

**SUPPLEMENT NO. 23**

**INSERTION GUIDE**

**PLEASANTON PLANNING AND ZONING CODE**

**January 2020**

**(Covering Ordinances through 2201)**

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

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## PREFACE

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**18.08.005 Generally.**

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

**18.08.010 City boards, commissions and officials.**

**A. City Boards and Commissions.**

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

**B. City Officials.**

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

**18.08.015 Access corridor.**

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

**18.08.016 Accessory dwelling units.**

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

- A. An efficiency unit, as defined in Section 17958.1 of the California Health and Safety Code.
- B. A manufactured home, as defined in Section 18007 of the California Health and Safety Code. (Ord. 2161 § 1, 2017)

**18.08.017 Active ground-floor uses**

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

**18.08.018 Agriculture.**

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

**18.08.020 Alley.**

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

**18.08.025 Alter.**

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

**18.08.030 Amateur radio facility.**

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

**18.08.035 Antenna.**

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

**18.08.040 Antenna, façade mounted.**

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

**18.08.045 Antenna, ground mounted.**

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

**18.08.050 Antenna, roof mounted.**

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

**18.08.055 Bar.**

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

**18.08.057 Basement commercial storage, public.**

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

**18.08.060 Small bed and breakfast.**

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

**18.08.065 Bed and breakfast inn.**

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

**18.08.070 Best available control technology.**

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

**18.08.072 Block.**

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

**18.08.075 Bio diesel.**

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

**18.08.077 Brew pub.**

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

**18.08.080 Brewery and distillery.**

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

**18.08.085 Building.**

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

**18.08.090 Business sign.**

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



**18.08.160 Dwelling unit.**

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

**18.08.165 Electricity generator facility.**

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

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

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

**18.08.166 Employee housing (agricultural).**

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

**18.08.167 Family.**

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

**18.08.168 Financial institution.**

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

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

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

**18.08.172 Family daycare home.**

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

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

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

**18.08.175 Firearm.**

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

**18.08.180 Firearm sales.**

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

**18.08.185 Firearm sales, antique.**

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

**18.08.190 Floor area, basic.**

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

**18.08.195 Floor area, gross.**

“Gross floor area” means the sum of the gross horizontal area of the several floors of a building and its accessory buildings on the same site excluding: basement or cellar areas used only for storage; space used for off-street parking or loading; steps, patios, decks, terraces, porches, and exterior balconies, if not enclosed on more than three sides. Unless excepted above, floor area includes, but is not limited to, both residential and non-residential uses in a building, elevator shafts and stairwells measured at each floor (but not mechanical shafts), penthouses, enclosed porches, interior balconies and mezzanines. (Ord. 2194 § 2, 2019; prior code § 2-5.20(b))

**18.08.200 Frontage.**

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

**18.08.205 Fuel cell facility.**

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

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



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



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

**18.08.270 Junkyard.**

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

**18.08.275 Kennel.**

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

**18.08.278 Live-work unit.**

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

**18.08.280 Living room.**

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

**18.08.285 Lodging house.**

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

**18.08.290 Lot.**

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

**18.08.295 Lot, corner.**

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

**18.08.300 Lot, double frontage.**

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

**18.08.305 Lot, interior.**

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

18.08.310

**18.08.310 Lot, key.**

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

**18.08.315 Lot line, front.**

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

**18.08.320 Lot line, rear.**

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

**18.08.325 Lot line, side.**

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

**18.08.330 Lot, reversed corner.**

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

**18.08.335 Megawatt.**

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

**18.08.337 Microbrewery.**

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

**18.08.338 Mixed-use development.**

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

**18.08.340 Motel or hotel.**

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

**18.08.345 Motor vehicle wrecking yard.**

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

**18.08.350 Multi-family dwelling.**

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

**18.08.355 Nonconforming sign.**

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

**18.08.360 Nonconforming structure.**

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

**18.08.365 Nonconforming use.**

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

**18.08.370 Nuclear power facility.**

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

**18.08.372 Nursery.**

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

**18.08.375 Nursery school.**

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

**18.08.380 Nursing home.**

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

**18.08.382 Office, business, professional, or administrative.**

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

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

**18.08.383 Office, medical.**

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

**18.08.385 Off-street loading facilities.**

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

**18.08.390 Off-street parking facilities.**

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

**18.08.395 Oriel window.**

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

**18.08.400 Outdoor advertising structure.**

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

**18.08.405 Patio, covered.**

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

**18.08.407 Personal service.**

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

**18.08.410 Personal wireless service.**

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

**18.08.415 Personal wireless service facility.**

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

**18.08.420 Personal wireless service facility tower.**

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





allowed by the zoning administrator upon making the finding that such displays are not detrimental to the public health, safety or general welfare. Such displays shall not contain signing (unless they are submitted as a sign). The zoning administrator’s decision with regard to what constitutes a decorative display may be appealed to the planning commission by the affected merchant or property owner. The requirements of Section 18.144.030 of this title shall not govern such an appeal.

- C. In a C-N and C-C district all products shall be sold primarily at the retail site.
- D. No use shall be permitted, and no process, equipment, or material shall be employed which is found by the zoning administrator or planning commission, as applicable, to be objectionable to persons residing or working in the vicinity or injurious to property located in the vicinity by reason of odor, insect nuisance, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare, unsightliness, or heavy truck traffic, or to involve any hazard of fire or explosion. No exterior illumination closer than 200 feet to the boundaries of a site or interior illumination closer than 10 feet to a window within 200 feet of the boundary of a site and visible beyond the boundary of a site, whether related to a sign or not, shall exceed the intensity permitted by Chapter 18.96 of this title regarding illumination. (Ord. 2155 § 3, 2017; Ord. 2055 § 2, 2012; Ord. 1656 § 1, 1995; Ord. 1104 § 1, 1983; prior code § 2-7.07)

**18.44.080 Permitted and conditional uses.**

- A. Permitted uses and uses subject to a minor conditional use permit or conditional use permit in a C district are provided in Table 18.44.080 at the end of this section.
- B. Multi-family dwellings and mixed-use development shall be permitted in the C-C district provided that there shall be not less than 1,000 square feet of site area per dwelling unit, and provided that dwelling units not located above a permitted nonresidential use shall be subjected to the requirements for usable open space per dwelling unit of the RM-1,500 district, or, if applicable, the Core Area Overlay district.  
  
Yards and courts at and above the first level occupied by dwelling units shall be as required by Section 18.84.100 of this title, except that where no side or rear yard is required for a nonresidential use on the site, no side or rear yard need be provided except when required by the Building Code for adjoining walls with openings.
- C. Any other use which is determined by the zoning administrator or planning commission, as applicable, as provided in Chapter 18.128 of this title, to be similar to the uses listed in this section shall be a permitted use or a conditional use in the districts in which the uses to which it is similar are permitted uses or conditional uses.

**Table 18.44.080**

**PERMITTED AND CONDITIONAL USES**

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

	CN	CC	CR (m <sup>1</sup> )	CR (p <sup>2</sup> )	CS	CF	O	I-P	I-G	CC	MU-D	MU-T <sup>35</sup>
<b>CULTURAL AND ENTERTAINMENT</b>												
Adult entertainment establishments <sup>3</sup>		P	P	P	P					P <sup>18</sup>	P <sup>18</sup>	P
Art galleries	P	P	P	P						P	P	P
Auction rooms		C			C	C				C <sup>18</sup>		
Bowling alleys, pool halls, indoor bocce court, and other similar uses		C	P	C	C					C	C	
Game arcades	C	C	C	C						C	C	
Regional attraction, including amusement parks, automobile racing stadiums, drive-in theater, miniature golf, indoor skating rinks, sports arenas, or stadiums			C	C	C	C						
Theaters and auditoriums	C	P	P	P	C					P	P	
<b>EDUCATIONAL</b>												
Nursery schools <sup>4,5</sup>	C		C	C								
Private schools with no more than 20 students at any one time <sup>5</sup>	C		C	C			P					
Private schools with more than 20 students at any one time <sup>5</sup>	C		C	C			C					
Schools and colleges with no more than 20 students in the facility at any one time. This category includes trade schools, business schools, heritage schools, music and art schools, tutoring, but does not include general purpose schools <sup>5,6</sup>	P	P	P	P	P	P	MCUP		P	P <sup>18</sup>	P <sup>18</sup>	MCUP
Schools and colleges with more than 20 students in the facility at any one time. This category includes trade schools, business schools, heritage schools, music and art schools, tutoring, but does not include general purpose schools <sup>5,6</sup>	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	C		MCUP	MCU P18	MCUP18	C
<b>ENERGY/ACCESSORY USES</b>												
Accessory uses and structures, not including warehouses, located on the same site as a permitted use and the following accessory structures and uses located on the same site with a permitted use or with a conditional use which has been granted a use permit in accord with the provisions of Chapter 18.124 of this title:												
Emergency standby electricity generator, fuel cell, and/or battery facilities <sup>7</sup> , photovoltaic facilities, small electricity generator facilities <sup>8</sup> , and small fuel cell facilities <sup>9</sup>	P	P	P	P	P	P	P	P	P	P	P	P

	CN	CC	CR (m <sup>1</sup> )	CR (p <sup>2</sup> )	CS	CF	O	I-P	I-G	CC	MU-D	MU-T <sup>35</sup>
Special downtown accessory entertainment uses, as defined in Chapter 18.08 of this title <sup>10</sup>		P <sup>11</sup>								P <sup>11</sup>	P <sup>11</sup>	
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 <sup>11</sup>								TC <sup>11</sup>	TC <sup>11</sup>	
Accessory uses and structures located on the same site as a conditional use and the following accessory structures and uses located on the same site as a permitted use or a conditional use that has been granted a use permit:												
Medium electricity generator facilities that meet the applicable standards of Section 18.124.420 of this title, or medium fuel cell facilities that meet the applicable standards of Section 18.124.420 of this title	C	C	C	C	C	C	C	C	C	C	C	C
Large electricity generator facilities or large fuel cell facilities <sup>12</sup>									C			
Wind energy facilities									C <sup>13, 14</sup>			
<b>GOVERNMENTAL</b>												
Governmental facility, no outdoor storage <sup>15</sup>	C	P	P	P						P	P	P
<b>INDUSTRIAL</b>												
Heavy industrial								C <sup>13</sup>	C <sup>13</sup>			
Light industrial <sup>33</sup>					P			P	P			
Microbreweries <sup>16</sup>		P	P	P	P			P	P	P	P	
“Radioactive materials uses” as defined in Section 18.08.445 of this title					C				C <sup>13</sup>			
Rental yards, including the rental of hand tools, garden tools, power tools, trucks and trailers and other similar equipment					C							
Warehousing, not including storage of fuel or flammable liquids <sup>33</sup>		P <sup>17</sup>			MCUP			MCUP	P	P <sup>11, 17, 18</sup>		
Wineries <sup>16</sup>		P	P	P	P			P	P	P	P	
<b>OFFICE/BUSINESS SERVICE</b>												
Financial institutions	P	P <sup>18</sup>	P	P	P					P <sup>18</sup>	P <sup>18</sup>	P
Medical offices <sup>19</sup>	P	P	P	P			P	P	P	P <sup>18</sup>	P <sup>18</sup>	P

	CN	CC	CR (m <sup>1</sup> )	CR (p <sup>2</sup> )	CS	CF	O	I-P	I-G	CC	MU-D	MU-T <sup>35</sup>
Offices, including, but not limited to, business, professional and administrative offices	P	P	P	P			P	P	P	P <sup>18</sup>	P <sup>18</sup>	P
Radio and television broadcasting studios	P	C		P	P	P				C <sup>18</sup>	C <sup>18</sup>	
<b>OUTDOOR USES<sup>20</sup></b>												
Airports and heliports									C <sup>17</sup>			
Beekeeping meeting the requirements of Chapter 18.103 of this title for detached, single-family homes located in the Downtown Specific Plan Area		P			P					P	P	P
Bus depots <sup>21</sup>		P		P	P	P				P <sup>18</sup>		
Car wash:												
Full service				C	C	C						
Self-service		C								C <sup>18</sup>		
Seasonal sales lots	TC	TC	P	TC	TC	TC				TC	TC	
Circuses, carnivals and other transient amusement enterprises	TC	TC	P	TC	TC	TC				TC	TC	
Commercial radio and television aerials, antennas, and transmission towers with design review approval specified under Chapter 18.20 of this title <sup>22</sup>		P	P		P			P	P	P	P	P
Farmer's markets	TC	TC	TC	TC	TC	TC				TC	TC	
Freight forwarding terminals					C							
Full-service, self-service and quick-service stations: <sup>23</sup>	C	C	C	C	C	C		C	C	C <sup>18</sup>		
With truck and trailer rental					C	C						
With a convenience market, excluding the sale of alcoholic beverages					C	C						
With a drive-through car wash					C	C						
Garden centers, including plant nurseries			P	C	C	C			C			
Lumberyards <sup>24</sup>					C							
Mobile food trucks on private construction, office sites, and other places of employment for not more than one hour per meal period and with permission of the property owners	P	P	P	P	P	P	P	P	P	P	P	P
Newsstands	P	P	P	P	P					P	P	P
Outdoor art and craft shows	TC	TC		TC						TC	TC	
Parking facilities, including required off-street parking facilities located on a site separated from the uses which the facilities serve and fee parking in accordance with the standards and requirements of Chapter 18.88 of this title		C								C	C	

