

**ORDINANCE NO. 2244**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON AMENDING MUNICIPAL CODE TITLES 5 BUSINESS LICENSING AND TAXATION AND 18 ZONING, REMOVING REFERENCES TO TREASURER, AMENDING CHAPTERS 2.08 CITY MANAGER, 6.18 MARIJUANA AND HEMP, 9.04 NOISE REGULATIONS, 9.32 TOBACCO RESTRICTIONS, 13.08 PARKS AND RECREATION FACILITIES, 14.04 REGULATION OF WATER SYSTEM AND WATER SERVICE FEES, AND 17.50 GREEN BUILDING**

**WHEREAS**, the Pleasanton Municipal Code regularly needs to be amended to reflect updated names of City facilities and positions, changes in State law, as well as actual practices; and

**WHEREAS**, the elective office of treasurer was eliminated by voters in November 1998, and those duties assumed by the Director of Finance, who is appointed by the City Manager; and

**WHEREAS**, the City Council delegates authority to the City Manager to execute instruments as provided in Cal. Government Code §40602 to more efficiently carry out governmental functions; and

**WHEREAS**, provisions regarding business licenses need to be updated to clarify actual practices, and reflect current ways that businesses operate; and

**WHEREAS**, State law requires that cities allow medical cannabis delivery pursuant to the Medical Cannabis Patient's Right of Access Act (SB 1186 of 2022) beginning January 1, 2024; and

**WHEREAS**, noise limits have historically not applied to regular trash pick-up, and the amendment expands this exemption to include the recycling, green waste, organics, and removal of fats, oils and grease; and

**WHEREAS**, zoning code needs to update definitions of family and accessory structures, as well as provide that large family daycare is a permitted use per SB 234 (2019); and

**WHEREAS**, an amendment is needed to clarify that a legal non-conforming tobacco retailer use is abandoned if the retailer does not maintain a valid City tobacco retailer permit, and update tobacco retailer permit late fees; and

**WHEREAS**, State law has imposed new requirements on (junior) accessory dwelling units per AB 2221 (2022) and SB 897 (2022); and

**WHEREAS**, park names have changed, and an additional dog park is now available; and

**WHEREAS**, the City Council delegates authority to the City Manager to adopt an administrative policy regarding late penalties for water bills; and

**WHEREAS**, the green building definitions need to be updated to reflect the recently adopted Climate Action Plan 2.0.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1.** Finds that the proposed amendments to the Pleasanton Municipal Code have no possibility to have a significant effect on the environment per Title 14 California Code of Regulations (CEQA Guidelines) §15061(b)(3).

**SECTION 2.** Amends the Pleasanton Municipal Code as shown in Exhibit A, attached and incorporated by this reference.

**SECTION 3.** A summary of this ordinance shall be published once within fifteen (15) days after its adoption in "The Valley Times," a newspaper of general circulation published in the City of Pleasanton, and the complete ordinance shall be posted for fifteen (15) days in the City Clerk's office within fifteen (15) days after its adoption.

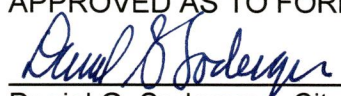
**SECTION 4.** This ordinance shall be effective thirty (30) days after its passage and adoption, except that the amendment to §6.18.035 Operation of commercial marijuana or hemp delivery shall be effective January 1, 2024.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Pleasanton on March 21, 2023, and adopted on April 18, 2023 by the following vote:

Ayes:	Councilmembers Arkin, Balch, Nibert, Testa, Mayor Brown
Noes:	None
Absent:	None
Abstain:	None

  
\_\_\_\_\_  
Karla Brown, Mayor

ATTEST:  
  
\_\_\_\_\_  
Jocelyn Kwong, City Clerk

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
Daniel G. Sodergren, City Attorney



## EXHIBIT A

The following sections of the Pleasanton Municipal Code are amended as follows:

**2.08.090 Authority over employees.** It shall be the duty of the city manager and the city manager shall have the authority to control, order and give directions to all heads of departments and to subordinate officers and employees of the city under the city manager's jurisdiction through their department heads, except for the office of city attorney.

**2.08.100 Power of appointment.** It shall be the duty of the city manager, and the city manager shall appoint, remove, promote and demote any and all official officers and employees of the city, except the city attorney, subject only to rules and regulations of appeal as may be established by the city council.

**2.08.210 Additional duties.** It shall be the duty of the city manager to perform such other duties and exercise such other powers as may be delegated to him from time to time by ordinance or resolution or other action of the city council. The city council delegates authority to the city manager to sign warrants, contracts, deeds, conveyances and instruments per California Government Code section 40602.

**2.08.230 Departmental cooperation.** It shall be the duty of all subordinate officers and the city clerk, and city attorney to assist the city manager in administering the affairs of the city efficiently, economically and harmoniously so far as may be consistent with their duties as prescribed by law and ordinances of the city.

