

18.43.120 Allowed land uses and permit requirements within city center zoning districts.

(a) Use Table. Table 18.43.120 sets forth those uses which are permitted, conditionally permitted, or prohibited in city center zoning districts. The following terms are used in Table 18.43.120:

- (1) Permitted ("P") uses are allowed subject to conformance to standards or conditions of this title.
- (2) Conditional ("C") uses may be permitted with a conditional use permit, provided all other requirements of this title are met.
- (3) Zoning administrator ("Z") uses may be permitted with a zoning administrator permit, provided all other requirements of this title are met.
- (4) Accessory ("A") uses are allowed when subordinate to or part of a principal use on the same lot and serve as a use incidental to such principal use.
- (5) The symbol "--" indicates a use is prohibited within the zoning district.

(b) Permitting Procedures. Permitting procedures for a conditional use permit and zoning administrator permit shall be as provided in Chapters 18.230 and 18.275, respectively.

**Table 18.43.120
Permitted, Conditionally Permitted, and Prohibited Uses in City Center Zones**

Use	2012 NAICS ²	Zones			Specific Use Requirements/ Notes
		CC-TN	CC-UO	CC-UN	
Agriculture					

Use	2012 NAICS ²	Zones			Specific Use Requirements/ Notes
		CC-TN	CC-UO	CC-UN	
Urban agriculture, low-impact ¹		P	P	P	Section 18.190.015
Urban agriculture, high-impact ¹		Z	Z	Z	Section 18.190.015
Assembly, Entertainment, Recreation					
Banquet hall ¹		--	C	--	Sections 18.190.025 and 18.190.140
Club, lodge, meeting hall, or membership organization		--	Z	Z	Sections 18.190.025 and 18.190.050
Exhibition and conference halls ¹ not associated with full service hotels ¹		--	Z	Z	Section 18.190.025
Fitness and recreational sports centers	713940	--	p ³	p ³	Includes yoga and pilates studios. See educational services section for sports and recreation instruction (e.g., dance, martial arts, etc.)
Game or computing arcade ¹ , more than five gaming devices		--	Z	Z	Section 18.190.180
Assembly uses ¹ not listed elsewhere including: cultural institutions, libraries, museums, religious facilities, etc.		Z	Z	Z	Section 18.190.025

Use	2012 NAICS ²	Zones			Specific Use Requirements/ Notes
		CC-TN	CC-UO	CC-UN	
Indoor commercial recreation ¹ including: billiard hall, bowling alley, gymnasium, indoor tennis, swimming, etc.		--	C	C	Section 18.190.420; Chapter 5.90 applies to swimming facilities; See educational services section for sports and recreation instruction (e.g., dance, martial arts, etc.)
Parks, public		P	P	P	
Place of entertainment ¹ , not elsewhere listed in this table		--	Z	Z	Chapter 5.45 and Section 18.190.025
Nightclubs ¹ and dance clubs ¹		--	C	--	Chapter 5.45 and Section 18.190.025
Theater and performance venues, including: concert hall ¹ , dinner theater ¹ , motion picture theater ¹ , or performing arts theater ¹		--	Z	Z	Chapter 5.45 and Section 18.190.025
Automotive and Transportation					
Automotive repair services, major ¹ or minor ¹		--	--	--	
Automotive parts and accessories stores	441310	--	p ³	p ³	Section 18.190.027

Use	2012 NAICS ²	Zones			Specific Use Requirements/ Notes
		CC-TN	CC-UO	CC-UN	
Auto sales and dealerships, including motorcycles		--	--	--	
Car washes ¹ , car detailing, and gasoline service stations ¹		--	--	C	Section 18.190.027
Parking lots or structures, commercial		P	P	P	
Passenger car rental and leasing and sales with no more than four cars stored on an exterior grade level parking area		Z	Z	Z	Section 18.190.027
Eating and Drinking					
Drinking place ¹ /brew pub/wine tasting		--	Z	Z	
Eating place without alcoholic beverages ¹					
In general (no restrictions on hours of operation)		P	P	P	Section 18.190.140
With drive-in or drive-through enterprise ¹		--	--	--	
With housing above		P	P	P	Section 18.190.140
With sidewalk dining		P	P	P	When operated in conformance with Section 18.190.510(d), (e) and (f)