	CN	CC	CR (m <sup>1</sup> )	CR (p <sup>2</sup> )	CS	CF	O	I-P	I-G	CC	MU-D	MU-T <sup>35</sup>
Parking lots								P	P			
Public utility and public service facilities including pumping stations, power transmission stations, power distribution stations, equipment buildings, service yards, drainageways and structures, water reservoirs, percolation basins, well fields, and storage tanks. These facilities must be found by the planning commission to be necessary for the public health, safety, or welfare	C	C		C	C	C	C	C	C	C	C	C
Recreation and sports facilities, outdoor, including racetracks, golf driving ranges, skateboard parks, riding stables					C	C						
Recycling collection facilities, large								C	C			
Recycling collection facilities, small	TC	TC	TC	TC	TC	TC		TC	TC	TC	TC	
Recycling processing facilities, large									C			
Recycling processing facilities, small									C			
Rifle and pistol ranges, outdoor, with or without firearm sales <sup>27</sup>									C			
Stone and monument yards					P							
Storage yards for commercial goods, supplies and equipment including fuel storage, no less than 300 feet from any R or O district					C			C	C			
Taxicab stands	P	P		P	P	P				P		
Transportation dispatch facilities for ambulances, taxicabs, limousine services, airport shuttles, tow trucks, and similar dispatch, without storage, not including truck terminals <sup>15</sup>					P				P			
Truck scales					P	C						
Trucking terminals, not less than 300 feet from an R or O district					C				P			
Vehicle towing (with all vehicle storage inside a building, with outside storage, or both)				P	C	C						
<b>PERSONAL AND GENERAL SERVICE</b>												
Art and craft studios, with no more than 20 students in the facility at any one time. This category includes pottery, jewelry, painting, scrapbook-making, photography, sculpture, and similar studios, with or without retail sales, art/craft classes and walk-in activities for the general public <sup>5</sup>	P	P	P	P						P	P	P

	CN	CC	CR (m <sup>1</sup> )	CR (p <sup>2</sup> )	CS	CF	O	I-P	I-G	CC	MU-D	MU-T <sup>35</sup>
Art and craft studios, with more than 20 students in the facility at any one time. This category includes pottery, jewelry, painting, scrapbook-making, photography, sculpture, and similar studios, with or without retail sales, art/craft classes and walk-in activities for the general public <sup>5</sup>	MCUP	MCUP	MCUP	MCUP						MCUP	MCUP	MCUP
Carpet and rug cleaning and dyeing					C							
Crematoriums, mortuaries, and columbariums, not less than 300 feet from an R district					C		C					
Fortune telling, palmistry, augury, and related uses								C	C			
Furniture upholstery shops					C	C						
Glass replacement and repair shops					P	P						
Interior decorating shops	P	P	P	P						P <sup>18</sup>	P <sup>18</sup>	P
Kennels, and other boarding facilities for small animals <sup>25</sup>					MCUP				MCUP			
Laundry:												
Laundries and dry cleaners	P	P	P	P	P					P <sup>18</sup>	P <sup>18</sup>	
Linen supply services					P							
Music and dance facilities with no more than 20 students in the facility at any one time <sup>5</sup>	P	P	P	P	P	P				P <sup>18</sup>	P <sup>18</sup>	MCUP
Music and dance facilities with more than 20 students in the facility at any one time <sup>5</sup>	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP				MCUP <sup>18</sup>	MCUP <sup>18</sup>	C
Personal services <sup>26</sup>	P	P	P	P			P			P <sup>18</sup>	P <sup>18</sup>	P
Recreation and sport facilities, gymnasiums, and health clubs, indoor, with no more than 20 students in the facility at any one time <sup>5, 26</sup>	P	P	P	P	P	P		P	P	P <sup>18</sup>	P <sup>18</sup>	MCUP
Recreation and sport facilities, gymnasiums, and health clubs, indoor, with more than 20 students in the facility at any one time <sup>5, 26</sup>	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP		MCUP	MCUP	MCUP <sup>18</sup>	MCUP <sup>18</sup>	C
Rifle and pistol ranges, indoor, with or without firearm sales <sup>27</sup>			P		P				C			
Taxidermists		P		P	P				P	P <sup>18</sup>		
Veterinarian's offices:												
And/or outpatient clinics excluding any overnight boarding of animals <sup>28</sup>	MCUP	P			P					P <sup>18</sup>	P <sup>18</sup>	P
Including outpatient clinics, small animal hospitals and/or short-term overnight boarding of animals <sup>28</sup>		MCUP			P					MCUP <sup>18</sup>		

	CN	CC	CR (m <sup>1</sup> )	CR (p <sup>2</sup> )	CS	CF	O	I-P	I-G	CC	MU-D	MU-T <sup>35</sup>
And/or small animal hospitals including operations not conducted within an entirely enclosed building <sup>25</sup>					MCUP							
<b>PLACES OF ASSEMBLY</b>												
Community facilities and conference centers with 100 or fewer attendees at any one time		MCUP					MCUP	MCUP	MCUP	MCU p <sup>18</sup>	MCUP <sup>18</sup>	C
Community facilities and conference centers with more than 100 attendees at any one time		C					C	C	C	C <sup>18</sup>	C <sup>18</sup>	
Meeting halls for concerts, lectures, meetings, and conferences		C	P	C	C	C				C <sup>18</sup>	C <sup>18</sup>	
Private clubs and lodges		C			C		C			C <sup>18</sup>	C <sup>18</sup>	
<b>RESIDENTIAL</b>												
Nursing homes and senior care/assisted living facilities							C					
Supportive housing that provides shelter for six or fewer persons in a dwelling unit, and that meets the standards of Chapter 18.107		P								P <sup>18</sup>	P <sup>18</sup>	P
Watchman's living quarters only when incidental to and on the same site as a permitted use								P	P			
<b>RETAIL</b>												
Bars and brew pubs		C	C	C		C				C	C	
Feed and fuel stores					C							
Restaurants and catering establishments <sup>29</sup>	P	P	P	P	C	P	C	C	C	P	P	p <sup>34</sup>
Retail: <sup>27, 29, 30</sup>												
Gross floor area of tenant space is up to 55,000 square feet <sup>31</sup>	P	P	P	P	P	P				P	P	P
Gross floor area of tenant space is greater than 55,000 square feet <sup>31</sup>		C	C	C	C	C				C		
Sales, rental, and/or leasing of automobiles, motorcycles, and boats:												
No service		P	P	P	MCUP	C				P <sup>18</sup>		
With service				P	C	C						
Sales and service of one-ton or greater trucks, trailers, and/or RVs												
Service of automobiles, motorcycles, and boats:												
Department store tire, battery and accessory shops			P	P								
Repair, overhauling, and painting				C	C							
Upholstery and top shops						C						
Tire sales and service, not including retreading and recapping or mounting of heavy truck tires				C	P							
Tires, batteries, and accessories				P	P							

	CN	CC	CR (m <sup>1</sup> )	CR (p <sup>2</sup> )	CS	CF	O	I-P	I-G	CC	MU-D	MU-T <sup>35</sup>
Wholesale establishments					C				P			
Wholesale establishments without stocks		P		P						P18	P <sup>18</sup>	
<b>TEMPORARY LODGING</b>												
Bed and breakfast inns		C								C	C	MCUP
Guard's living quarters					C							
Homeless shelters <sup>32</sup>					C							
Hotels and motels		P		C		P				P	MCUP	
Trailers and mobilehome parks in accordance with the regulations prescribed in Chapter 18.108 of this title					C	C						
Transitional housing that provides shelter for six or fewer persons in a dwelling unit, and that meets the standards of Chapter 18.107		P								P18	P <sup>18</sup>	P

**Notes:**

- 1 Uses which are part of a completely enclosed mall complex, except where specifically allowed outside of the mall, all activities take place entirely indoors.
- 2 Uses on peripheral sites physically separated from a central enclosed mall.
- 3 See Chapter 18.114 of this title.
- 4 State-mandated outdoor play areas shall face new or existing landscaping sufficient to buffer the play area from view, shall be separated from customer parking areas by a heavy wood fence or comparable barrier, shall be isolated from loading docks and associated delivery truck circulation areas, and shall contain landscaping for outdoor children's activities. The standard city noise ordinance applies.
- 5 The use is subject to the following conditions: (1) The facility shall adhere to all occupancy, ADA, California Building Code, and exiting requirements; (2) The zoning administrator finds that adequate parking is available for the said use, and the proposal has an effective traffic circulation system including pick-up and drop-off for business patrons; (3) The standard city noise ordinance applies; (4) If applicable, an outdoor play area proposed would not cause the ambient noise levels at the property plane to increase by 4 dB Ldn. The zoning administrator may request a noise study or other professional study in order to determine whether the use meets or exceeds this threshold.  
A use is specifically subject to a conditional use permit shall be processed as such. A use not specifically subject to a conditional use permit that cannot meet condition 4 shall be subject to a conditional use permit.
- 6 Music and art schools shall be at least 150 feet from an R district.
- 7 The facilities shall be tested from 8:00 a.m. to 5:00 p.m. Monday through Friday or from 10:00 a.m. to 12:00 noon on Saturday or Sunday only, the facilities shall not be tested for more than one hour during any day, testing shall occur a maximum of once a month, and no testing shall be on "Spare the Air Days" in Alameda County.
- 8 Small electricity generator facilities shall meet the following criteria: (1) The fuel source for the generators shall be natural gas, biodiesel, or the byproduct of an approved cogeneration or combined cycle facility; (2) The facilities shall use the best available control technology to reduce air pollution; (3) The facilities shall not create any objectionable odors at any point outside of the property plane where the facilities are located; (4) The facilities shall not exceed a noise level of 45 dBA at any point on a residentially zoned property outside of the property plane where the facilities are located; (5) On a site with fuel cell facilities, small electricity generator facilities shall not be permitted unless the aggregate wattage of the two facilities is less than one megawatt. If the aggregate wattage of the two facilities is one megawatt or greater, the small electricity generator facilities shall be subject to all requirements and processes prescribed in this title for medium or large electricity generator facilities, whichever is the most applicable, in the subject zoning district; (6) The facilities shall be cogeneration or combined cycle facilities, if feasible.
- 9 Small fuel cell facilities shall meet the following criteria: (1) The facilities shall not create any objectionable odors at any point outside of the property plane where the facilities are located; (2) The fuel cell facilities shall not exceed a noise level of 45 dBA at any point on any residentially zoned property outside of the property plane where the facilities are located; (3) On a site with electricity generator facilities, small fuel cell facilities shall not be permitted unless the aggregate wattage of the two facilities is less than one megawatt. If the aggregate wattage of the two facilities is one megawatt or greater, the small fuel cell facilities shall be subject to all requirements and processes prescribed in this title for medium or large fuel cell facilities, whichever is the most applicable, in the applicable subject district; Small fuel cell facilities are encouraged to be cogeneration or combined cycle facilities.
- 10 These uses include:
  - a. Indoor special downtown accessory entertainment uses with non-amplified or amplified sound in the downtown hospitality central core area and non-amplified sound in the downtown hospitality transition area (hours: 8:00 a.m.—11:00 p.m.);
  - b. Indoor special downtown accessory entertainment uses with amplified sound in the downtown hospitality transition area (hours: 8:00 a.m.—9:00 p.m.);
  - c. Outdoor special downtown accessory entertainment uses (hours: 8:00 a.m.—9:00 p.m.).



These uses shall meet all four of the following parameters:

- i. The use is in compliance with all applicable requirements of Chapter 9.04 (Noise Regulations). The applicant may be required to install noise mitigating measures to ensure compliance with the noise regulations.
  - ii. For indoor music and entertainment, the exterior doors of the establishment shall remain closed when not being used for ingress/egress and self-closing mechanisms shall be installed on all exterior doors.
  - iii. For indoor music and entertainment, the establishment's windows shall remain closed when music/entertainment activities are taking place.
  - iv. The use is in compliance with all applicable requirements of the Pleasanton Municipal Code and all other applicable laws, particularly pertaining to noise, public disturbance, littering, and parking.
- 11 A conditional use permit shall be required for special downtown accessory entertainment uses, as defined in Chapter 18.08 of this title, and the use does not comply with the hour restrictions and/or conditions required for the use to be a permitted use or a temporary conditional use.
  - 12 The use shall be in accord with the provisions of Chapter 18.124 of this title.
  - 13 The city planning commission shall make a specific finding that the use will conform with each of the required conditions prescribed in Sections 18.48.040 through 18.48.120 of this chapter, in addition to the findings prescribed in Section 18.48.060.
  - 14 Wind energy facilities shall meet the following criteria: (1) The facilities shall not exceed a noise level of 45 dBA at any point on any residentially zoned property outside of the property plane where the facilities are located; and (2) The design of the facilities shall be streamlined (without ladders and extra appurtenances) to discourage birds from roosting on the facilities; and (3) Facilities on hillsides or ridges shall not be visible from a public right-of-way.
  - 15 This use with outdoor storage shall be subject to a conditional use permit as prescribed in Chapter 18.124.
  - 16 The following conditions shall apply to microbreweries and wineries: (1) The zoning administrator finds that adequate parking is available for said use; (2) If the zoning administrator determines that the use will be or is creating odor problems, an odor abatement device determined to be appropriate by the zoning administrator shall be installed within the exhaust ventilation system to mitigate brewery odors; (3) The applicant is in compliance with all applicable requirements of Chapter 9.04 of this code; (4) If operation of the use results in conflicts pertaining to parking, noise, odors, traffic, or other factors, the zoning administrator may modify or add conditions to mitigate such impacts, or may revoke the zoning certificate for the use.
  - 17 Basement storage as defined in Section 18.08.057 shall be permitted as warehousing in the central commercial (C-C) zoning district, subject to meeting all of the following criteria:
    - a. Basement storage shall be limited to the C-C zoning district within the downtown specific plan area and limited to commercial buildings only;
    - b. Basement storage shall be limited to nontoxic, nonhazardous materials only. It is the responsibility of the storage space operator to prepare a list of prohibited storage items, to have the list approved by the Livermore-Pleasanton fire department, and to require all storage space users to agree in writing that no items on the list or other hazardous materials will be stored. The storage space shall be used for storage only and no other activities and/or uses are allowed;
    - c. Prior to allowing basement storage, the building owner shall contact the building and safety division and fire department to ensure that the basement meets applicable building and fire codes. If required, the building owner and/or responsible party shall secure all applicable permits and/or make any required changes to the basement space to ensure the space meets current code standards for fire, safety, and accessibility;
    - d. The hours of access for basement storage use shall be: Monday through Friday from 6:00 a.m. to 10:00 p.m. and Saturday and Sunday from 10:00 a.m. to 6:00 p.m. only;
    - e. One parking space per on-site storage employee and one parking space for storage customers. This parking requirement is in addition to the parking required for other uses on-site;
    - f. Prior to allowing and/or renting space for basement storage, the property owner and/or responsible party shall submit a zoning certificate application and secure a business license. The zoning certificate application shall be accompanied by a narrative that describes the type of storage proposed, where parking will be allowed, and the use(s) of the building and shall include a site plan and basement storage floor plan that clearly defines, but is not limited to, the following: (1) The defined area(s) and square-footage in which storage will take place; (2) How the individual storage areas will be delineated (e.g., cages, walls, etc.); (3) Access and ADA accessibility.
  - 18 Use is not permitted on the ground floor when the property is also located in the Active Ground-Floor Overlay District, except where an exemption is granted as set forth in Chapter 18.81.
  - 19 Medical offices shall be subject to parking requirements identified in Chapter 18.88.
  - 20 A temporary outdoor use may be permitted pursuant to Section 18.116.040.
  - 21 All buses shall not be stored on site and no repair work shall be conducted on-site.
  - 22 Commercial radio and television aerials, antennas, and transmission towers shall be a minimum distance of 300 feet from the property lines of all of the following:
    - a. Existing or approved residences or agricultural zoning districts or in planned unit developments with a residential or agricultural zoning designation.
    - b. Undeveloped residential or agricultural zoning districts or undeveloped planned unit developments with a residential or agricultural zoning designation and without an approved development plan, unless designated as a public and institutional land use in the general plan.
    - c. Existing or approved public schools, private schools, and childcare centers, not including schools which only provide tutorial services.
    - d. Neighborhood parks, community parks, or regional parks, as designated in the general plan.
    - e. Existing or approved senior care/assisted living facilities, including nursing homes.

All commercial radio and television aerials, antennas, and transmission towers shall be located so as to minimize their visibility and, unless determined by the zoning administrator to be significantly hidden from view, designed to ensure that they will not appear as an aerial, antenna, and/or transmission tower. All such facilities determined by the zoning administrator to be visible from residential land uses, the I-580 and/or I-680 rights-of-way, or other sensitive land uses such as parks, schools, or major streets, shall incorporate appropriate stealth techniques to camou-

flage, disguise, and/or blend them into the surrounding environment, and shall be in scale and architecturally integrated with their surroundings in such a manner as to be visually unobtrusive. All applications for commercial radio and/or television aerials, antennas, and transmission towers shall include engineering analyses completed to the satisfaction of the zoning administrator. Said analyses shall be peer-reviewed by an outside consultant.

If mounted on structures or on architectural details of a building, these facilities shall be treated to match the existing architectural features and colors found on the building's architecture through design, color, texture, or other measures deemed to be necessary by the zoning administrator. Roof-mounted aerials and antennas shall be located in an area of the roof where the visual impact is minimized. Roof-mounted and ground-mounted aerials, antennas, and transmission towers shall not be allowed in the direct sightline(s) or sensitive view corridors, or where they would adversely affect scenic vistas, unless the facilities incorporate the appropriate, creative techniques to camouflage, disguise, and/or blend them into the surrounding environment, as determined to be necessary by the zoning administrator.

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

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

- 23 The service station shall be at least 60 feet from residentially planned or zoned property. All operations except the sale of gasoline and oil shall be conducted within a building enclosed on at least three sides, and the minimum site area shall be 20,000 square feet. Direct sales to the public shall be limited to petroleum products, automotive accessories, tobacco, food products, and limited household goods.
- 24 Lumberyards shall not include planing mills or sawmills and shall be at least 300 feet from an R or O district.
- 25 The use shall be at least 300 feet from an R or O district.
- 26 Any use not in conjunction with a medical use that includes massage service of four or more technicians at any one time shall be subject to a minor conditional use permit as prescribed in Chapter 18.124. Massage establishments shall meet the requirements of Chapter 6.24.
- 27 Any retail use in the C-R(m), C-R(p), and C-C Districts that includes firearm sales shall be subject to a conditional use permit as prescribed in Chapter 18.124. Firearm sales are prohibited in the C-N, C-F, MU-T, and MU-D Districts. Firearm sales in which no more than 10 firearms are stored on-site at any one time and the majority of firearms are sold through catalogs, mail order, or at trade shows are subject to a conditional use permit in the C-S District.
- 28 The use may include incidental care such as bathing and trimming, provided that all operations are conducted entirely within a completely enclosed building which complies with specifications for soundproof construction prescribed by the chief building official.
- 29 Any use that includes a drive-through shall be subject to a conditional use permit as prescribed in Chapter 18.124.
- 30 Liquor stores and convenience markets shall only be permitted in the C-R(m) and C-R(p) districts, and shall be subject to a conditional use permit as prescribed in Chapter 18.124 in the C-N, C-C and MU-D districts.  
Secondhand stores and/or pawn shops shall be subject to a conditional use permit as prescribed in Chapter 18.124 in the C-C and MU-D districts.  
Tobacco stores shall be subject to a conditional use permit as prescribed in Chapter 18.124 in the C-R(m), C-R(p), and C-N, districts. Tobacco stores are prohibited within the Downtown Specific Plan area.
- 31 Where: (1) the subject tenant space is located within the Downtown Specific Plan area; and (2) the subject tenant space exceeds 7,500 gross square feet, a retail use shall be subject to a conditional use permit as prescribed in Chapter 18.124.
- 32 Homeless shelters within the SF service facilities overlay district that meet the requirements set forth in Chapter 18.82 shall be a permitted use.
- 33 If the subject tenant space exceeds 75,000 gross square feet, the use shall be subject to a conditional use permit as prescribed in Chapter 18.124. This requirement does not apply to light industrial uses located in Hacienda, an area defined by Ordinance 1325 and as subsequently amended.
- 34 Restaurants and catering establishments with outdoor dining shall be subject to a conditional use permit as prescribed in Chapter 18.124.
- 35 Any use shall operate only between the hours of 6:00 a.m. and 11:00 p.m.

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

#### **18.44.090 Prohibited uses.**

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

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

**18.44.100 Underground utilities.**

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

**18.44.110 Off-street parking.**

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

**18.44.120 Off-street loading.**

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

**18.44.130 Signs.**

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

**18.44.140 Design review.**

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

## Chapter 18.46

### MU MIXED USE DISTRICTS

#### Sections:

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

#### **18.46.010 Purpose.**

- A. In addition to the objectives prescribed in Section 18.04.010 of this title, the mixed use districts are included in this title to:
  - 1. Provide opportunities for a diversity of compatible and complementary commercial and residential uses within close proximity to one another, including uses that may be located on the same site, in the same building, or on adjacent sites.
  - 2. Encourage convenient access for downtown residents to services, entertainment, shopping and dining, within a short walking or bicycling distance.
- B. In addition to the purposes set forth above:
  - 1. The mixed use-downtown district is intended to foster a dynamic mixed use destination at the southern end of the downtown, that complements and extends the vitality of the existing central-commercial district. This district supports a balanced mix of uses including commercial, hotel, entertainment, office, food halls, live/work and residential uses, and public-serving uses including public parking facilities to serve the needs of the broader downtown area; and
  - 2. The mixed use-transitional district is intended to accommodate a range of lower-intensity commercial uses than allowed in the mixed use-downtown and downtown commercial districts, including retail, office, personal services, food services and, that are compatible with residential uses located both within and adjacent to the district. (Ord. 2194 § 2, 2019)

#### **18.46.020 Required conditions.**

- A. All uses shall comply with the regulations prescribed in Chapter 18.84 of this title, except as otherwise specified in this chapter;
- B. All uses shall be conducted entirely within a completely enclosed structure, except for outdoor dining, and outdoor displays for retail shops that are located immediately in front of the shop and do not impede pedestrian traffic;
- C. No use shall be permitted, and no process, equipment or material shall be employed which is found by the zoning administrator or planning commission, as applicable, to be objectionable to persons residing or working in the vicinity or injurious to property located in the vicinity by reason of odor, insect nuisance, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare, unsightliness or truck traffic, or to involve any hazard of fire or explosion;
- D. Development in the MU-D district shall be subject to planned unit development review and approval by city council. (Ord. 2194 § 2, 2019)

**18.46.030 Permitted and conditional uses.**

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

**18.46.040 Prohibited uses.**

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

**18.46.050 Underground utilities.**

Electric and communication service wires to a new structure shall be placed underground from the nearest utility pole. If the city engineer finds, upon application by the property owner, that compliance is not feasible, he or she shall permit different service arrangements. The property owner shall comply with the requirements of this section without expense to the city and shall make the necessary arrangements with the public utility involved. (Ord. 2194 § 2, 2019)

**18.46.060 Off-street parking.**

- A. Off-street parking facilities shall be provided for each use in the MU districts as prescribed in Chapter 18.74 and 18.88.020D of this title.
- B. In the mixed use districts, the planning commission or city council may allow shared parking:
  - 1. Parking facilities may be used jointly with parking facilities for other uses when operations are not normally conducted during the same hours, or when hours of peak use vary. Requests for use of shared parking are subject to the following conditions:
    - a. A parking study shall be presented demonstrating that substantial conflict will not exist in the principal hours or periods of peak demand for the uses which the joint use is proposed.
    - b. A restrictive covenant, easement, or other document acceptable to the city attorney shall be drawn and recorded by the applicant to the satisfaction of the city and executed by all parties concerned assuring the continued availability of the number of stalls designated for joint use. (Ord. 2194 § 2, 2019)

**18.46.070 Off-street loading.**

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

**18.46.080 Signs.**

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

**18.46.090 Design review.**

All exterior modifications (e.g., signs, landscape, additions, and other exterior building modifications) in the MU districts shall be subject to design review as prescribed in Chapters 18.20 and 18.74 of this title. (Ord. 2194 § 2, 2019)

## Chapter 18.48

### I INDUSTRIAL DISTRICTS

#### Sections:

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

#### **18.48.010 Purpose.**

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

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

## Chapter 18.56

### P PUBLIC AND INSTITUTIONAL DISTRICT

#### Sections:

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

#### **18.56.010 Purpose.**

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

#### **18.56.020 Required conditions.**

- A. All uses shall comply with the regulations prescribed in Chapter 18.84 of this title. Each yard space shall be not less than the yard required in the district adjoining or directly across a street from each property line, but the planning commission may require larger yards and may prescribe limits to height, bulk or coverage as a condition of a use permit in order to ensure compatibility with adjoining uses.
- B. No use shall be permitted, and no process, equipment or material shall be employed which is found by the commission to be objectionable to persons residing or working in the vicinity or injurious to property located in the vicinity by reason of odor, insect nuisance, fumes, dust, smoke, cinders, dirt, refuse, water carried wastes, noise, vibration, illumination, glare, unsightliness, or truck traffic, or to involve any hazard of fire or explosion. (Prior code § 2-7.42)

#### **18.56.030 Permitted uses.**

The following uses shall be permitted in the P district:

- A. Each use and structure existing in the P district at the time of adoption of the ordinance codified in this chapter, May 3, 1960, is declared to be a conforming use and structure.
- B. Surface parking on the city-owned transportation corridor
- C. Accessory structures and uses located on the same site as a permitted use and the following accessory structures and uses located on the same site with a permitted use or with a conditional use which has been granted a use permit in accord with the provisions of Chapter 18.124 of this title. (Ord. 2194 § 2, 2019; Ord. 1880, 2003; prior code § 2-7.43)

#### **18.56.040 Conditional uses.**

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

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



**Chapter 18.72**

**C-O CIVIC OVERLAY DISTRICT  
(Rep. by Ord. 1718 § 1, 1997)**

## Chapter 18.74

### DOWNTOWN REVITALIZATION DISTRICT

#### Sections:

- 18.74.010 Purpose.**
- 18.74.020 Creation of district.**
- 18.74.030 Adoption of guidelines.**
- 18.74.040 Improvements subject to design review.**
- 18.74.050 Application for design review.**
- 18.74.060 Architectural plan for sign permit only.**
- 18.74.070 Final architectural plan approval.**
- 18.74.080 Evaluation and criteria.**
- 18.74.090 All signs require a permit—Exemptions.**
- 18.74.100 Prohibited signs.**
- 18.74.110 Sign inventory.**
- 18.74.120 Existing nonconforming signs.**
- 18.74.130 Permitted signs.**
- 18.74.140 Limitations on sign types.**
- 18.74.150 Removal of temporary signs—Presumption.**
- 18.74.160 Alteration or change prohibited without certificate of appropriateness.**
- 18.74.170 Certificate of appropriateness required for demolition or removal.**
- 18.74.180 Procedure.**
- 18.74.190 Standards for review for demolition.**
- 18.74.200 Duty to maintain structures and premises—Demolition by neglect prohibited.**
- 18.74.210 Certain vehicular use along main street prohibited.**
- 18.74.220 Setbacks prohibited on Main Street—Required elsewhere.**
- 18.74.230 Projections prohibited—Exceptions.**
- 18.74.240 Prohibitions—Void permits.**

#### **18.74.010 Purpose.**

The purpose of this chapter is to create a zoning overlay district and strict regulations applicable to this district which will implement the general plan by assuring appropriate development consistent with the goals and policies of the general plan; deter the inappropriate demolition, destruction, alteration, misuse and neglect of architecturally interesting and significant structures in and the built context of the district; revitalize the economic growth and health of and foster civic pride in downtown Pleasanton; stabilize and enhance the value of property; create and renew proper relationships between tax revenues of real property and the cost of municipal services; implement the downtown hospitality guidelines by assuring special downtown accessory entertainment uses located in the downtown operate in a manner consistent with the intent of the downtown hospitality guidelines; and thereby promote and protect the health, safety, comfort, appearance and general welfare of the community. (Ord. 2055 § 2, 2012; Ord. 1225 § 1, 1985; prior code § 2-2.3401)

#### **18.74.020 Creation of district.**

There is hereby created a zoning overlay district known as the Downtown Pleasanton Revitalization district (hereinafter referred to as “district”) the boundaries of which are as shown on Figure 18.74.020 at the end of this chapter.