### **5.08.020 Application—First license.**

A. Upon a person making an application for the first license to be issued hereunder or for a newly established business, such person shall furnish to the collector a sworn statement, upon a form provided by the collector, setting forth the following information:

1. The exact nature or kind of business for which a license is requested;
2. The place where such business is to be carried on, and if the same is not to be carried on at any permanent place of business, the places of residence of the owners of same;
3. If the applicant is the owner of a real estate office, the applicant shall either: (a) include all independent agent's/broker's gross receipts on the application, or (b) if not including independent agent's/broker's gross receipts, then the applicant shall set forth the names of all agents and brokers working from said location;
4. Landlords.
  - a. Residential Landlords. If the applicant rents three or more residential dwelling units, regardless of whether the units are in one building, the applicant shall set forth the addresses of all the units and is subject to the tax on the gross receipts for all such units without any exclusions. An applicant may request that a single business license be issued for all of the dwelling units;
  - b. Commercial Landlords. If the applicant rents any nonresidential property, a separate business license for each location is required. On the application, the applicant shall



list the names of all tenants on the property, including, but not limited to, tenants leasing or renting shared office space (i.e. Coworking). The person which owns the property is not a tenant so long as the person who owns and occupies are the same legal entity;

5. If the applicant is a partnership, the application shall set forth the names and places of residences of the partners thereof;

6. If the applicant is a corporation, the applicant shall set forth the name, address and telephone number of the agent of process service thereof;

7. The application shall set forth such information as may be therein required and as may be necessary to determine the amount of the license tax to be paid by the applicant;

8. Any further administrative information which the collector may require to enable him or her to issue the type of license applied for;

9. (a) If the applicant is an event promoter, the applicant is responsible for the license tax on the total gross receipts generated by the event. No less than 30 days in advance of the event, the promoter has the option either to: (i) pay a set amount of \$300.00 per event; or (ii) pay only on the promoter's gross receipts and provide the collector with a list of all participating vendors, including the vendors' mailing addresses, telephone numbers, and their estimated gross receipts from the event. If the promoter chooses to supply the collector with the list of all participating vendors and the collector is unable to collect the business license tax from a vendor, the promoter will be responsible for such tax. (b) If the applicant is a non-profit event promoter, no less than 30 days in advance of the event the non-profit has the option either: (i) to pay a set amount of \$150.00 per event; or (ii) provide the collector with a list of all participating vendors, including the vendors' mailing addresses, telephone numbers, and their estimated gross receipts from the event.

B. With the exception of developers/general contractors, the applicant shall estimate the gross receipts for the period to be covered by the license to be issued. As to an applicant who is a developer/general contractor, the applicant shall include an estimated sales price of each property for sale during the period to be covered by the license to be issued. As to a general contractor hired by an owner-builder, the applicant shall include an estimated value of the project. Such estimate, if accepted by the collector as reasonable, shall be used in determining the amount of license tax to be paid by the applicant. In the event that the collector finds the estimate submitted by the applicant to be unreasonable, the collector shall notify the applicant thereof in writing. Within 30 days following receipt of such written notification, the applicant shall furnish the collector with a written verification by a certified public accountant as to the range of gross receipts during the period of such license, and the license tax for such period shall be finally ascertained and paid in the manner provided by this title for the ascertaining and paying of renewal license taxes for other businesses, after deducting from the payment found to be due, the amount paid at the time such first license was issued.

C. The collector shall not issue to any such person another license for the same or any other business, until such person shall have furnished to him or her the accountant's verification and paid the license tax as herein required.

**5.12.030 Evidence of doing business.** When any person: (A) by the use of signs, circulars, cards, telephone books, internet or newspapers, advertise, hold out or represent that the person is conducting business in the city; (B) holds an active license or permits issued by a



governmental agency indicating that the person is conducting business in the city; or (C) owns and/or maintains a fixed place of business in the city, or rents or leases real property within the city, for business purposes for the benefit or partial benefit of the person; and (D) makes a sale, takes an order, delivers goods as a private carrier to any destination within the city, renders a commercial service or performs any similar act within the city, such facts shall be considered prima facie evidence that the person is conducting business in the city. This includes, but is not limited to, persons who use a Pleasanton address for licensing by federal, state or other public agencies, even if business is done off-site out of Pleasanton or business only leases temporary space in Pleasanton.

**5.20.020 Business not susceptible to measuring the license tax by gross receipts.**

A. In addition to other taxes required under this title, every person conducting or carrying on in the city the operation of a nonrevenue producing business shall pay a license tax as specified in the license tax schedule in Section 5.24.040 based on the total of all expenses incurred by the business during the course of the period covered by the business license in question. This includes, but is not limited to, gross payroll (including benefits), utilities, rent, supplies, consultants and other contracted services (including, but not limited to: legal counsel, marketing, technical support, etc.), insurance, depreciation and equipment.

B. Startup companies shall pay a license tax based on operating expenses until revenues equal or exceed expenses. At that point gross receipts shall become the basis of tax.

C. Nonrevenue producing businesses shall pay a business license tax based on operating expenses.

D. A portion of a business which is a separate and clearly defined nonrevenue producing business may be taxed separately under this classification. As to a contractor with an office located in Pleasanton, the contractor will be taxed separately based on office operating expenses.

**6.18.035 Operation of commercial marijuana or hemp delivery.** In addition to the other prohibitions in this chapter, all commercial deliveries of nonmedical marijuana and hemp that either originate or terminate within the city are expressly prohibited.

Beginning January 1, 2024, the commercial delivery of medical marijuana to a qualified patient, or that patient's primary caregiver, is permitted pursuant to California Business and Professions Code §§26320 et. seq.

**9.04.070 Daytime exceptions.** Any noise which does not produce a noise level exceeding 70 dBA at a distance of 25 feet under its most noisy condition of use shall be exempt from the provisions of Sections 9.04.030, 9.04.040 and 9.04.060(A) of this chapter between the hours of 8:00 a.m. and 8:00 p.m. daily, except Sundays and holidays, when the exemption herein shall apply between 10:00 a.m. and 6:00 p.m.

The noise limits in this chapter shall not apply to the regularly scheduled pick up of trash, garbage, recycling, green waste, organics and the removal of fats, oils and grease required by Chapter 15.44.