Use	2012 NAICS ²	Zones			Specific Use Requirements/ Notes
		CC-TN	CC-UO	CC-UN	
Eating place with alcoholic beverages ¹					
Closed before midnight		P	P	P	Section 18.190.140
Open after midnight		--	Z	Z	Section 18.190.140
With housing above		Z	Z	Z	Section 18.190.140
With sidewalk dining		Z	Z	Z	Section 18.190.510
Educational Services					
Educational services	61	--	Z	Z	See assembly, entertainment, recreation section for yoga and pilates studios
Health Care and Social Assistance					
Continuing care retirement communities ¹ and residential care facilities for the elderly ¹		--	C	C	Section 18.190.026
Day care, child ¹		P	C	C	Section 18.190.400
Day care facility for adults ¹		P	C	C	Not including residential care facilities
Health care and social assistance, not elsewhere listed in this table		--	Z	Z	
Hospitals	62	--	C	C	

Use	2012 NAICS ²	Zones			Specific Use Requirements/ Notes
		CC-TN	CC-UO	CC-UN	
Medical clinics, convenience ¹	622	--	A	A	
Nursing care facilities (skilled nursing facilities)	623110	--	C	C	
Residential intellectual and developmental disability, mental health, and substance abuse facilities	(6232)	--	--	C	
Skilled nursing health facilities ¹		--	C	C	Section 18.190.026
Office					
Co-working space ¹		P	P	P	
Offices of physicians, dentists, chiropractors ² , optometrists ² , podiatrists ² , mental health practitioners ² , physical, occupational and speech therapists and audiologists ² , and acupuncturists	6211, 6212, 62131, 62132, 62133, 62134, 621391	--	P	P	
Offices, other		P	P	P	
Banks and credit unions (without drive-through ¹)		P	P	P	
Residential					
Emergency shelters ¹		P	P	P	Section 18.190.150
Live/work units ¹		p ³	p ³	p ³	Section 18.190.290
Low-barrier navigation centers ¹		P	P	P	Section 18.190.295

Use	2012 NAICS ²	Zones			Specific Use Requirements/ Notes
		CC-TN	CC-UO	CC-UN	
Multifamily including units within mixed-use ¹ buildings excluding townhouse ¹ , listed below		P	P	P	Detached units not allowed
Residential care facilities ¹		P	P	P	Section 18.190.465
Supportive ¹ and/or transitional housing ¹		P	P	P	Section 18.190.527
Townhouse ¹		Z	Z	Z	Detached units not allowed
Retail without Drive-In or Drive-Through Enterprise¹					
Commercial nurseries ¹		--	--	--	
Food and beverage stores	445				
Convenience food stores ¹ and mini-marts	445120	P ³ (*)(**)	P ³ (*)	P ³ (*)	(*) Zoning administrator permit if in a project that includes housing above store (**) Only those where the use occupies <5,000 square feet

Use	2012 NAICS ²	Zones			Specific Use Requirements/ Notes
		CC-TN	CC-UO	CC-UN	
Grocery, supermarket, or specialty food store	445110, 4452	P ³ (*)(**)	P ³ (*)	P ³ (*)	(*) Zoning administrator permit if in a project that includes housing above store (**) Only those where the use occupies <5,000 square feet
Furniture, home furnishings and equipment, including carpeting, tile, lighting, bedding, household appliances, and similar uses		--	P ³	P ³	
Hardware and home improvement stores					
With outdoor storage		--	--	--	
No outdoor storage		--	P	P	
Health and personal care stores, including pharmacies	4461	P	P(*)	P(*)	(*) Drive-through ¹ pharmacies may be permitted when the drive-through is not located between a public sidewalk and a building Section 18.190.110
Liquor stores	4453	P(*)	P	P	