Within this district are two overlay areas, the downtown hospitality central core area and the downtown hospitality transition area as designated on the downtown hospitality area map following this chapter. The downtown hospitality transition area overlay includes the public park, Civic Park, at the intersection of Main Street and Bernal Avenue. (Ord. 2194 § 2, 2019; Ord. 2055 § 2, 2012; Ord. 1225 § 1, 1985; prior code § 2-2.3402)



## Chapter 18.81

### ACTIVE GROUND-FLOOR OVERLAY DISTRICT

#### Sections:

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

#### **18.81.010 Purpose.**

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

- A. To provide a balanced physical environment conducive to pedestrian activity and a walkable street network; and
- B. To enable uses that support a vibrant, pedestrian-oriented experience throughout much of the day and evening and are a defining component of downtown Pleasanton. (Ord. 2194 § 2, 2019)

#### **18.81.020 Applicability.**

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

- A. The overlay shall not apply to tenant spaces with a storefront whose primary access is not from Main Street or another street designated with the overlay (as depicted in the Downtown Specific Plan Land Use Diagram).
- B. For buildings that have multiple tenant spaces, the requirements of the overlay shall only apply to the tenant spaces with frontage on Main Street or a street designated with the overlay (as depicted in the Downtown Specific Plan Land Use Diagram).
- C. For tenant spaces accommodating multiple uses, a minimum of the first 25-percent of the depth of tenant space (measured perpendicular to the façade fronting a designated active street) must be occupied with an active use.
- D. The overlay shall not apply to buildings containing banks or financial institutions existing as of the date of adoption of this chapter, and purpose-built for such uses. (Ord. 2194 § 2, 2019)

#### **18.81.030 Underlying zoning.**

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

#### **18.81.040 Procedure for granting exceptions.**

- A. The director of community development or his/her designee may grant an exception to allow a non-active ground floor use within a tenant space or building, based on any of the following criteria:
  - 1. The tenant space has been vacant for a period of at least six months. Evidence of attempts to lease space shall be provided to the director of community development upon request.
  - 2. The configuration of the tenant space is such that it would have a storefront frontage of less than 10 feet (as determined by the director of community development) on a designated active street.
  - 3. The tenant is located in an existing, purpose-built building containing a bank or financial institution as its primary tenant/occupant.
- B. Notice of the director of community development's decision shall be provided to the planning commission. Such decision is subject to appeal in accordance with the provisions of Chapter 18.144. (Ord. 2194 § 2, 2019)

## Chapter 18.82

### 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.**

#### **18.82.010 Purposes.**

The purpose of this chapter is to provide locations, procedures and standards to facilitate the establishment of homeless shelters within the SF service facilities overlay district area.

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

#### **18.82.020 Area designation.**

The SF service facilities overlay district shall include the area designated on the map in Exhibit A at the end of this chapter. (Ord. 2061 § 2, 2013)

#### **18.82.030 Applicability.**

Within the SF service facilities overlay district all homeless shelters as defined in this title and that conform to the standards specified in this chapter, shall be a permitted use without a conditional use permit or other discretionary permit. Otherwise, all regulations of the underlying base district shall apply. For properties within the SF overlay district that have an approved PUD development plan, the uses and standards of the PUD shall apply, except that homeless shelters shall be a permitted use without a conditional use permit, or other discretionary permit. (Ord. 2061 § 2, 2013)

#### **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.



## Chapter 18.84

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

#### Sections:

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

#### **18.84.010** Basic requirements for all sections.

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

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

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

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

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

**18.84.030 Site area and dimensions—Measurement.**

- A. Required front, side and rear yards shall be measured as the minimum horizontal distance from the property line of the site or street right-of-way line to a line parallel thereto on the site; provided that where a specific street plan has been adopted by the city council, site area and required yards shall be measured from the plan line, and no provision of this chapter shall be construed to permit a structure or use to extend beyond such line; and provided further, that where a site abuts on a street having only a portion of its required width dedicated or reserved for street purposes, site area and required yards shall be measured from a line drawn on the boundary of the additional width required for street purposes abutting the site.
- B. No site shall have less than 35 feet of frontage.
- C. On an irregular site, required yards shall be measured in the manner prescribed by the zoning administrator.
- D. On a lot having a width that exceeds its depth and which is served by an access corridor, the longer dimension may be considered the depth for purposes of measuring front, side and rear yards.
- E. If, after dividing the area of a site in an RM, MU, or C-C district by the site area required per dwelling unit, a remainder equal to or greater than 90 percent of the area required for an additional dwelling unit is obtained, one additional dwelling unit may be located on the site, provided that all other applicable yard, open space, bulk, and parking regulations are met. (Ord. 2194 § 2, 2019; prior code § 2-5.36(1))

**18.84.040 Hillside sites in R-1 districts.**

- A. In the R-1-6,500, R-1-7,500, R-1-8,500 and R-1-10,000 districts, for each one-foot difference in elevation greater than 10 feet between points A and B as described in this chapter, the minimum required site area shall be increased by 10 percent except that a site in excess of 13,000 square feet shall not be required in the R-1-6,500 district, a site in excess of 15,000 square feet shall not be required in the R-1-7,500 district, a site in excess of seventeen thousand square feet shall not be required in the R-1-8,500 district, and a site in excess of 20,000 square feet shall not be required in the R-1-10,000 district.
- B. In the R-1-20,000 and R-1-40,000 districts, for each one-foot difference in elevation greater than 20 feet between points A and B, as described in this chapter, the minimum required site area shall be increased by 10 percent.
- C. On any lot point A is a point at which either projected side lot line intersects the edge of the street pavement as shown on a preliminary or tentative subdivision map or on plans approved by the city engineer or the existing pavement or traveled way. Point B is a point on the lot on an arc 100 feet distant from point A with the greatest difference in natural grade.
- D. On a site having a difference in elevation of more than 10 feet between points A and B as described in this chapter, the natural grade shall not be disturbed or natural vegetation removed on more than 5,000 square feet if the site is in the R-1-10,000 district or more than 7,000 square feet if the site is in the R-1-20,000 or R-1-40,000 districts, provided that vegetation other than trees more than six inches in diameter may be removed from additional area if replaced by planting of equal coverage and ground-holding ability, and provided that vegetation may be removed from additional area in accord with a plan approved by the board of design review to thin out excessively heavy growth in order to foster improved growth conditions, to remove diseased plant material, or to eliminate a hazardous condition.



- E. All properties placed in a hillside planned development (H-P-D) district shall be developed pursuant to the provisions of Chapter 18.76 of this title. (Ord. 2000 § 1, 2009; prior code § 2-5.36(2))

**18.84.050 Width of corner lots.**

Corner lots shall have extra width in addition to the width prescribed in the zoning schedule at least equal to the width of the minimum interior side yard prescribed for a main structure in the district and in no case shall the lot be less than 80 feet. (Prior code § 2-5.36(3))

**18.84.060 Depth adjoining freeway or railroad in R districts.**

In an R district, no site rearing on a freeway or railroad right-of-way shall have a depth of less than 130 feet. (Prior code § 2-5.36(4))

**18.84.070 Nonconforming sites.**

A site having an area, frontage, width or depth less than the minimum prescribed for the district in which the site is located, which is shown on a duly approved and valid tentative subdivision map or a recorded subdivision map, or for which a deed or valid contract of sale was of record prior to the effective date of the ordinance codified in this chapter, and which had a legal area, frontage, width and depth at the time that the subdivision map, deed or contract of sale was recorded, may be used for a permitted use or a conditional use in the district in which it is located but shall be subject to all other regulations for the district. (Prior code § 2-5.36(5))

**18.84.080 Front yards—Requirements and exceptions.**

In addition to the regulations prescribed in the zoning schedule of Section 18.84.010 of this chapter, the following regulations shall apply:

- A. The minimum front yard for a garage, carport or off-street parking space required to serve a dwelling in the R-1-6,500, R-1-7,500, R-1-8,500, R-1-10,000, and RM districts shall be 23 feet in order to accommodate a car outside the garage, carport or parking space without encroaching upon the sidewalk, provided that where a garage or carport entered parallel to the street from which it has access, the front yard for the garage or carport may be 15 feet. In the R-1-6,500, R-1-7,500, R-1-8,500 and R-1-10,000 zoning districts, the front yard setback shall be a minimum of 20 feet for those properties where it can be shown through city records to the satisfaction of the community development director that the home was initially constructed with a minimum of 20-foot front yard setback.
- B. Where sites comprising 40 percent of the frontage in an R district on a block are improved with buildings, the minimum front yard shall be the average of the minimum front yard depths for structures other than garages or carports on each developed site in the district on the block. In computing the average, a depth 10 feet greater than the minimum required front yard shall be used for any site having a greater yard depth.
- C. No solid fence, brick and screen block walls, chainlink fence, hedge, or other screen planting in a required front yard in all zoning districts other than the R-1-20,000, R-1-40,000, and A districts shall exceed a height of 30 inches. Open fencing such as wrought iron, split rail, picket style, or other similar types of open fencing may be located in a required front yard, provided that the open fence maintains a maximum height of 42 inches. In conjunction with the open fence, a solid base of brick or split face block up to a height of 18 inches may be constructed so long as the total fence height does not exceed 42 inches, and decorative columns, caps, or pilasters up to a height of 48 inches, generally separated by a distance of six feet may be constructed. "Open picket style fencing" is defined as fencing which consists of narrow vertical boards, generally three inches to four inches in width, and with a minimum of 33 percent of the fence area being open.

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

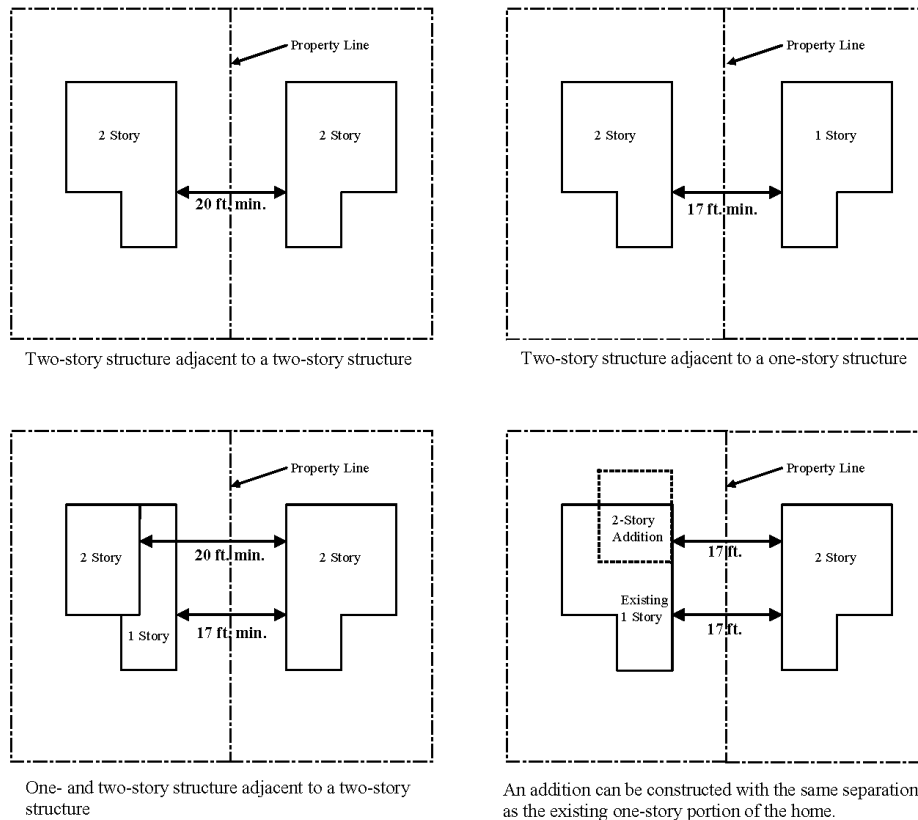
1. No such structure or screen shall exceed six feet in height except decorative arched gateways, which may be a maximum of eight feet in height;



**18.84.100 Yards and courts related to height of a structure.**

In addition to the yards prescribed in Section 18.84.010 of this chapter, the following regulations shall apply:

- A. In a R-1 district, at the time of initial construction, main structures two stories or greater in height shall be separated by a distance of at least 20 feet; provided, however, portions of two structures, only one of which is two stories or greater in height, shall be separated by at least 17 feet. For structures with upper floors set in or out from lower floors, separation shall be measured separately from each story. Additions to the main structure may be constructed with the same separation as the existing first floor, provided that the addition does not encroach any farther into the separation than the existing main structure. All additions to the main structure which exceed 10 feet in height shall be subject to design review pursuant to Section 18.20.010 of this title. Accessory structures two stories or greater in height shall be separated by a distance of at least 20 feet from any structure two stories or greater in height; accessory structures two stories or greater in height shall be separated by a distance of at least 17 feet from one-story structures. For purposes of this section, separation shall be measured from the wall of one structure to the wall of the other structure excluding architectural projections.
- B. In an RM district, no structure shall exceed the height of a sloping plane 15 feet in height at the interior of the minimum required side yard prescribed in Table 18.84.010 of this chapter, and sloping away from the side property line five feet for each additional 15 feet in height.
- C. In an R district, the distance between a main structure and an accessory structure on the same site shall not be less than six feet, except that accessory structures in the rear yards or in one side yard may be closer than six feet if all the requirements of the building and fire code are met and if such structures are not closer than three feet to any side or rear property line.