**9.32.110 Fees for tobacco retailer permit.** The fee is \$550.00 to issue, or \$450.00 to renew, a tobacco retailer permit. The fee shall be adjusted July 1st of each year beginning in 2022 based on Consumer Price Index for all urban users for all items for the San Francisco-Oakland-Hayward statistical area as reported by the U.S. Bureau of Labor Statistics or successor index.



Adjustments made on percent change based on the annual average with base of June 2020 in \$5.00 increments.

A. For failure to pay the fee when due, the city shall add a penalty of: 25 percent of said fee on the first day of February; and 50 percent (non-cumulative) said fee on the first day of March. When the first day of the month falls on a day when the City Hall is closed, payment of the fee due may be made on the next working day without penalty. Any permit issued pursuant to this title may be suspended by the city upon the failure of the tobacco retailer to pay any charges imposed by this title within 60 days after such charges or reports become delinquent. No permit shall be issued, nor one which has been suspended or revoked shall be reinstated or reissued, to any person, who at the time of applying therefor, is indebted to the city for any delinquent permit, unless such person, with the consent of the city, enters into a written agreement with the city, to pay such delinquent taxes, plus five percent simple annual interest upon the unpaid balance, in monthly installments, or oftener, extending over a period of not to exceed one year.

B. In any agreement so entered into, such person shall acknowledge the obligation owed to the city and agree that, in the event of failure to make timely payment of any installment, the whole amount unpaid shall become immediately due and payable and that his or her current permit shall be revocable by the city upon 30 days' notice. In the event legal action is brought by the city to enforce collection of any amount included in the agreement, such person shall pay all costs of suit incurred by the city or its assignee, including a reasonable attorney's fees. The execution of such an agreement shall not prevent the prior accrual of penalties on unpaid balances at the rate provided in this section, but no penalties shall accrue on account of fees included in the agreement, after the execution of the agreement, and the payment of the first installment and during such time as such person shall not be in breach of the agreement.

### **13.08.080 Dogs in public parks.**

A. No owner of a dog shall permit such dog to be at large in any park and recreation facility except as provided in Section 7.16.010 of this code, this section, or Section 13.08.085 of this chapter.

B. No owner of a dog shall permit such dog, whether leashed or unleashed, to be in or upon the fenced fields at the Ken Mercer Softball Complex, or Val Vista and the Bernal Community Parks.

C. Any dog, except a "dangerous dog" as defined in this section, may be at large in the designated dog exercise area of Muirwood Community Park, Cubby's Dog Park and any other dog exercise area as designated by the city council provided:

1. The dog is under the control of a person in charge of the dog. For the purposes of this section, a dog is under the control of a person when the person is aware of the dog's conduct, and the dog immediately and directly returns to the person when called;

2. The owner of the dog shall have a leash for the dog in the owner's possession;  
and

3. The number of dogs shall not exceed three per person in charge of the dogs.  
The person in charge of the dog shall remove immediately any feces left by the dog in the dog exercise area and dispose of such feces.

D. For purposes of this section, "dangerous dog" means:

1. Any dog which has a known propensity, tendency or disposition to attack unprovoked, to cause injury, or to otherwise endanger the safety of any person or domestic animal or fowl; or

2. Any dog which engages in, or is found to have been trained to engage in, exhibitions of dogfighting; or



3. Any dog at large found to attack, menace, display threatening or aggressive behavior or otherwise threaten or endanger the safety of any person or domestic animal or fowl.
- E. For purposes of this section, "dangerous dog" does not mean:
1. Any dog assisting a peace officer engaged in law enforcement duties; or
  2. Any dog in a situation in which it is shown that the person or domestic animal or fowl which had been bitten, attacked, threatened or menaced had:
    - a. Provoked, tormented, teased, or abused the dog into the behavior alleged,or
    - b. Committed a willful trespass or other tort or crime upon the private property of the owner or person in control of the dog, or
    - c. Threatened or committed an unprovoked assault or battery against the owner or person in control of the dog.

**14.04.090 Collection of water charges.**

- A. All water charges shall be billed to the owner of the premises upon which charges herein fixed are levied and assessed or to the person who requested connection to the water system, or his or her successor in interest, or to any person requesting that such bill be charged to him or her.
1. In the event water usage is recorded on a meter for which no connection has been requested, the owner of the premises shall be responsible for all such water charges; unless it is demonstrated to the city's reasonable satisfaction that during the period of such water usage that the premises was occupied by person(s) or legal entity who had requested that service at the premises be terminated as provided in Section 14.04.120.
- B. All water charges shall become due and payable at the operations services department on the date of payment specified thereon and shall become delinquent on the day following the current billing due date, except that closing bills, where service is discontinued, will be due and payable on date of presentation, and collection will be made at time of presentation. All bills for water charges will be rendered by the city monthly or bimonthly and will be issued by the operation services department. Meters will be read at regular intervals for the preparation of regular metered service bills and as required for the preparation of opening bills, closing bills and special bills. Each meter will be read separately. It may not always be possible to read meters regularly on the same day of each period. Should a monthly billing period contain less than 27 days or more than 33 days, a pro rata correction in the bill will be made. Proportionate adjustments will be made when other billing periods are used.
- C. Opening bills, closing bills, monthly bills rendered for a period of less than 27 days or more than 33 days, and other bills requiring proration, will be computed in accordance with the applicable schedule, but the amount of the fixed charge or minimum charge specified therein will be prorated on the basis of the ratio of the number of days in the period to the number of days in the average billing period, based on an average month of 30.4 days. Should the total period of service be less than one month, no proration will be made, and no bill shall be less than the specified monthly fixed charge or minimum charge.
- D. On each bill for water service rendered by the city to its consumers will be printed substantially the following language:

This bill is due upon receipt and is delinquent if not paid on the day after the current billing due date. If delinquent, service may be discontinued and penalties assessed. A cash deposit and reconnection charge may be required to reestablish service. See Municipal Code §14.04.090.