Use	2012 NAICS ²	Zones			Specific Use Requirements/ Notes
		CC-TN	CC-UO	CC-UN	
Retail sales, general, including apparel, accessories, books, consumer electronics, consumer goods, flower and gift shops, office supplies, pet supplies, sporting goods, variety stores, and miscellaneous retail, excluding uses classified as "restricted retail" below		P(*)	P	P	(*) Only those where the use occupies <5,000 square feet
Retail sales, restricted:					
Adult-oriented businesses ¹ , not including sexual encounter establishments ¹		--	C	C	
Firearms dealers ¹ and gunsmiths ¹ , including firearm sales accessory to sporting goods store		--	--	--	
Head shops ¹		--	C	C	Section 18.190.210
Pawn shops		--	C	C	
Retail tobacco store ¹		--	--	--	
Used merchandise or secondhand sales		--	Z	Z	Section 18.190.430(b) regarding donation/drop off
Services					
Animal care and services					

Use	2012 NAICS ²	Zones			Specific Use Requirements/ Notes
		CC-TN	CC-UO	CC-UN	
Boarding and dog day care with outdoor area		--	--	--	
Boarding and dog day care, indoor only		--	--	Z(*)	Section 18.190.590; (*) indoor boarding not allowed within mixed-use buildings or adjacent to residential uses
Grooming		--	--	P	
Veterinary clinics and animal hospitals		--	Z(*)	Z(*)	
Artisan and craft shops, such as taxidermists, carpenters, cabinet makers, art studios		P	P	P	
Astrology ¹ services		--	--	--	
Consumer product repair and maintenance when accessory to an allowable retail use, including repair and servicing of bicycles, cameras, electronics, jewelry, leather goods, and similar products and services		A	A	A	
Hotels, full service ¹ , including conference		C	Z	Z	
Hotels, limited service ¹ ; motels		C	Z	Z	
Laundry and dry cleaning services without on-site dry cleaning, coin-operated laundries, and garment services		P	P	P	

Use	2012 NAICS ²	Zones			Specific Use Requirements/ Notes
		CC-TN	CC-UO	CC-UN	
Machinery and equipment rental and leasing		--	--	--	
Massage establishments ¹		C	C	C	Chapter 5.65 and Section 18.190.310
Personal services, general ¹		P	P	P	
Personal services, other ¹		--	C	C	
Printing, publishing, and photofinishing	3231, 511, 812921, 812922	p ³	p ³	p ³	
Public or quasi-public use ¹ , not including: corporation/contractor/fleet/service yards ¹ and warehouses ¹ or any use specifically listed in this table as a permitted, zoning administrator or prohibited use		C	C	C	
Radio and television broadcasting	5151	P-UFO	p ³	p ³	
Services that have a retail storefront including: locksmiths, postal services, real estate, travel agencies, etc.		p ³	p ³	p ³	
Miscellaneous/Other Uses					
Accessory uses and buildings customarily appurtenant to a permitted use, such as incidental storage facilities		A	A	A	

Use	2012 NAICS ²	Zones			Specific Use Requirements/ Notes
		CC-TN	CC-UO	CC-UN	
Any other use that the zoning administrator finds is similar in nature, function, and operation to other:					
Conditional uses in the district		C	C	C	Chapter 18.250
Permitted uses within the district		P	P	P	Chapter 18.250
Zoning administrator uses in the district		Z	Z	Z	Chapter 18.250
Drive-in or drive-through enterprise ¹		--	--	--	
Structured parking facility, public or commercial ¹		C	P	P	
Wireless facilities					Chapter 18.187
Accessory Uses					
Accessory uses and accessory structures customarily appurtenant to the principal use of property		A	A	A	Chapter 18.153
Electric vehicle charging stations		A	A	A	
Home occupation ^{1,4}		A	A	A	Section 18.190.240
Mobile vending vehicle/cart ¹		A	A	A	Section 5.35.110
Outdoor sales and service activities that are accessory to a permitted use or are specifically permitted in the district		--	A	A	