**Figure 18.84.100**

(Ord. 2038 § 1, 2012; Ord. 1249 § 1, 1986; Ord. 1240 § 1, 1986; prior code § 2-5.39)

**18.84.110 Traffic sight obstructions.**

Except in a C-C or MU district, on a corner lot, no solid fence, wall, hedge, or other obstruction, except the natural grade of a site, within a triangular area formed by the street property lines and a line connecting points on the property lines 25 feet from the street intersection shall exceed a height of 30 inches above established grade or an open fence up to a height of 42 inches above established grade at the edge of the street pavement or traveled way if plans have not been approved, provided that trees pruned up to eight feet above the street grade shall be permitted. (Ord. 2194 § 2, 2019; Ord. 1862 § 1, 2002; prior code § 2-5.40)

**18.84.120 Projections into yards.**

- A. Architectural Projections. Architectural projections, including eaves, awnings, louvers, and similar shading devices; sills, belt courses, cornices, and similar features; and flues and chimneys may project not more than four feet into a required front yard, rear yard, or side yard on the street side of a corner lot, and not more than two feet into any other required yard, provided that the distance between an architectural projection and side or rear property line shall not be less than three feet.
- B. Oriel or Bay Windows. Oriel or bay windows may project not more than three feet into a required front yard, rear yard, or side yard on the street side of a corner lot, provided that the aggregate width of oriel or bay windows shall not exceed 50 percent of the length of the wall in which they are located, and the width of any individual oriel or bay window shall not exceed 10 feet.
- C. Porches and Steps. Unroofed porches, steps, decks, and terraces may come to a point not closer than 12 feet to a front property line, or may project not more than eight feet into a required front yard or side yard on the street side of a corner lot, or to a point not closer than three feet to an interior side or rear property line, provided that the height, including railings, shall not exceed six feet above the grade of the ground at the property line.
- D. Balconies over Six Feet Aboveground. Balconies, decks, terraces, and other similar unroofed structures at a height, including railing, more than six feet above the level at which a yard must be provided, may project not more than eight feet into a required front yard or rear yard and five feet into any other required yard, provided that they shall not reduce any yard to less than five feet except on the street side of a corner lot. Such structures shall be cantilevered or supported only by necessary columns. A balcony or deck projecting from a higher story may extend over a lower balcony or deck.
- E. Open Stairways. Open, unenclosed fire escapes and fireproof outside stairways may project into any required yard not more than four feet, provided that no yard shall be reduced to less than three feet.
- F. Covered Front Porches And Covered Patios. Covered front porches attached to a main structure may come to a point not closer than 12 feet from the front property line, provided that the covered front porch is designed to be an integral part of the home, is open on three sides, has a minimum depth of eight feet, and has a minimum width of 10 feet. Porch eaves shall project no more than an additional 24 inches into the required front and/or side yard setback areas.  
  
Covered patios attached to a main structure and enclosed on more than one side may project not more than eight feet into a required rear yard and five feet into a required side yard within 35 feet of the rear lot line, provided that the required side yard shall not be reduced to less than five feet. Covered patios attached to a main structure and open on three sides may come to within five feet of the rear property line and three feet from the side property lines of the property within any residential zone.
- G. Underground Structures. Covered underground structures may project without limit into any required yard, provided that they shall not have a height of more than two and one-half feet and provided that their surfaces are landscaped. (Ord. 1876 § 1, 2003; Ord. 1244 § 1, 1986; prior code § 2-5.41)

**18.84.130 Projections over public property.**

Projections into public rights-of-way shall be regulated by the building code and by Chapter 18.96 of this title, except that in a C-C or MU district a balcony, oriel window, arcade, or other projection may extend over a sidewalk, provided that the horizontal distance between the curb and the nearest face of the structure shall be at least two feet, the

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

**18.84.140 Height limits—Measurement.**

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

**18.84.150 Height limits—Exceptions.**

- A. Architectural building elements such as towers, cupolas, and similar structures, and appurtenances such as spires, chimneys, elevator and stairway enclosures, building-mounted flagpoles, screens for rooftop equipment, and similar structures covering not more than 10 percent of the ground area covered by the structure may be erected to a height of not more than 15 feet above the height limit prescribed by the regulations for the district in which the site is located, with design review approval specified under Chapter 18.20 of this title.
- B. Except as otherwise allowed by this title, subject to design review approval specified under Chapter 18.20 of this title, free-standing appurtenant structures such as water tanks, fire towers, flagpoles, monuments, and similar structures; residential radio and television aerials and antennas; receive-only antennas; may be erected to a height of not more than 65 feet or not more than 25 feet above the height limit prescribed by the regulations for the district in which the site is located, whichever is less.
- C. The height and location of commercial radio and television aerials, antennas, and transmission towers shall be subject to design review approval specified under Chapter 18.20 of this title, and shall be based on a visual analysis demonstrating that views of the aerial/antenna/tower are minimized or are substantially screened from residential land uses, the I-580 and/or I-680 rights-of-way, or other sensitive land uses such as parks, schools, or major streets, and shall be based on an engineering analysis justifying the height of the proposed aerial/antenna/tower.  
Any parabolic dish mounted on the aerial/antenna/tower shall be less than two feet in diameter. The base of the aerial/antenna/tower and any switching facility located at the base that is visible to the public shall be architecturally treated and/or screened from view utilizing on- and/or off-site vegetation or other approved screening mechanism.
- D. Wire-carrying power distribution poles and transmission towers and communication poles located in any zoning district shall not be subject to the height limits prescribed in the district regulations.
- E. In the R-1 district and the RM district, second units located above a garage may exceed the 15-foot height limit for accessory structures. Second units constructed above a detached garage in those districts may not exceed 25 feet in height as measured from the lowest grade adjacent to the structure to the highest ridge or top of the structure. (Ord. 2194 § 2, 2019; Ord. 2080 § 2, 2013; Ord. 1821 § 1, 2001; Ord. 1743, 1998; Ord. 1600 § 2, 1993; prior code § 2-5.43(2))

**18.84.160 Accessory structures—Location and yards.**

- A. In an R district, Class I and Class II accessory structures may be located in a required rear yard or a required interior side yard within 35 feet of the rear lot line, provided that the distances to lot lines shall not be less than prescribed in Section 18.84.010 of this chapter, except that Class II accessory structures may be constructed to the

property line, but not attached to the fence, and provided that in the aggregate no more than 500 square feet or 10 percent of the area of the required rear yard, whichever is greater, shall be covered by structures other than garages or carports in an RM-2,500, RM-2,000 or RM-1,500 district. Accessory structures located in required side or rear yards shall not be closer to a main structure or any other accessory structure than the distance prescribed in Section 18.84.100 of this chapter. The minimum distance between an accessory structure containing a habitable room and a side or rear lot line shall be the same as the minimum required side yard for a main structure on the same site.

- B. An accessory structure located not closer to a property line than the distance required for a main structure on the same site may adjoin or may be separated from a main structure, provided that if directly opposite walls in either structure have a main entrance to a dwelling unit or a window opening into a habitable room, the space between the structures shall be as prescribed in Section 18.84.100 of this chapter.
- C. No accessory structure shall be located either within a front yard or, unless adequately screened from view from the street as determined by the zoning administrator within the area between the front yard and the front of a structure in an R district.
- D. Swimming pools shall comply with the applicable Class II accessory structure regulations of this title and in addition shall be subject to the requirements of Chapter 20.55 of this code.
- E. Accessory dwelling units shall comply with the regulations in Chapter 18.106 of this title.
- F. Accessory structures exceeding 10 feet in height shall be subject to design review pursuant to Section 18.20.010 of this title.
- G. Location Standards for Pools and Spas.
  - 1. Pool water line shall not encroach into a required front yard or be placed closer than five feet to a rear or interior side property line or 10 feet to a street side property line, except that the pool water line for cord-connected, aboveground (portable) spas shall not encroach into a required front yard or be placed closer than three feet to a rear or interior side property line or 10 feet to a street side property line.
  - 2. Pool walls placed closer than five feet to a structure shall require investigation and written approval by a licensed civil engineer. A copy of this investigation and approval shall be furnished to the administrative authority prior to issuance of a pool permit.
  - 3. Pool equipment may be located within the boundaries of the site in which the pool is located without regard to setback except that equipment shall not be located within required front yards nor within the required side yard of the street side of a corner lot unless said equipment is located on the interior side of a fence as allowed in conformance with Title 18 of this code of the city. Where pool equipment is located within a required side yard adjacent to a main structure, a minimum three-foot clearance shall be maintained between said equipment installation and the corresponding side property line. (Ord. 2192 § 2, 2019; Ord. 2161 § 1, 2017; Ord. 2038 § 1, 2012; Ord. 1812, 2000; Ord. 1656 § 1, 1995; Ord. 1150 § 1, 1984; prior code § 2-5.44)

#### **18.84.170 Usable open space.**

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

- B. Group usable open space shall have a minimum area of 300 square feet and a rectangle inscribed within it shall have no dimension less than 15 feet. Required usable open space may be located on the roof of an attached garage or carport, but not more than 20 percent of the required space shall be located on the roof of a building containing habitable rooms.
- C. Private usable open space located at ground level shall have a minimum area of 150 square feet and a rectangle inscribed within it shall have no dimension less than 10 feet. The minimum area of aboveground-level space shall be 50 square feet and a rectangle inscribed within it shall have no dimension less than five feet. Private usable open space shall be adjacent to, and not more than four feet above or below the floor level of the dwelling unit served. Not more than 50 percent of ground-level space may be covered by an overhang, balcony, or patio roof. Aboveground-level space shall have at least one exterior side open above railing height.
- D. Private, ground-level, usable open space on the street side of a structure shall be screened from the street.
- E. Usable open space shall be permanently maintained by the owner in orderly condition. (Ord. 2194 § 2, 2019; prior code § 2-5.45)

**18.84.180 Screening and landscaping—Materials and maintenance.**

Except as otherwise required by the provisions of this chapter, screening shall consist of a solid wall or fence, vine-covered fence, or compact evergreen hedge. Hedge material used as screening shall be not less than three feet in height when planted and shall not be permitted to exceed the specified height by more than one and one-half feet. Where buffers or trees are required, they shall have a mature height of not less than 12 feet and shall be planted not more than 20 feet apart. All screening and landscaping shall be permanently maintained in orderly condition by the owner. Plant materials shall be watered, weeded, pruned and replaced as necessary to screen or ornament the site. A permanent irrigation system shall be provided. (Prior code § 2-5.46(1))

**18.84.190 Screening of parking and loading facilities adjoining or opposite R district.**

In an R district an open parking facility for more than five cars or a loading area shall be screened from properties in an R district adjoining or directly across a street or alley. In a district other than an R district an open parking facility or a loading area shall be screened from an R district adjoining or directly across a street or alley. Screening shall be six feet in height, except that screening to protect properties across a street may be not less than four feet in height. (Prior code § 2-5.46(2))

**18.84.200 Screening of uses adjoining R-1 district.**

Where the site of a dwelling other than one-family dwelling or a duplex adjoins an R-1 district, screening six feet in height shall be located adjoining the property line. Where the site of a use other than a dwelling adjoins an R-1 district, screening six feet in height shall be located adjoining the property line, and an area 10 feet in depth adjoining the property line shall be landscaped with plant materials, including a buffer of trees. (Prior code § 2-5.46(3))

**18.84.210 Screening of uses adjoining RM districts.**

Where the site of a use other than a dwelling adjoins an RM district screening six feet in height shall be located adjoining the property line and an area with plant materials, including a buffer of trees. (Prior code § 2-5.46(4))

**18.84.220 Screening of open uses.**

A use not conducted within a completely enclosed structure shall have screening of a height specified by the zoning administrator if located in an I-P district or in a C or I district adjoining or opposite across a street or alley from an R district or if located in C-S or I district adjoining or opposite across a street from an O, C-N, C-C, MU, C-R or P district, unless the zoning administrator finds that topographic or other physical conditions or the characteristics of the use make screening unnecessary or ineffective for protection of the adjoining or opposite district. (Ord. 2194 § 2, 2019; Ord. 1656 § 1, 1995; prior code § 2-5.46(5))