- E. The city manager, in consultation with the director of operation services, is authorized to administratively adopt, and amend as needed, a policy setting penalty amounts to be levied on past due and / or unpaid utility bills, as well as a process to waive such penalty amounts.



**17.50.030 Definitions**, Subsection K. is amended as follows [and remaining subsections are unchanged]:

K. "Covered project" means: (1) construction of any city sponsored project; (2) construction of any new commercial or industrial building; (3) construction of any new residential unit(s) or mixed use project; (4) renovation or additions to any commercial, industrial, or city sponsored project that adds 20,000 gross square feet or more, but not a renovation project that consists solely of interior improvements to an existing building; (5) additions to residential projects where the addition is 2,000 gross square feet or more; or (6) additions of any size to residential projects if it has been less than five years from the date the certificate of occupancy was issued for the original structure.

**18.08.167 Family**. "Family" means an individual or two or more persons who 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))

**18.08.392 One-Family Dwelling**. "One-Family Dwelling" means a structure containing one dwelling unit, designed for and/or occupied exclusively by one family. Also includes manufactured homes on a foundation.

**18.08.540 Structure, accessory Class I**. "Class I accessory structure" means a subordinate structure, the use of which is appropriate, subordinate, and customarily incidental to that of the main structure or the main use of the land, and which is located on the same site with the main structure or use. "Class I accessory structures" shall include those accessory structures designed for possible habitation and include covered patios, garages and carports, any covered or enclosed area with a height greater than six feet.

**18.08.545 Structure, accessory Class II**. "Class II accessory structure" means a subordinate structure, the use of which is appropriate, subordinate and customarily incidental to that of the main structure or Class I accessory structure, or the main use of the land, and which is located on the same site with the main structure or use. Class II accessory structures shall include those accessory structures not designed for habitation, and include plant shelters and lathe area and tool storage sheds with a height no greater than six feet and an area no greater than 80 square feet.

**18.28.030 Permitted uses**. The following uses shall be permitted in the A district:

- A. One-family dwellings, accessory dwelling and junior accessory dwelling units. Accessory dwelling and junior accessory dwelling units shall meet the requirements in Chapter 18.106 of this title;
- B. Agriculture for commercial purposes, limited to the growing of field and truck crops and horticultural specialties; nurseries, greenhouses and botanical conservatories; orchards and vineyards; farming and ranching facilities and structures;
- C. Raising of fruits, nuts, vegetables and horticultural specialties for private noncommercial use;
- D. Home occupations conducted in accordance with the regulations prescribed in Chapter 18.104 of this title;
- E. Livestock and poultry raising for private, noncommercial use, and private kennels and stables; provided, that any building or enclosure in which animals or fowl, except household pets, are contained shall be at least 100 feet from any R, O, C, I-P or P district;
- F. Photovoltaic facilities;



G. Accessory structures and uses located on the same site with a permitted use, including barns, stables, coops, tank houses, storage tanks, windmills (not including wind energy facilities), other farm outbuildings, private garages and carports, or guesthouse or accessory living quarters without a kitchen for each dwelling on the site, storehouses, garden structures, greenhouses, recreation rooms and hobby shops, and storage of petroleum products for persons residing on the site and the following accessory structures and uses located on the same site with a permitted use or with a conditional use which has been granted a use permit in accord with the provisions of Chapter 18.124 of this title:

1. Emergency standby electricity generator, fuel cell, and/or battery facilities provided that the facilities shall be tested from 8:00 a.m. to 5:00 p.m. Monday through Friday or from 10:00 a.m. to 12:00 noon on Saturday or Sunday only; the facilities shall not be tested for more than one hour during any day, and no testing shall be on federal holidays or on "Spare The Air Days" in Alameda County,
2. Portable, temporary electricity generator, fuel cell, or battery facilities,
3. Photovoltaic facilities,
4. Small electricity generator facilities that meet the following criteria:
  - a. The fuel source for the generators shall be natural gas, bio diesel, or the byproduct of an approved cogeneration or combined cycle facility,
  - b. The facilities shall use the best available control technology to reduce air pollution,
  - c. The facilities shall not create any objectionable odors at any point outside of the property plane where the facilities are located,
  - d. The facilities shall not exceed a noise level of 45 dBA at any point on any residentially zoned property outside of the property plane where the facilities are located,
  - e. On a site with fuel cell facilities, small electricity generator facilities shall not be permitted unless the aggregate wattage of the two facilities is less than one megawatt. If the aggregate wattage of the two facilities is one megawatt or greater, the small electricity generator facilities shall be subject to all requirements and processes prescribed in this title for medium or large electricity generator facilities, whichever is the most applicable, in the subject zoning district, and
  - f. The facilities shall be cogeneration or combined cycle facilities, if feasible,
5. Small fuel cell facilities that meet the following criteria:
  - a. The facilities shall not create any objectionable odors at any point outside of the property plane where the facilities are located,
  - b. The fuel cell facilities shall not exceed a noise level of 45 dBA at any point on any residentially zoned property outside of the property plane where the facilities are located, and
  - c. On a site with electricity generator facilities, small fuel cell facilities shall not be permitted unless the aggregate wattage of the two facilities is less than one megawatt. If the aggregate wattage of the two facilities is one megawatt or greater, the small fuel cell facilities shall be subject to all requirements and processes prescribed in this title for medium or large fuel cell facilities, whichever is the most applicable, in the subject zoning district,