Use	2012 NAICS ²	Zones			Specific Use Requirements/ Notes
		CC-TN	CC-UO	CC-UN	
Small recycling collection facilities ¹ and reverse vending machines		--	A(*)	A(*)	Section 18.190.430(a) and (b); (*) not permitted in mixed-use buildings or adjacent residential uses
Sidewalk displays ¹		--	--	--	Section 18.190.520
Supportive services for on-site supportive housing ¹		A	A	A	Section 18.190.527

¹ This term is defined in Chapter 18.25.

² When this column includes a number, the use is elaborated on in the North American Industrial Classification System (NAICS) Manual. When a NAICS number is shown within parentheses, the use is excluded and prohibited.

³ A storefront review certificate or discretionary design review permit is required under Section 18.190.525.

⁴ A home occupation permit is required in accordance with Section 18.190.240.

(Ord. 15-2015 § 2 (Exh. B), 6-2-15; Ord. 24-2015 § 2, 12-15-15; Ord. 04-2016 § 9 (Att. 1), 3-1-16; amended by city during April 2016 update; Ord. 17-2016 § 10, 9-13-16; Ord. 27-2016 § 8, 12-6-16; Ord. 09-2017 § 3, 6-6-17; Ord. 23-2018 § 5, 10-2-18; Ord. 02-2020 § 9, 1-14-20; Ord. 05-2021 § 13, 4-20-21; Ord. 07-2023 § 11, 12-5-23.)

Chapter 18.152 (TOD) TRANSIT-ORIENTED DEVELOPMENT OVERLAY DISTRICT

Sections:

18.152.010 Purpose.

18.152.020 Establishment and designation.

18.152.030 Reserved.

18.152.040 Prohibited uses.

18.152.050 Temporary uses.

18.152.060 Development intensity and density.

18.152.070 Parking.

18.152.080 Other requirements.

18.152.010 Purpose.

The purpose of the (TOD) transit-oriented development overlay district is to create a compact and high intensity mix of residential, office, retail, service and public uses to promote areas of the city that have a high potential for pedestrian activity, generally within one-half mile of existing and planned transit stations. Increased development potential and higher allowances for building intensity are allowed in the TOD overlay to promote economic potential, pedestrian activity and transit access, improve urban form and design, and reduce vehicle miles traveled.

Each (TOD) is unique in its character and underlying land use. They share a common goal of maximizing transit use through density, land use mix, building form and design. Each (TOD) is intended to be a vibrant pedestrian-oriented district. The particular mix of uses around a transit station will vary depending on surrounding land use, access, infrastructure, and other factors. (TOD) districts will generally have more intense development than immediately surrounding areas in order to support transit ridership and promote a sense of place. (Ord. 22-2012 § 3, 12-4-12. 1990 Code § 8-21910.)

18.152.020 Establishment and designation.

(a) A (TOD) may be established only in conjunction with other districts. (TOD) designations shall overlay whatever other district designation is applicable to the area. The boundaries of a (TOD) may or may not coincide with other district boundaries. The process for creating a (TOD) shall be as set forth in Chapter 18.225 (Amendments).

(b) (TOD) districts shall apply to commercial, industrial and urban residential parcels designated as such in the general plan, but shall exclude existing planned districts and parcels with an approved site development plan as of December 31, 2012, and parcels in the downtown district.