**18.84.230 Landscaping of parking facilities.**

In an O, C-N, C-C, MU, I-P, or P district, not less than five percent of the area with a line drawn around the outer edges of the area occupied by vehicles shall be landscaped with trees and other plant materials suitable for ornamentation. Landscaped areas shall be distributed throughout the parking area. In addition, a landscaped area not less than five feet in depth shall be located at the property lines adjoining the street frontages of the site except for necessary drives and walks. (Ord. 2194 § 2, 2019; prior code § 2-5.46(6))

**18.84.240 Landscaping of trailer parks.**

Where a trailer park adjoins a street, an area 20 feet in depth except for necessary drives and walks shall be landscaped with materials suitable for ensuring privacy and ornamenting the site. (Prior code § 2-5.46(7))

**18.84.250 Additional landscaping in O and I-P districts.**

In an O or an I-P district the required front yard and required side yard on the street side of a corner lot except for the area occupied by necessary drives and walks, shall be landscaped with trees and other plant materials suitable for ornamentation. (Prior code § 2-5.46(8))

**18.84.260 Landscaping of buffers in Q district.**

Landscaped buffers required by Chapter 18.52 of this title, shall include an earth berm, having a crest not less than 10 feet above natural grade at the boundary of the Q district, unless the zoning administrator finds that the berm is not necessary for sight or sound buffering. The entire buffer shall be planted with trees and other materials to effectively prevent transmission of noise and dust and growth of weeds. Planting in the portion of the buffer within 50 feet of the protective fence required by Chapter 18.52 shall consist of closely spaced trees and shrubs attaining a height of at least 20 feet, with evergreen foliage sufficient to completely screen extraction operations from view. (Ord. 1656 § 1, 1995; prior code § 2-5.46(9))

**18.84.270 Types of vehicles and parking locations permitted in R district.**

- A. Except as specified in a use permit authorizing a conditional use, no truck or bus larger than one-ton capacity and no trailer longer than 25 feet shall be parked or stored on a site.
- B. No off-street parking space provided in compliance with Chapter 18.88 of this title shall be located in a required front yard or in a required side yard on the street side of a corner lot.
- C. Except as specified in a use permit authorizing a conditional use, no more than one vehicle, other than automobiles, shall be stored on a site in an R-1 or RM-4,000 district, except in an enclosed garage.
- D. No vehicle shall be parked or stored except in conformity with the requirements of Section 18.84.110 of this chapter.
- E. No trailer, camper or boat shall be parked or stored in a front yard; provided, however, that in addition, a trailer, camper or boat may not be parked or stored in the side-street side yard of a corner lot.
- F. No trailer, camper or boat shall be parked or stored in the area between the front yard and the front of a structure or in a side yard, unless adequately screened from view from the street as determined by the zoning administrator. (Ord. 1656 § 1, 1995; prior code § 2-5.47)



Table 18.84.010

SITE DEVELOPMENT STANDARDS FOR ZONING DISTRICTS IN PLEASANTON

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

ZONING DISTRICT	MINIMUM LOT SIZE			MINIMUM YARDS			SITE AREA PER DWELLING UNIT	GROUP USABLE OPEN SPACE PER DWELLING UNIT	BASIC FLOOR AREA LIMIT (% OF SITE AREA)	MAXIMUM HEIGHT OF MAIN STRUCTURE	CLASS 1 ACCESSORY STRUCTURES		
	Area	Width	Depth	Front	One Side/ Both Sides	Rear					Maximum Height	Minimum Distance to Side Lot Line	Minimum Distance to Rear Lot Line
C-C	---	---	---	18.84.130	18.84.130	---	1,000 sq ft 18.44.080 18.84.030E	150 sq ft	300%	40 ft 18.84.150	40 ft 18.84.150	---	---
MU-D	---	---	---	18.84.130	18.84.130	---	1,000 sq ft 18.44.080 18.84.030E	150 sq ft	300%	46 ft 18.84.150	46 ft 18.84.150	---	---
MU-T	10,000 sq ft	80 ft	100 ft	20 ft	10 ft; 20 ft	10 ft	1,000 sq ft 18.44.080 18.84.030E	150 sq ft	125%	36 ft	15 ft	3 ft	3 ft
C-R	18.44.070A												
C-S	10,000 sq ft	80 ft	100 ft	10 ft	---	10 ft	Dwellings not permitted	Dwellings not permitted	100%	40 ft	40 ft	---	10 ft
C-F	30,000 sq ft	100 ft	130 ft	20 ft	20 ft; 40 ft	10 ft	Dwellings not permitted	Dwellings not permitted	40%	40 ft	40 ft	20 ft	10 ft
C-A	10 acre	300 ft	300 ft	20 ft	20 ft; 40 ft	10 ft	Dwellings not permitted	Dwellings not permitted	40%	40 ft	40 ft	20 ft	10 ft
I-P	20,000 sq ft	140 ft	140 ft	25 ft	20 ft; 40 ft	15 ft	Dwellings not permitted	Dwellings not permitted	50 %	40 ft	40 ft	20 ft	25 ft
I-G 20,000	20,000 sq ft	100 ft	150 ft	25 ft	10 ft; 20 ft	15 ft	Dwellings not permitted	Dwellings not permitted	100%	40 ft	40 ft	10 ft	25 ft
I-G 40,000	40,000 sq ft	150 ft	300 ft	25 ft	10 ft; 20 ft	15 ft	Dwellings not permitted	Dwellings not permitted	100%	18.84.150	18.84.150	10 ft	25 ft
I-G 3 acre	3 acre	200 ft	300 ft	25 ft	20 ft; 40 ft	50 ft	Dwellings not permitted	Dwellings not permitted	---	40 ft	40 ft	20 ft	50 ft
Q	50 acre	---	---	100 ft	100 ft; 200 ft	100 ft	---	---	---	40 ft 18.84.150	40 ft 18.84.150	100 ft 18.52.060— 18.52.100	100 ft
P	18.56.020(A)	PUD		18.84.020									
S	18.60.060	CO		18.72									
RO	18.64	CAO		18.80*									

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

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

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

## Chapter 18.88

### OFF-STREET PARKING FACILITIES

#### Sections:

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

#### **18.88.010 Purpose.**

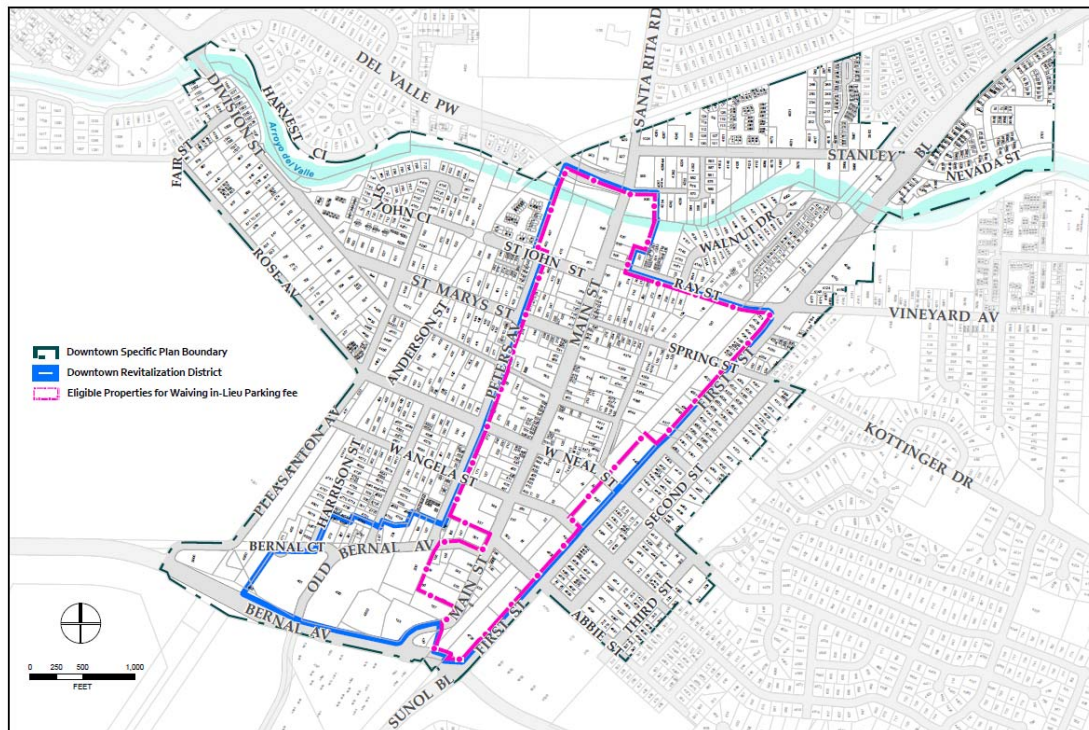
In order to alleviate progressively or to prevent traffic congestion and shortage of curb spaces, off-street parking facilities shall be provided incidental to new uses and major alterations and enlargements of existing uses. The number of parking spaces prescribed in this chapter or to be prescribed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

#### **18.88.020 Basic requirements.**

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

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

Figure 18.88.020



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

- F. Property Zoned C-C, MU or O and in the Downtown Revitalization District.
1. All uses, with the exception of office uses on the ground floor of new buildings on sites with frontage on Main Street, shall provide parking or pay equivalent in lieu parking fees at the rate of one space for each 300 square feet of gross floor area. However, uses which have lower parking requirements as stated elsewhere in this section may provide parking or pay equivalent in lieu fees according to that lower standard.
  2. Office uses on the ground floor of new buildings with frontage on Main Street shall provide parking or pay equivalent in lieu parking fees at the rate of one space for each 250 square feet of gross floor area. Such office uses which are established anytime within the first five years of the building's occupancy, including tenant spaces which convert from nonoffice to office use within the first five years of building occupancy, shall provide the additional parking or pay the in lieu fee based on the additional parking required for office use. (Ord. 2194 § 2, 2019; Ord. 2089 § 2, 2014; Ord. 1898 § 1, 2003; Ord. 1586 § 10, 1993; Ord. 1156 § 1, 1984; prior code § 2-9.15)

### 18.88.030 Schedule of off-street parking space requirements.

- A. Dwellings and Lodgings.
1. Single-family dwelling units shall have at least two parking spaces. Accessory dwelling units shall adhere to the parking requirements in Section 18.106.
  2. Condominiums, community apartments and separately owned townhouses shall have at least two parking spaces per unit.

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

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

**Table 18.88.040**

**MINIMUM PARKING SPACE DIMENSIONS**

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

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

**18.88.050 Location.**

- A. In all districts except the C-C, MU and P districts, off-street parking facilities prescribed in Section 18.88.030 of this chapter shall be located on the same site as the use for which the spaces are required or on an adjoining site or a site separated only by an alley from the use for which the spaces are required.
- B. In a C-C, MU or P district, a use permit may be granted to permit off-street parking facilities prescribed in Section 18.88.030 of this chapter to be separated from the site of the use for which the spaces are required, if located within 300 feet of the site, measured by the shortest route of pedestrian access, provided that the planning commission shall find that the parking site is not in conflict with the Pleasanton central district development plan adopted by the city council. (Ord. 2194 § 2, 2019; prior code § 2-9.18)

**18.88.060 More than one use on site or adjoining site.**

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

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

- D. The total number of spaces otherwise required may be reduced by not more than the parking requirement of the discrete use requiring the fewer parking spaces. (Ord. 2194 § 2, 2019; prior code § 2-9.19(1))

**18.88.070 Off-street parking facilities to serve one use.**

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

**18.88.080 Reduction of off-street parking.**

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

**18.88.090 Joint use in C-C, MU and C-S districts.**

Adjoining off-street parking facilities serving uses on two or more sites in separate ownership that provide shared parking through reciprocal parking easements may provide parking at the rate of one space for each 400 square feet of gross floor area where the zoning administrator determines that provision has been made for the joint development to function as a single parking facility, all parts of which are accessible to each use served. Parking spaces in such parking lots shall not be reserved or designated for the use of any one business. Off-street parking facilities provided in accord with this section shall be designated as prescribed in Section 18.88.130 of this chapter. (Ord. 2194 § 2, 2019; Ord. 1898 § 1, 2003; prior code § 2-9.19(4))

**18.88.100 Parking assessment district.**

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

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



**18.92.080 Reduction of facilities.**

No off-street loading facility shall be reduced in capacity or in area without sufficient additional capacity or additional area being provided to comply with the regulations of this chapter. (Prior code § 2-9.32(3))

**18.92.090 Existing uses.**

No existing use of land or structure shall be deemed to be nonconforming solely because of the lack of off-street loading facilities prescribed in this chapter, provided that facilities being used for off-street loading on the effective date of the ordinance codified in this chapter, shall not be reduced in a capacity to less than the number of berths prescribed in this chapter or reduced in area to less than the minimum standards prescribed in this chapter. (Prior code § 2-9.33)

**18.92.100 Designation of facilities.**

When off-street loading facilities are provided in compliance with the requirements of this chapter, on a site other than the site on which the use to be served by the loading facilities is located, an indenture shall be recorded in the office of the county recorder designating the off-street loading facility and the use to be served, with legal descriptions of all sites involved, and certifying that the off-street loading facility shall not be used for any other purpose unless the restriction is removed by resolution of the city planning commission. An attested copy of the recorded indenture shall be filed with the zoning administrator. Upon submission of satisfactory evidence that other off-street loading facilities have been provided in compliance with the requirements of this chapter or that the use has ceased or has been altered so as no longer to require the off-street loading facility, the commission shall by resolution remove the restriction. (Prior code § 2-9.34)