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

- H. Administrative offices for on-site and off-site agricultural activities which are clearly ancillary to the agricultural pursuits taking place on the site;
- I. Large and small family daycare homes;
- J. Employee housing (agricultural) that complies with California Health and Safety Code Section 17008, 17021.5 or 17021.6 (depending on the number of employees accommodated) and the other applicable provisions of the Employees Housing Act at

California Health and Safety Code Section 17000 et seq., and to include a residential safety management plan;

K. Supportive housing that provides shelter for six or fewer persons in a dwelling unit, subject to the provisions of Chapter 18.107;

L. Transitional housing that provides shelter for six or fewer persons in a dwelling unit, subject to the provisions of Chapter 18.107;

M. Beekeeping meeting the requirements of Chapter 18.103 of this title.

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

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

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

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

3. Wind energy facilities that meet the following criteria:

a. The facilities shall not exceed a noise level of 45 dBA at any point on any residentially zoned property outside of the property plane where the facilities are located;

b. The design of the facilities shall be streamlined (without ladders and extra appurtenances) to discourage birds from roosting on the facilities;

c. Facilities on hillsides or ridges shall not be visible from a public right-of-way.

B. Agriculture processing plants.

C. Airports and heliports.

D. Animal sales yards.

E. Automobile and motorcycle racing stadiums and drag strips.

F. Cemeteries, crematories, and columbariums.

G. Charitable institutions and social service and social welfare centers.

H. Churches, convents, monasteries, parish houses, parsonages, and other religious institutions.

I. Commercial kennels.

J. Commercial and private recreation facilities.

K. Dairies and processing of dairy products.

L. Drive-in theaters.

M. Fertilizer plants and yards.

N. Firearm sales at a rifle or pistol range.

O. Garbage and refuse incineration.

P. Gas and oil wells.

Q. Golf courses and golf driving ranges.

R. Guest ranches.

S. Hog and livestock raising, not including feedlots where more than 50 percent of the feed is imported.

T. Hospitals.

U. Nursery schools.

V. Nursing homes, senior care/assisted living facilities, and sanitariums.

W. Poultry raising, egg processing, and hatcheries.

X. Private schools.

Y. Public utility and public service facilities including pumping stations, power transmission stations, power distribution stations, equipment buildings, service yards, drainageways and structures, water reservoirs, percolation basins, well fields, storage tanks, and railroad facilities.



These facilities must be found by the planning commission to be necessary for the public health, safety, or welfare.

- Z. Rabbit raising.
- AA. Recreational vehicle storage facilities.
- BB. Riding academies and stables.
- CC. Rifle and pistol ranges.
- DD. Roadside stands for the sale of agricultural produce grown on the site.
- EE. Sanitary landfill operations.
- FF. Veterinarians' offices.
- GG. Wineries, winery sales and tasting rooms.
- HH. Wood sales and storage yards for unmilled lumber.

**18.32.030 Permitted uses.** The following uses shall be permitted in the R-1 districts:

- A. One-family dwelling in which not more than two guest sleeping rooms may be used for lodging or boarding.
- B. Raising of fruits, nuts, vegetables and horticultural specialties for private, noncommercial consumption.
- C. Temporary subdivision sales offices conducted in accord with the regulations prescribed in Chapter 18.116 of this title.
- D. Accessory structures located on the same site with a permitted use, including private garages and carports, one guesthouse or accessory living quarters without a kitchen, storehouse, garden structures, greenhouses, recreation rooms and hobby areas within an enclosed structure and the following accessory structures and uses located on the same site with a permitted use or with a conditional use which has been granted a use permit in accord with the provisions of Chapter 18.124 of this title:
  - 1. Emergency standby electricity generator, fuel cell, and/or battery facilities provided that the facilities shall be tested from 8:00 a.m. to 5:00 p.m. Monday through Friday or from 10:00 a.m. to 12:00 noon on Saturday or Sunday only; the facilities shall not be tested for more than one hour during any day and no testing shall be on federal holidays or on "Spare The Air Days" in Alameda County;
  - 2. Portable, temporary electricity generator, fuel cell, or battery facilities in the R-1-40,000 district;
  - 3. Photovoltaic facilities.
- E. Private stable for the keeping of two horses on a site not less than 40,000 square feet in area, except that one additional horse may be kept for each additional 40,000 square feet of site areas, provided that no stable shall be located closer than 50 feet to any property line, closer than 50 feet to any dwelling on the site, or closer than 100 feet to any other dwelling.
- F. Household pets including up to six female chickens.
- G. Large and small family daycare homes.
- H. Accessory dwelling or junior accessory dwelling units meeting the requirements in Chapter 18.106 of this title.
- I. Employee housing (agricultural) that complies with California Health and Safety Code Sections 17008, 17021.5 and the other applicable provisions of the Employee Housing Act at California Health and Safety Code Sections 17000 et seq., and to include a residential safety management plan.
- J. Supportive housing that provides shelter for six or fewer persons in a dwelling unit, subject to the provisions of Chapter 18.107.
- K. Transitional housing that provides shelter for six or fewer persons in a dwelling unit, subject to the provisions of Chapter 18.107.
- L. Beekeeping meeting the requirements of Chapter 18.103 of this title.
- M. Housing developments meeting the requirements of Chapter 18.101 of this title.