(c) The provisions of this chapter shall apply in a (TOD), which district shall also be subject to other provisions of this chapter, including the provisions applicable to the particular district or districts which the (TOD) designation overlays. Where a conflict between the regulations in this chapter and those in other provisions of this chapter occurs, including Chapter 18.140 (Irvington Overlay District), the regulations in this chapter shall prevail. (Ord. 22-2012 § 3, 12-4-12; Ord. 17-2016 § 25, 9-13-16. 1990 Code § 8-21911.)

18.152.030 Reserved.

Repealed by Ord. 05-2018. (Ord. 22-2012 § 3, 12-4-12. 1990 Code § 8-21912.)

18.152.040 Prohibited uses.

The following uses are prohibited within each (TOD):

- (a) Warehousing, distribution, mini-storage, rail yards, freight terminals and other similar low employee generating uses.
- (b) City-wide parks, golf courses, cemeteries, nurseries, and amusement parks.
- (c) Drive-through facilities.
- (d) Automobile sales, wrecking, service station, storage, and major repair; RV and boat sales and storage. (Ord. 22-2012 § 3, 12-4-12. 1990 Code § 8-21913.)

18.152.050 Temporary uses.

Temporary uses may be allowed if such uses do not require structural improvements to the site and are not operated continuously. Temporary uses include but are not limited to farmers' or other outdoor markets and uses permitted under Section 18.190.550 such as Christmas tree sales, pumpkin patches and other seasonal commercial activities. Uses allowed under this section may be subject to a special event permit or other approval from the city. (Ord. 22-2012 § 3, 12-4-12. 1990 Code § 8-21914.)

18.152.060 Development intensity and density.

(a) The primary benefit afforded by a (TOD) is an increase of development intensity or density for individual parcels. The building floor area ratio (FAR) and density (housing units per net acre) requirements for mixed-use or residential projects by land use designation are provided in Table 18.152.060.

Table 18.152.060

Site Development Standards for TOD Overlay

Standards	General Plan Land Use Designation				
	City Center	Town Center	General Commercial	Urban Residential	Industrial
Floor area ratio (FAR)	3.0 (maximum) 1.25 (minimum)	2.5 (maximum) 0.50 (minimum)	1.25 (maximum) (no minimum)	n/a	(no maximum) 0.50 (minimum)
Net density (units per net acre)	50 (minimum)	30 (minimum)	30 (minimum)	50 (minimum)	n/a

All other building and site standards shall be as prescribed by the underlying zoning district or site development plan.

(b) Within each (TOD), decreases to the minimum FAR prescribed in Table 18.152.060 may be allowed where the required finding(s), as set forth below, are made by the approval authority:

(1) For decreases to the minimum floor area ratio, the approval authority must make the following finding:

(A) It can be demonstrated through development of a phased master plan that subsequent development can be accommodated on the site to achieve the minimum FAR at some reasonable future date, and that each phase of development does not unduly burden the implementation of subsequent development.

(2) If the approval authority cannot make the above finding, then it must make two of the following findings for an exemption to the applicable minimum FAR standard:

(A) The parcel size is 12,500 square feet or less, and due to size, shape and configuration, meeting the applicable minimum FAR standard is not feasible.

(B) Site development will already be maximized to the fullest extent feasible.

(C) The site contains historic resources listed on the national, California or Fremont register, or potential register resources, as these terms are defined in Chapter 18.175.

(D) Environmental and/or site constraints prohibit development from achieving minimum density standards.

(c) Increases to the maximum FAR may be allowed in conformance with Section 18.190.170. (Ord. 22-2012 § 3, 12-4-12. 1990 Code § 8-21915.)

18.152.070 Parking.

(a) Automobile Parking.

(1) Minimum Parking. Pursuant to Cal. Gov't. Code § 65863.2, as may be amended, minimum automobile parking requirement on a residential, commercial, or other development "project" shall not be imposed or enforced if the project is within one-half mile of public transit, as defined in Cal. Pub. Res. Code § 21155, as may be amended. Exceptions to this parking exemption and voluntary parking requirements are set forth in Chapter 18.183, Parking, Loading Areas and Vehicle Storage.