## Chapter 18.96

### SIGNS

#### Sections:

- 18.96.010 Purpose.**
- 18.96.020 General provisions and requirements.**
- 18.96.030 Exempt signs.**
- 18.96.040 Signs in A or R districts.**
- 18.96.050 Signs in O districts.**
- 18.96.060 Signs in C, MU and I districts.**
- 18.96.070 Signs in Q districts.**
- 18.96.080 Signs in P and S districts.**
- 18.96.090 Temporary subdivision signs.**
- 18.96.100 Temporary signs adjacent to freeways.**
- 18.96.110 Signs adjoining state highways and freeways.**
- 18.96.120 Signs in railroad rights-of-way.**
- 18.96.130 Zoning certificate required.**
- 18.96.140 Elimination of nonconforming signs.**
- 18.96.150 Design review.**
- 18.96.160 Temporary relaxation of sign regulations.**

#### **18.96.010 Purpose.**

The location, height, size, and illumination of signs are regulated in order to maintain the attractiveness and orderliness of the city's appearance, to protect business sites from loss of prominence resulting from excessive signs on surrounding sites, and to protect the public safety and welfare. (Prior code § 2-9.38)

#### **18.96.020 General provisions and requirements.**

No sign or display of any character shall be permitted except in conformity with the following regulations:

##### A. Location, Height, and Size.

1. Except as permitted by Section 18.96.060(J) and (K) and Section 18.96.090 of this chapter, all signs shall be located on the same site as the use they identify, provide information about, or direct attention to.
2. Except in a C-C or MU district, no sign shall project beyond a property line. A sign projecting beyond the property line in a C-C or MU district shall be attached to a building and shall not project more than four feet from the building or closer than two feet to the curb line, and shall not exceed nine square feet in area. Projecting signs shall be limited to one for each ground floor establishment.
3. A projecting sign shall have a minimum clearance of eight feet above an area used by pedestrians, and a minimum clearance of 15 feet above an area used for vehicular movement.
4. No sign attached to a building shall project above the eaves or parapet line.
5. No sign other than a directional sign shall project more than 12 inches into a required interior side yard or a required rear yard or shall be closer to an interior side lot than the minimum width of a required side yard on the site minus 12 inches. Signs may be located in a required front yard.
6. No sign exceeding 24 square feet shall be visible from an R district unless it shall be more than 100 feet from the R district.
7. No sign shall be located so as to create a safety hazard by obstructing vision, or shall interfere with or resemble any authorized warning or traffic sign or signal.
8. No sign shall exceed 250 square feet in area.

B. Illumination.

1. In an A, R, P or S district, illumination, where permitted, shall be indirect. In an O or MU-T district, illumination, where permitted, shall be indirect or diffused, provided that it shall be white and that the surface brightness of a sign shall not be greater than 100 foot-lamberts. In a C, MU-D or I district direct illumination shall be permitted, provided that if exterior illumination is closer than 200 feet to the boundary of a site or interior illumination is closer than 10 feet to a window within 200 feet of the boundary of a site, no fluorescent or mercury vapor tube, or incandescent illumination exceeding 120 milliamps shall be visible beyond the boundary of the site. In a C or I district diffused illumination closer than 200 feet to the boundary of a site and visible beyond the boundary of the site shall not have a surface brightness greater than 200 foot-lamberts.
2. A sign within 100 feet of an R district from which the sign is visible shall have illumination, if any, that is white and is indirect or diffused and shall not have a surface brightness greater than 100 foot-lamberts.
3. No sign shall have blinking, flashing or fluttering lights or any other illuminating device which has a changing light intensity, brightness or color.
4. No illuminated sign shall be located so as to be confused with or to resemble any warning traffic-control device.
5. Neither the direct nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles.

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

**18.96.030 Exempt signs.**

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

- A. Signs used exclusively for the posting or display of official notices by a public agency or official, or by a person giving legal notice;
- B. Signs erected or maintained by a public agency or official or required by law to be displayed by a public utility for directional, warning or informational purposes;
- C. Traffic-control signs and devices including street name signs;
- D. The flag, pennant, or insignia of any nation or association of nations, or of any state, city, or other political unit or of any charitable, educational, philanthropic, civic, professional or religious organization;
- E. Nonilluminated, nonverbal religious symbols on the site of a religious institution;
- F. Signs not visible beyond the boundary of a site;
- G. Directional signs necessary to control and direct pedestrian traffic on a site;
- H. Emblems of civic or service clubs and area identification signs of sizes and at locations approved by the planning commission;
- I. A real estate sign designating an open house for an individual home for sale or lease, other than first-time sales of homes within new subdivisions; provided, however, that the signs:
  1. Shall be freestanding A-frame or sandwich board type,
  2. Shall not exceed an overall height of 36 inches from the ground and the face of the sign shall not exceed a horizontal dimension of 24 inches and a vertical dimension of 18 inches,
  3. Shall have no riders. There shall be no additions, tags, signs, streamers, balloons or other appurtenances added to the standard real estate open house sign, provided, however, that arrows may be incorporated into the design of the face of the sign but may not be added appurtenant to the sign,

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

#### **18.96.040 Signs in A or R districts.**

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

- A. One nameplate, which may give notice of the name, address and occupation of the resident not directly lighted, not exceeding one square foot or eight feet in height, on the site of a one-family dwelling;
- B. One identification sign, not directly lighted, not exceeding six square feet or eight feet in height, on the site of a multi-family dwelling or a lodginghouse;
- C. One identification sign, not directly lighted, not exceeding 12 square feet or 12 feet in height, for each main building on the site of a public building, a private institution, a church, a club or lodge, a unifier park, or a nursing home, provided that a general hospital may have an identification sign not exceeding 24 square feet;
- D. In addition to an identification sign, one bulletin board, not directly lighted, not exceeding 20 square feet or eight feet in height, on the site of a church;
- E. One directional sign, not directly lighted, not exceeding four square feet, at each entrance or exit to a parking lot;
- F. Signs pertaining to the sale, lease, rental or display of a structure or land:
  1. For properties located in the A district, one nonilluminated sign not exceeding 12 square feet,
  2. For properties located in the R districts one nonilluminated sign not exceeding six square feet,
  3. Shall be removed 30 days after the sale, lease, rental or display of the structure or land;
- G. One nonilluminated, temporary construction sign, not exceeding 12 square feet, on the site of a structure or group of structures, while under construction, except that one additional square foot shall be permitted for each dwelling unit under construction, provided that the sign shall not exceed 24 square feet;
- H. One business sign, not directly lighted, not exceeding 12 square feet or 12 feet in height, on the site of a permitted or conditional use other than a dwelling in an A district, provided that additional sign area may be specified in a use permit and shall be based on the identification needs of the use and the character of surrounding uses;
- I. Any sign proposed to be located in an R-1 district, or in any PUD district developed under R-1 standards, whether illuminated or nonilluminated, shall be subject to review by the planning commission, as provided in Chapter 18.20;
- J. One identification sign, not directly lighted, not exceeding six square feet or six feet in height, on the site of a small bed and breakfast or bed and breakfast inn. (Ord. 1656 § 1, 1995; Ord. 1636 § 8, 1994; Ord. 1520 § 3, 1991; Ord. 1492 § 1, 1990; prior code § 2-9.41)

**18.96.050 Signs in O districts.**

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

- A. Business signs not exceeding one-half square foot for each foot of street property line adjoining a portion of the site occupied by the uses to which the signs direct attention, provided that signs not exceeding 40 square feet shall be permitted on a site having less than 80 feet of street property line. Signs not located flat against the wall of a building shall not exceed 12 feet in height, and no sign in a required front yard shall exceed six feet in height;
- B. One directional sign, not directly lighted, not exceeding four square feet, at each entrance or exit to a parking lot;
- C. Signs pertaining to the sale, lease rental or display of a structure or land, diffused or indirectly illuminated, as provided below:
  - 1. For sites less than two acres in size, one sign not to exceed 12 square feet and a height of six feet. Said sign may be freestanding or mounted on the building. Freestanding signs must be located not less than 10 feet from the street property line or back of sidewalk, whichever distance is greater,
  - 2. For sites of two or more acres in size, one freestanding sign per street frontage, each sign not to exceed 32 square feet and a height of eight feet. Said sign shall be placed parallel to the street and shall be located not less than 10 feet from the street property line or back of sidewalk, whichever distance is greater. For corner lots, signs shall not be located within 50 feet of the intersection of the street property lines,
  - 3. Shall be removed 30 days after the sale, lease, rental or display of the structure or land;
- D. One temporary construction sign not exceeding 12 square feet or one-fourth of the maximum permitted area for permanent signs, whichever is greater, not directly lighted, on the site of a structure while under construction. (Ord. 1492 § 1, 1990; prior code § 2-9.42)

**18.96.060 Signs in C, MU and I districts.**

No sign or outdoor advertising structure shall be permitted in a C, MU or I district except the following:

- A. C-N District. In a C-N District, business signs not exceeding one-half square foot for each foot of property line adjoining a portion of the site occupied by uses to which the signs direct attention, provided that signs not exceeding 40 square feet shall be permitted on a site having less than 80 feet of street property line, and provided that signs on the site of a service station shall not exceed a total of 80 square feet. Business signs shall be attached to a building except that one freestanding sign not exceeding 50 square feet or 12 feet in height shall be permitted on a site having at least three acres occupied by uses to which the signs direct attention. On the site of a service station, all signs shall be attached to a building, except that one freestanding sign, not exceeding 36 square feet, which is included in the total sign area allowable for a service station, shall have direct or diffused illumination, and shall not exceed 12 feet in height;
- B. C-C and MU Districts. In a C-C or MU district, business signs not exceeding two square feet for each foot of street property line, provided that signs not exceeding 40 square feet shall be permitted on a site having less than 20 feet of street property line, and provided that signs on the site of a service station shall not exceed a total of 80 square feet. No site shall have business signs totaling more than 400 square feet for each acre in use. Except on the site of a service station, the total area of projecting and freestanding signs shall not exceed one-fourth of the sign area permitted on the site. Freestanding business signs shall not exceed 12 feet in height, provided that a service station may have one freestanding business sign not exceeding 36 square feet or 24 feet in height, and a site of at least one acre occupied by uses other than a service station may have one freestanding business sign not exceeding 50 square feet or 24 feet in height. On the site of a service station, not more than one sign, not exceeding 36 square feet, shall have direct or diffused illumination, and no sign shall project beyond the property line;
- C. C-R District. In a C-R district, business signs shall be regulated by the zoning administrator on a case-by-case basis in accordance with the purposes of Chapter 18.20 of this title;
- D. C-S or C-A District. In a C-S or C-A district, business signs not exceeding two square feet for each foot of street property line, provided that signs not exceeding 40 square feet shall be permitted on a site having less than 20 feet of street property line. Business signs may be freestanding, but shall not exceed 24 feet in height. The total

area of business signs shall not exceed 300 square feet on a site having less than one acre in the use to which the signs direct attention, and shall not exceed 500 square feet on any site;

- E. C-F District. In a C-F district, business signs not exceeding 80 square feet for each 20,000 square feet of site area in use, provided that signs on the site of a service station shall not exceed a total of 160 square feet. The total area of business signs shall not exceed 500 square feet on any site. Business signs may be freestanding, but freestanding or projecting signs shall not exceed 20 feet in height except on the site of a service station. On the site of a service station, not more than one sign, not exceeding 80 square feet, shall have direct or diffused illumination, or shall exceed 12 feet in height if freestanding, and no sign shall exceed 30 feet in height;
- F. I Districts. In an I district, business signs not exceeding 80 square feet for each 20,000 square feet of site area in use, provided that signs on the site of a service station shall not exceed a total of 80 square feet. The total area of business signs shall not exceed 600 square feet on a site in an I-P district or 1,000 square feet in an I-G district. Except on the site of a service station, the total area of projecting and freestanding signs shall not exceed one quarter of the sign area permitted on the site. Business signs may be freestanding, but freestanding or projecting signs shall not exceed 20 feet in height except on the site of a service station. On the site of a service station, not more than one sign, not exceeding 36 square feet, shall have direct or diffused illumination, or shall exceed 12 feet in height if freestanding, and no signs shall exceed 24 feet in height;
- G. Directional Signs Generally. Directional signs, diffused or indirectly lighted, not exceeding four square feet each, pertaining to off-street parking and loading facilities;
- H. Sale, Lease, Rental Signs. Signs pertaining to the sale, lease, rental or display of a structure or land, diffused or indirectly illuminated, as provided below:
  1. For sites less than two acres in size, one sign not to exceed 12 square feet and a height of six feet. Said sign may be freestanding or mounted on the building. Freestanding signs must be located not less than 10 feet from the street property line or back of sidewalk, whichever distance is greater,
  2. For sites of two or more acres in size, one freestanding sign per street frontage, not to exceed 32 square feet and a height of eight feet. Said sign shall be placed parallel to the street and shall be located not less than 10 feet from the street property line or back of sidewalk, whichever distance is greater. For corner lots, signs shall not be located within 50 feet of the intersection of the street property lines,
  3. Shall be removed 30 days after the sale, lease, rental or display of the structure or land;
- I. Temporary Construction Signs. One temporary construction sign not exceeding one-fourth of the maximum permitted area for permanent business signs, not directly lighted, on the site of a structure while under construction;
- J. Directional Signs in Specific Districts. In a C-C, MU, C-S, C-F, or I district, directional signs not exceeding six square feet each, attached or freestanding, indicating the location of a use in a C, MU or I district within 1,000 feet by the shortest vehicle route from the signs. Not more than two off-site directional signs shall indicate each use, and the area of the directional signs shall be subtracted from the total business sign area permitted on the site on which they are located;
- K. Grand Openings. Temporary signs, banners, pennants, and decorations not including reflective devices for a period not to exceed 30 days after initial occupancy by an establishment. Large hot/cold air balloons are allowed for a community wide event and a "grand opening" of a shopping center only, restricted to a one-day, one-time only use subject to the granting of a temporary conditional use permit in accordance with the provisions of Section 18.124.170 of this title. The balloon may be installed after 5:00 p.m. the day preceding the event, and must be removed prior to 10:00 a.m. the day after the event. One sign only, to identify the shopping center or event, may be attached to the balloon. No trailing pennants or other balloons shall be attached. Under no circumstances shall a large hot/cold air balloon be displayed by an individual business.
 

