA at any point on any residentially zoned property outside of the property plane where the facilities are located.
- D. The facilities shall be cogeneration or combined cycle facilities, if feasible.
- E. Toxic and hazardous chemicals shall not be routed through existing or proposed residential neighborhoods.
- F. In no case shall electricity generator facilities and fuel cell facilities exceed 49.9 megawatts in size. If there are electricity generator facilities and fuel cell facilities on site, in no case shall the aggregate wattage of the facilities exceed 49.9 megawatts in size.
- G. The fuel source for electricity generator facilities shall be natural gas, bio diesel, or the byproduct of an approved cogeneration or combined cycle facility.
- H. On a site with electricity generator facilities, medium fuel cell facilities shall not be permitted unless the aggregate wattage of the two facilities is either: (1) 10 megawatts or less, or (2) if the aggregate wattage is greater than 10 megawatts, no electricity is exported off site. If the aggregate wattage is greater than 10 megawatts in size, and some electricity is exported off site, the fuel cell facilities shall be subject to all requirements and processes prescribed in this title for large fuel cell facilities in the applicable zoning district.
- I. On a site with fuel cell facilities, medium electricity generator facilities shall not be permitted unless the aggregate wattage of the two facilities is either: (1) 10 megawatts or less, or (2) if the aggregate wattage is greater than 10 megawatts, no electricity is exported off site. If the aggregate wattage is greater than 10 megawatts in size, and some electricity is exported off site, the electricity generator facilities shall be subject to all requirements and processes prescribed in this title for large fuel cell facilities in the applicable zoning district.
- J. If the facilities are large electricity generator facilities, the facilities shall be designed such that there is no wastewater discharged into the sewer system.
- K. If the facilities are large electricity generator facilities or large fuel cell facilities, the facilities shall be located at least one mile away from the property lines of the following:
 - 1. Existing or approved residences in Pleasanton; and
 - 2. Undeveloped residential zoning districts and undeveloped planned unit developments in Pleasanton with a residential zoning designation and without an approved development plan. (Ord. 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

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)~~