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

- A. Agriculture for commercial purposes limited to the raising of fruits, nuts, vegetables, horticultural specialties, and related facilities and structures.
- B. Charitable institutions.
- C. Churches, convents, monasteries, parish houses, parsonages and other religious institutions.
- D. Golf courses.
- E. Nursery schools.
- F. Nursing homes and senior care/assisted living facilities for not more than three patients.
- G. Private recreation parks and swim clubs.
- H. Private nonprofit schools.
- I. Public utility and public service facilities including pumping stations, power transmission stations, power distribution stations, equipment buildings, service yards, drainageways and structures, water reservoirs, percolation basins, well fields, and storage tanks. These facilities must be found by the planning commission to be necessary for the public health, safety, or welfare.
- J. Accessory structures and uses located on the same site as a conditional use and the following accessory structures and uses located on the same site as a permitted use or a conditional use that has been granted a use permit:
  1. Small electricity generator facilities located on the same site as a charitable institution, religious institution, golf course, nursery school, nursing home, senior care/assisted living facility, private recreation facility, private recreation park, private swim club, private nonprofit school, or public facility and that meet the following criteria:
    - a. The fuel source for the generators shall be natural gas, biodiesel, or the byproduct of an approved cogeneration or combined cycle facility;
    - b. The facilities shall use the best available control technology to reduce air pollution;
    - c. The facilities shall not create any objectionable odors at any point outside of the property plane where the facilities are located;
    - d. The facilities shall not exceed a noise level of 45 dBA at any point on any residentially zoned property outside of the property plane where the facilities are located;
    - e. On a site with fuel cell facilities, small electricity generator facilities shall not be permitted unless the aggregate wattage of the two facilities is less than one megawatt. If the aggregate wattage of the two facilities is one megawatt or greater, the small electricity generator facilities shall be subject to all requirements and processes prescribed in this title for medium or large electricity generator facilities, whichever is the most applicable, in the subject zoning district; and
    - f. The facilities shall be cogeneration or combined cycle facilities, if feasible.
  2. Small fuel cell facilities that meet the following criteria:
    - a. The facilities shall not create any objectionable odors at any point outside of the property place where the facilities are located;
    - b. The fuel cell facilities shall not exceed a noise level of 45 dBA at any point on any residentially zoned property outside of the property plane where the facilities are located; and
    - c. On a site with electricity generator facilities, small fuel cell facilities shall not be permitted unless the aggregate wattage of the two facilities is less than one megawatt. If the aggregate wattage of the two facilities is one megawatt or greater, the small fuel cell facilities shall be subject to all requirements and processes prescribed in this title



for medium or large fuel cell facilities, whichever is the most applicable, in the subject zoning district.

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

- K. Home occupations conducted in accord with the regulations prescribed in Chapter 18.104 of this title.
- L. Rabbit or fowl raising (including more than six female chickens) consistent with the provisions of Section 7.36.010 of this code.
- M. Any grading requiring a permit by Section 7006 of the building code of the city on property having a "weighted incremental slope," as defined in Chapter 18.76 of this title, of 10 percent or greater. This subsection shall not apply to any recorded lot or to any property on which an approved tentative map exists at the effective date hereof.
- N. Skateboard ramps.
- O. Small bed and breakfasts in accordance with Chapter 18.124, Article III of this title.
- P. Employee housing (agricultural) that complies with California Health and Safety Code Sections 17008, 17021.6 and the other applicable provisions of the Employee Housing Act at California Health and Safety Code Section 17000 et seq., and to include a residential safety management plan.

**18.36.030 Permitted uses.** The following uses shall be permitted in the RM multi-family residential districts:

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

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



- A. Charitable institutions.
- B. Churches, convents, monasteries, parish houses, parsonages and other religious institutions.
- C. Golf courses.
- D. Hospitals and sanitariums, not including hospitals and sanitariums for mental, drug addict or liquor addict cases.
- E. Lodging houses.
- F. In the RM-1,500 district only, motels.
- G. Nursery schools.
- H. Private recreation parks and swim clubs.
- I. Private schools, tutorial schools, and colleges, not including art, craft, music, dancing, business, professional or trade schools or colleges.
- J. Private noncommercial clubs and lodges, not including hiring halls.
- K. Public utility and public service facilities including pumping stations, power transmission stations, power distribution stations, equipment buildings, service yards, drainageways and structures, water reservoirs, percolation basins, well fields, and storage tanks. These facilities must be found by the planning commission to be necessary for the public health, safety, or welfare.
- L. Trailer parks in accord with the regulations prescribed in Chapter 18.108 of this title.
- M. Accessory structures and uses located on the same site as a conditional use and the following accessory structures and uses located on the same site as a permitted use or a conditional use that has been granted a use permit:
  - 1. Small electricity generator facilities located on the same site as multi-family dwellings, a charitable institution, religious institution, golf course, hospital, sanitarium, lodging house, motel, nursery school, nursing home, senior care/assisted living facility, private recreation park, private swim club, private school, private noncommercial club, or public facility and that meet the following criteria:
    - a. The fuel source for the generators shall be natural gas, biodiesel, or the byproduct of an approved cogeneration or combined cycle facility;
    - b. The facilities shall use the best available control technology to reduce air pollution;
    - c. The facilities shall not create any objectionable odors at any point outside of the property plane where the facilities are located;
    - d. The facilities shall not exceed a noise level of 45 dBA at any point on any residentially zoned property outside of the property plane where the facilities are located; and
    - e. On a site with fuel cell facilities, small electricity generator facilities shall not be permitted unless the aggregate wattage of the two facilities is less than one megawatt. If the aggregate wattage of the two facilities is one megawatt or greater, the small electricity generator facilities shall be subject to all requirements and processes prescribed in this title for medium or large electricity generator facilities, whichever is the most applicable, in the subject zoning district;
    - f. The facilities shall be cogeneration or combined cycle facilities, if feasible;
  - 2. Small fuel cell facilities that meet the following criteria:
    - a. The facilities shall not create any objectionable odors at any point outside of the property plane where the facilities are located;
    - b. The fuel cell facilities shall not exceed a noise level of 45 dBA at any point on any residentially zoned property outside of the property plane where the facilities are located; and
    - c. On a site with electricity generator facilities, small fuel cell facilities shall not be permitted unless the aggregate wattage of the two facilities is less than one megawatt. If the aggregate wattage of the two facilities is one megawatt or greater, the small fuel