(2) For the purposes of this section, "project" shall have the same meaning as defined in Cal. Gov't. Code § 65863.2, as may be amended, and printed here for reference:

"Project" does not include a project where any portion is designated for use as a hotel, motel, bed and breakfast inn, or other transient lodging, except where a portion of a housing development project is designated for use as a residential hotel, as defined in Section 50519 of the Health and Safety Code.

(3) Maximum Parking. The maximum number of off-street parking spaces required for each use in a (TOD) is set forth in Table

18.152.070. The zoning administrator shall determine the maximum parking for uses not identified in Table 18.152.070 based on the maximum parking for similar uses. In computing the maximum number of off-street parking spaces, any fractional space shall be rounded down.

Table 18.152.070

TOD Overlay District Automobile Parking Standards ("KSF" shall mean 1,000 square feet of gross floor area)	
Type of Use	Maximum Parking
Multifamily Residential (per unit)	1 covered, 0.5 uncovered
Mixed-Use Multifamily Residential	1 covered per unit
Commercial Uses (retail/service/general office)	4 per KSF
Mixed-Use Commercial Uses (retail/service/general office)	3 per KSF
Medical Uses (including medical offices)	4 per KSF
Assembly Uses	1 per 3 seats
Restaurant Uses	1 per 3.5 seats, plus an additional 10%

- (4) Mixed-Use Projects. Notwithstanding subsection (a)(1) of this section, parking for mixed-use projects shall be shared and developed as a joint use under the provisions outlined in Section 18.183.090.
- (b) Notwithstanding subsection (a) of this section, the following additional parking criteria shall apply within a (TOD):
- (1) Car share spaces shall be provided and credited in accordance with Section 18.183.172.
 - (2) Electric vehicle charging stations shall be provided in accordance with Section 18.183.174.
 - (3) Tandem and individual mechanical parking spaces may be utilized in accordance with Section 18.183.175.
 - (4) Mechanical parking systems may be used in accordance with Section 18.183.176.

- (5) Parking garages shall meet the requirements set forth in Section 18.183.178.
 - (6) Bicycle parking shall be provided, in spite of no minimum automobile parking requirements, based on the provisions of Section 18.183.135, Required bicycle parking, as may be amended.
- (c) Parking areas shall be located where residents and businesses have easy and convenient direct access. Parking areas and entrances to buildings or perimeter sidewalks shall be clearly linked.
- (d) Surface parking shall be located behind or to the side of a building. Surface parking shall not be located along any primary street frontage. All parking areas shall be landscaped in accordance with Section 18.183.110. (Ord. 07-2023 § 25, 12-5-23; Ord. 01-2025 § 10, 1-7-25.)

18.152.080 Other requirements.

The following additional requirements shall apply within each (TOD):

- (a) Design review approval per Chapter 18.235.
- (b) All development shall be consistent with and meet the design intent of the place-type manual in the community character element of the general plan.
- (c) All required yard areas shall be landscaped. If yard area requirements conflict with the design intent of the area then yard areas may be waived, subject to review and approval of the zoning administrator.
- (d) Development within a (TOD) shall not be designed as a strip commercial development as defined in Section 18.25.2755.
- (e) New high intensity development shall include (1) transportation demand management (TDM) measures to promote the use of alternatives to automobile travel, and reduce total vehicle trips and vehicle trips during peak hours through site design measures, and (2) when already established, participation in a transportation demand management association supporting programs for enhanced transit ridership, biking, and walking.

(f) For residential projects, the property owner is encouraged to provide a pass for unlimited local bus transit service covering a one-month period or a functionally equivalent transit benefit at least equal to the price of a nondiscounted unlimited monthly local bus pass to each purchaser or tenant of a unit, upon the renting or initial sale of the unit. (Ord. 22-2012 § 3, 12-4-12; amended during 4/14 supplement. 1990 Code § 8-21917.)