For the purposes of this subsection, a community wide event is an event that either promotes and/or benefits the entire city and has been endorsed by the city council; endorsement may also be established by council action authorizing public street closures. Shopping center events are not community wide events.
- L. Service Clubs. Signs of service clubs or similar civic organizations not exceeding two square feet for each organization on the site of a meeting place.

- M. Bed and Breakfasts. One identification sign, not directly lighted, not exceeding six square feet or six feet in height, on the site of a bed and breakfast inn. (Ord. 2194 § 2, 2019; Ord. 1656 § 1, 1995; Ord. 1636 § 9, 1994; Ord. 1511 § 1, 1991; Ord. 1492 § 1, 1990; prior code § 2-9.43)

**18.96.070 Signs in Q districts.**

No sign or outdoor advertising structure shall be permitted in a Q district except the following:

- A. One business sign, diffused or indirectly lighted, not exceeding 12 square feet or 12 feet in height, on the site of a permitted or conditional use, provided that additional sign area and illumination may be specified in a use permit and shall be based on the identification needs of the use and the character of surrounding uses. Signs exceeding 12 square feet on the site of a preexisting rock, sand or gravel extraction or processing enterprise shall not require a use permit, but shall be subject to design review as prescribed by Chapter 18.20 of this title;
- B. Directional signs, diffused or indirectly lighted, not exceeding four square feet each, pertaining to off-street parking and loading facilities;
- C. One sign, diffused or indirectly lighted, not exceeding 12 square feet pertaining to the sale, lease, rental or display of a structure or land;
- D. One temporary construction sign not exceeding one-fourth of the maximum permitted area for permanent business signs, not directly lighted, on the site of a structure while under construction. (Prior code § 2-9.44)

**18.96.080 Signs in P and S districts.**

No sign or outdoor advertising structure shall be permitted in a P or S district except the following:

- A. Sign regulations for each use in a P or an S district shall be specified in the use permit and shall be based on the identification needs of the use and the character of surrounding uses. Signs on the site of a preexisting conditional use, other than directional signs or signs permitted in an A or R district, shall not require a use permit, but shall be subject to design review as prescribed in Chapter 18.20 of this title;
- B. One directional sign, diffused or indirectly lighted, not exceeding four square feet, at each entrance or exit to a parking lot;
- C. One nonilluminated sign, not exceeding six square feet, pertaining to the sale, lease, rental or display of a structure or land;
- D. One temporary construction sign not exceeding 12 square feet or one-fourth of the maximum permitted area for permanent signs, whichever is greater, diffused or indirectly lighted, on the site of a structure while under construction. (Prior code § 2-9.45)

**18.96.090 Temporary subdivision signs.**

- A. No directional or advertising signs for a subdivision shall be erected or maintained, except as provided for in this section.
- B. For the purposes of this section, an on-site advertising sign is one located within the subdivision. An off-site directional sign is one displaying the necessary travel directions to the subdivision, the name of the project and any characteristic trademark or similar device of the developer and nothing else. For the purposes of this section a subdivision is any land development project, residential or nonresidential, which involves the creation and marketing of five or more lots (or condominium units) under the same ownership prior to sale.
- C. The zoning administrator may authorize one on-site advertising sign and two off-site directional signs, where warranted, after a final subdivision map has been recorded for the project. In cases where a residential subdivision is under the same ownership but consists of different housing product types, the zoning administrator may authorize one on-site advertising sign and two off-site directional signs, where warranted, per product type, after a final subdivision map has been recorded for the housing product type for which said signs are desired. For the purposes of this section, a product type shall mean housing units which are clearly distinguishable in terms of one or more of the following characteristics: lot size; attached versus detached units; single-family versus multi-

family units; production homes versus custom homes; or as otherwise determined by the zoning administrator. All signs shall be subject to all of the following conditions:

1. Single-Faced, Double-Faced or V-Shaped. The signs may be either single-faced, double-faced, or V-shaped, providing the angle between the two faces shall not exceed 60 degrees;
2. On-Site Advertising Sign. The horizontal dimension of an on-site advertising sign face shall not exceed 12 feet and the total sign area shall not exceed 100 square feet with a total height of not more than 14 feet from ground level.
3. Individual Off-Site Directional Signs. An individual off-site directional sign shall provide direction to only one subdivision or one product type within a subdivision. The horizontal dimension of an individual off-site directional sign shall not exceed eight feet and the total sign area of a single sign face shall not exceed 40 square feet with a total height of not more than 10 feet from ground level, except as required in subsection (C)(5) below.
4. Off-Site Reader Board Directional Sign. An off-site reader board sign advertising no more than four subdivisions, or four product types within one or different subdivisions, or combinations thereof, may be erected subject to the following criteria:
  - a. Design Standards.
    - (1) The sign structure shall be constructed to the standard frame design and materials indicated in this subsection;
    - (2) The sign structure shall not exceed 10 feet in height and shall be single-faced;
    - (3) The ground within a three foot radius of the sign structure shall be maintained in a manner to prevent weed growth under the structure;
    - (4) The horizontal dimension of the sign shall not exceed four feet with a total sign area not to exceed 40 square feet;
    - (5) No more than four individual keyboard signs shall be installed on one sign;
    - (6) Individual keyboard signs shall be 18 inches high by 48 inches long and shall be consistent with the marketing colors used to advertise or identify each subdivision or product type;
    - (7) Individual keyboard lettering shall not exceed 10 inches and directional arrows shall be no larger than eight inches high and 18 inches long and shall be located closest to the street right-of-way;
    - (8) The lowest keyboard sign shall be two feet from grade.
  - b. Location. No more than one reader board sign shall be installed on any one parcel or property, and such signs shall be located no closer than 1,500 feet apart. The locations of these signs typically shall be limited to the major arterial streets within the city (as defined by the general plan), unless otherwise approved by the zoning administrator. The sign may not be installed within the public right-of-way, and must be situated not less than 10 feet from the street property line or back of sidewalk, whichever distance is greater. For corner lots, signs shall not be located within 50 feet of the intersection of street property lines.
  - c. Implementation.
    - (1) A reader board sign shall be located on private property, with the applicant providing the written consent of the property-owner(s) at the time of application;
    - (2) Prior to zoning administrator approval, the applicant shall demonstrate to the satisfaction of the city that lease arrangements have been secured with developer representatives to utilize at least three of the keyboards for each reader board sign for which an approval is sought. The zoning administrator may delay the installation of any sign if sufficient interest or lease has not been secured by the applicant;



## Chapter 18.120

### NONCONFORMING USES

#### Sections:

- 18.120.010 Purpose.**
- 18.120.020 Continuation and maintenance.**
- 18.120.030 Alteration and addition.**
- 18.120.040 Abandonment of nonconforming use.**
- 18.120.050 Restoration of damaged structure or sign.**
- 18.120.060 Elimination of nonconforming use, structure or sign.**
- 18.120.070 Time when use, structure or sign becomes nonconforming.**
- 18.120.080 Notice of removal date.**

#### **18.120.010 Purpose.**

This chapter is intended to limit the number and extent of nonconforming uses by prohibiting their enlargement, their reestablishment after abandonment, and the alteration or restoration after destruction of the structures they occupy. While permitting the use and maintenance of nonconforming structures and signs, this chapter is intended to limit the number and extent of nonconforming structures and certain nonconforming signs by prohibiting their being moved, altered or enlarged in a manner that would increase the discrepancy between existing conditions and the standards prescribed in this chapter and by prohibiting their restoration after destruction. Eventually, certain classes of nonconforming uses, nonconforming structures of nominal value, and certain nonconforming signs are to be eliminated or altered to conform. (Prior code § 2-10.32)

#### **18.120.020 Continuation and maintenance.**

- A. A use, lawfully occupying a structure or a site on the effective date of the ordinance codified in this chapter, or of amendments thereto, that does not conform with the use regulations or the site area per dwelling unit regulations for the district in which the use is located shall be deemed to be a nonconforming use and may be continued, except as otherwise provided in this chapter.
- B. A structure, lawfully occupying a site on the effective date of the ordinance codified in this chapter, or of amendments thereto, that does not conform with the standards for front yard, side yards, rear yard, height, or basic floor area of structures, distances between structures, courts, or usable open space for the district in which the structure is located shall be deemed to be a nonconforming structure and may be used and maintained, except as otherwise provided in this chapter.
- C. A sign, outdoor advertising structure, or display of any character, lawfully occupying a site on the effective date of the ordinance codified in this chapter, or of amendments thereto, that does not conform with the standards for subject matter, location, size, lighting, or movement prescribed for signs, outdoor advertising structures, and displays for the district in which it is located shall be deemed to be a nonconforming sign and may be displayed and maintained, except as otherwise provided in this chapter.
- D. Routine maintenance and repairs may be performed on a structure or site the use of which is nonconforming, on a nonconforming structure, and on a nonconforming sign. (Prior code § 2-10.33)

#### **18.120.030 Alteration and addition.**

- A. No structures, the use of which is nonconforming, and no nonconforming sign, shall be moved, altered or enlarged unless required by law, or unless the moving, alteration or enlargement will result in the elimination of the nonconformity, except that a structure housing a nonconforming residential use in an A, R, O, MU or C district may be altered or enlarged, provided that the number of dwelling units is not increased.
- B. No structure partially occupied by a nonconforming use shall be moved, altered or enlarged in such a way as to permit the enlargement of the space occupied by the nonconforming use, except as permitted in this section.

- C. No nonconforming use shall be enlarged or extended in such a way as to occupy any part of the structure or site or another structure or site which it did not occupy on the effective date of the ordinance codified in this chapter, or of the amendments thereto that caused it to become a nonconforming use, or in such a way as to displace any conforming use occupying a structure or site, except as permitted in this section.
- D. No nonconforming structure shall be altered or reconstructed so as to increase the discrepancy between existing conditions and the standards for front yard, side yards, rear yard, height of structures, distances between structures, courts, or usable open space prescribed in the regulations for the district in which the structure is located. No nonconforming structure shall be moved or enlarged unless the new location or enlargement shall conform to the standards for front yard, side yards, rear yard, height of structures, basic floor area, distances between structures, courts, or usable open space prescribed in the regulations for the district in which the structure is located.
- E. The nonconforming use of a structure or site shall not be changed to another nonconforming use.
- F. No use which fails to meet the required conditions for the district in which it is located by reason of noise, emissions, odor, vibration, heat, cold, glare, electrical disturbance, radiation, insect nuisance, or waste disposal, shall be enlarged or extended or shall have equipment that results in failure to meet required conditions replaced unless the enlargement, extension or replacement will result in elimination of nonconformity with required conditions. (Ord. 2194 § 2, 2019; prior code § 2-10.34)

**18.120.040 Abandonment of nonconforming use.**

Whenever a nonconforming use has been abandoned, discontinued, or changed to a conforming use for a continuous period of 90 days or more, the nonconforming use shall not be reestablished, and the use of the structure or site thereafter shall be in conformity with the regulations for the district in which it is located; provided, that this section shall not apply to nonconforming dwelling units. Abandonment or discontinuance shall include cessation of a use regardless of intent to resume the use. This 90-day provision shall not apply to a tenant where an exception to the active ground-floor use overlay within the downtown specific plan area has been granted, and therefore once the use for which the exception was granted is abandoned or discontinued, a new use shall meet the requirements of the active ground-floor use overlay, unless another exception is granted. (Ord. 2194 § 2, 2019; prior code § 2-10.35)

**18.120.050 Restoration of damaged structure or sign.**

- A. Whenever a structure or sign which does not comply with the standards for front yard, side yards, rear yard, height of structures, distances between structures, courts, or usable open space prescribed in the regulations for the district in which the structure is located, or in the case of signs, with any of the requirements of Chapter 18.96 of this title, or the use of which does not conform with the regulations for the district in which it is located, is destroyed by fire or other calamity, by act of God, or by the public enemy to the extent of 50 percent or less, the structure may be restored and the nonconforming use may be resumed, provided that restoration is started within one year and diligently pursued to completion.
- B. Whenever a structure which does not comply with the standards for front yard, side yards, rear yard, height of structures, distances between structures, courts, or usable open space prescribed in any regulations for the district in which it is located, or the use of which does not conform with the regulations for the district in which it is located, is destroyed by fire or other calamity, by act of God, or by the public enemy to an extent greater than 50 percent, or is voluntarily razed or is required by law to be razed, the structure shall not be restored except in full conformity with the regulations for the district in which it is located, and the nonconforming use shall not be resumed.
- C. 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. (Ord. 2000 § 1, 2009; prior code § 2-10.36)

**18.120.060 Elimination of nonconforming use, structure or sign.**

Nonconforming uses, structures and signs listed in Table 18.120.060 shall be discontinued and removed from their sites, altered to conform, or altered as prescribed to decrease the degree of nonconformity, within the specified time after they become nonconforming.



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

**18.124.410 Procedure.**

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

**18.124.420 Standards.**

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

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

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