cell facilities shall be subject to all requirements and processes prescribed in this title for medium or large fuel cell facilities, whichever is the most applicable, in the subject zoning district;

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

N. Home occupations conducted in accord with the regulations prescribed in Chapter 18.104 of this title.

O. Small bed and breakfasts and bed and breakfast inns in accordance with provisions of Chapter 18.124 of this title.

#### **Amend Table 18.44.080 Permitted and Conditional Uses**

*To delete the entire row for: "Fortune telling, palmistry, augury and related uses" in the PERSONAL AND GENERAL SERVICES section. All other provisions remain unchanged.*

#### **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 Downtown Specific Plan adopted by the city council.

#### **18.106.020 Use requirements and review process.**

A. Accessory dwelling units and junior accessory dwelling units are permitted uses in the R-1 one family residential district, RM multi-family residential district, planned unit developments zoned for residential uses, MU mixed use districts, C-C central commercial district, and A agricultural district, if the primary unit is a proposed or existing legal one-family dwelling unit or existing legal multi-family development and the accessory dwelling unit meets all of the standards set forth in Section 18.106.060 of this chapter and the applicable site standards in Section 18.106.040 of this chapter for attached accessory dwelling units, Section 18.106.045 of this chapter for detached accessory dwelling units, Section 18.106.050 of this chapter for accessory dwelling unit(s) resulting from conversion of existing space in multi-family development, or Section 18.106.070 of this chapter for junior accessory dwelling units.

B. For purposes of this section:

1. A one-family development is defined as a property, site or parcel that contains one dwelling unit (other than an accessory dwelling unit), where the primary dwelling unit is detached and/or separated from any adjacent dwelling unit other than an accessory dwelling unit. A property, site or parcel containing multiple detached single-family dwellings on the same lot shall also be considered a one-family development.

2. A multi-family development is defined as building(s) or structure(s) to house more than one household within separate dwelling units, including units having attached or shared walls.

3. A development project that has both one-family and multi-family units on the same lot shall be defined as a multi-family development.

4. In a development project that has both one-family and multi-family housing types, regulations applicable to one-family developments shall apply to the one-family housing types and regulations applicable to multi-family development shall apply to multi-family housing types, irrespective of whether those one-family or multi-family units are each located on their own lot or a common parcel.



C. Subject to meeting the regulations of this section, accessory dwelling units and junior accessory dwelling units as defined in Chapter 18.08 shall be allowed on a parcel in the following quantities:

1. In one-family developments, both of the following are permitted:
  - a. One accessory dwelling unit in addition to the primary residential unit. The accessory dwelling unit may be attached or detached and may be the result of new construction or existing space that is converted.
  - b. One junior accessory dwelling.
2. In the multi-family developments, one of the following are permitted:
  - a. Non-habitable portions of the existing main structure are permitted to be converted to an accessory dwelling unit. A minimum of one such accessory dwelling unit is permitted. The maximum number of such accessory dwelling units shall not exceed 25 percent of the existing multi-family dwelling units located within each multi-family structure. A fraction of 0.5 or more is rounded up and a fraction that is less than 0.5 is disregarded. In development projects that have both one-family and multi-family housing types, 25 percent shall apply only to the multi-family units, and any one-family units that are within a multi-family development but are on their own parcel are subject to regulations applicable to accessory dwelling units for one-family developments. If the multi-family unit is eligible for an accessory dwelling unit, the accessory dwelling unit resulting from the conversion of space may be located in either the multi-family unit or in the one-family unit.
  - b. A maximum of two detached accessory dwelling units are permitted. The two accessory dwelling units may be attached to one another but must be detached from all existing structures.

D. For purposes of this section, "Statewide Exemption Accessory Dwelling Unit Standards" are: 800 square feet maximum in size, 16 feet maximum in height, and four-foot minimum setbacks from side and rear property lines.

E. The city will either approve or deny an application to create an accessory dwelling unit or junior accessory dwelling unit within 60 days from receiving a complete application if there is an existing one-family or multi-family dwelling on the lot. If the permit application to create an accessory dwelling unit or junior accessory dwelling unit is submitted with a permit application to create a new one-family dwelling, the city may delay approving or denying the permit application for the accessory dwelling unit or junior accessory dwelling unit until the city approves or denies the permit application to create the new one-family dwelling. If the City denies an application for an accessory dwelling unit or junior accessory dwelling unit, the City shall return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant within 60 days. In any case, and notwithstanding the requirements of this title, the application to create the new accessory dwelling units or junior accessory dwelling unit shall be considered without discretionary review or hearing. An application for an accessory dwelling or junior accessory dwelling unit shall include:

1. Plot plan (drawn to scale) showing the dimensions of the lot on which the accessory dwelling or junior accessory dwelling unit will be located; the location and dimensioned setbacks of all existing and proposed structures on the proposed site; any existing trees proposed to be removed; all easements; building envelopes; and parking for the project site.
2. Floor plans of the entire structure with each room dimensioned and the resulting floor area calculated. The use of each room shall be identified.
3. Elevation drawings of existing and proposed elevations, showing all relevant details of the proposed construction, including but not limited to: dimensions; materials and colors with notation demonstrating that the proposed accessory dwelling unit matches the design of the existing structure; and any other special characteristics of the project.



4. A table detailing the lot size, existing home square footage (with and without the garage), square footage of the proposed accessory dwelling unit, and the floor area ratio. If the accessory dwelling unit is for a multi-family development, the table shall include the square footages of all multi-family units within the subject multi-family structure.

F. Development standards set forth in a planned unit development or specific plan shall apply to any accessory dwelling unit that exceeds the Statewide Exemption Accessory Dwelling Unit Standards except that any such planned unit development or specific plan standard cannot be applied if it would either: (1) result in a conflict with standards set forth by the state for accessory dwelling units; or (2) preclude an accessory dwelling unit that meets the applicable requirements of state law or this chapter.

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

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

A. Detached accessory dwelling units shall not exceed 16 feet in height, except that: (1) an accessory dwelling unit that is the result of the conversion of an existing accessory structure may retain the height of the accessory structure even if the structure is greater than 16 feet; and (2) detached accessory structures greater than 16 feet in height may be proposed as part of a new planned unit development. Height for all detached accessory dwelling units is measured from the lowest grade adjacent to the structure to the highest ridge or top of the structure; (3) a detached accessory dwelling unit on an existing or proposed single-family or multifamily dwelling unit that is within one-half mile walking distance of a major transit stop or high quality transit corridor, as defined in Section 21155 of the Public Resources Code shall not exceed 18 feet in height plus an additional two feet in height to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit; and (4) a detached accessory dwelling unit on a lot with an existing or proposed multifamily multi-story dwelling shall not exceed 18 feet in height.

Height for all detached accessory dwelling units is measured from the lowest grade adjacent to the structure to the highest ridge or top of the structure.

B. All detached accessory dwelling units shall be located a minimum of 4 feet from side and rear property lines, except in the case where an accessory dwelling unit exceeds 800 square feet, a 10-foot street side setback is required for corner lots. Where a detached accessory dwelling unit, or a portion thereof, would be constructed in exactly the same location and to exactly the same dimensions as a legal accessory structure, or is the result of the conversion of an existing accessory structure, the accessory dwelling unit may maintain the same setbacks as the existing structure, with no minimum setback required.

C. The gross floor area of a detached accessory dwelling unit shall not exceed 850 square feet if the accessory dwelling unit is a studio or one-bedroom unit or 1,000 square feet if the accessory dwelling unit is two or more bedrooms, except where such unit results from conversion of an existing accessory building, in which case it may exceed these size limits.

D. An accessory dwelling unit that does not meet all of the Statewide Exemption Accessory Dwelling Unit Standards defined in Section 18.106.020 shall comply with applicable floor area ratio maximums, minimum open space requirements, and any other applicable development regulations established by this section and the zoning district or planned unit development in which the property is located.



E. Except as modified by this chapter, all other regulations embodied in the zoning of the property for class I accessory structures shall apply to the development of detached accessory dwelling units on one-family residential lots and multi-family residential lots.

**18.109.030 Prohibition and effect on existing retail sites.**

A. No person shall cause or permit the establishment of a new tobacco retail site within 1,000 feet of a public school, public park, or public recreation facility.

B. A tobacco retail site which is within 1,000 feet of a public school, public park, or public recreation facility that is existing on the effective date of the ordinance codified in this chapter may continue to operate, sell and display tobacco products and tobacco paraphernalia.

1. However, such pre-existing retail tobacco site shall then be subject to the nonconforming use provisions in Chapter 18.120 with regard to: the restrictions on alterations and additions in Section 18.120.030; and abandonment in Section 18.120.040. But, shall not be subject to the elimination provisions of Section 18.120.060.

a. Abandonment includes, but is not limited to, a pre-existing retail tobacco site not maintaining a valid tobacco retailer permit as required by Chapter 9.32.; and having only a California cigarette and tobacco license issued by the Cal. Dept. of Tax and Fee Administration without a valid City tobacco retailer permit is evidence of abandonment.

2. A retail tobacco site which qualifies under this section shall still be subject to other tobacco retail restrictions in this code and state and federal law.

**20.32.020 Pleasanton Dangerous Buildings Code.**

**Section 8.02 Repair and Demolition Fund**

A. General. The City of Pleasanton shall establish a special revolving fund to be designated as the repair and demolition fund. Payments shall be made out of said fund upon the demand of the director of public works to defray the costs and expenses which may be incurred by the City of Pleasanton in doing or causing to be done the necessary work of repair or demolition of dangerous buildings.

B. Maintenance of Fund. The City of Pleasanton may at any time transfer to the repair and demolition fund, out of any money in the general fund, such sums as it may deem necessary in order to expedite the performance of the work of repair or demolition, and any sum so transferred shall be deemed a loan to the repair and demolition fund and shall be repaid out of the proceeds of the collections hereinafter provided for shall be paid to the finance director of the City of Pleasanton who shall credit the same to the repair and demolition fund.

**Section 912 Repayment of Repair and Demolition Fund**

All money recovered by payment of the charge or assessment or from the sale of the property at foreclosure sale shall be paid to the finance director of the City of Pleasanton, who shall credit the same to the repair and demolition fund.

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