



## Desk Item

**DATE:** FEBRUARY 16, 2023  
**TO:** PLANNING COMMISSION  
**FROM:** CARMELA CAMPBELL, ECONOMIC AND COMMUNITY DEVELOPMENT DIRECTOR  
**SUBJECT:** AMENDMENTS TO TITLE 18, ZONING, OF THE UNION CITY MUNICIPAL CODE TO UPDATE CHAPTERS 18.08, DEFINITIONS, 18.36, COMMERCIAL DISTRICTS, AND 18.39 UNION LANDING COMMERCIAL (CUL) DISTRICT, TO ADD DEFINITIONS, UPDATE AND ADD REGULATIONS, AND ADD/STREAMLINE REVIEW PROCESSES FOR OUTDOOR DINING AREAS (AT-23-001)

This Desk Item summarizes feedback received from Commissioner Lew and Alex Mog, Deputy City Attorney. Mr. Mog provided feedback resulting in some minor updates to Section 18.36.190(D)(2). The updates clarify that the use of the public right-of-way is at the discretion of the City, and it can be revoked at any time, with or without any reason; and clarifies the insurance requirements. The updates are reflected in the attached Exhibit A and B.

See below for the questions received from Commissioner Lew and staff's responses (in *red italics*).

### Commissioner Lew Comments

1. Staff report, Exhibit B, Chapter 18.08 Definitions: Section "18.08.537 Sidewalk Café" is inserted incorrectly in the list of definitions. The list of definitions is published in alphabetical order so "Sidewalk Café" should be numbered 18.08.534 and inserted after "18.08.533 Sexually oriented." The next two definitions, "18.08.534 Site" and "18.08.535 Site-built home" should be renumbered 18.08.535 and 18.08.536 respectively.

*Noted, please see updated Exhibit A and B (attached).*

2. Staff report, Exhibit B, Chapter 18.08 Definitions: consistent with #1 above, "18.08.536 Site plan review" should be numbered 18.08.537 and inserted after "18.08.536 Site-built home."

Noted, please see updated Exhibit A and B (attached).

3. Staff report, Exhibit B, page 8: regarding removal of required off-street parking, please clarify the City's decision to use "500 square feet" as the determining factor in whether the removal is automatically permitted or not. Also, how many parking spaces is 500 square feet?

500 Square feet is approximately 3 parking spaces. This limit was chosen to allow a reasonably sized outdoor patio while also limiting the overall impact to the parking counts. Additionally, this number was chosen to be in line with similar requirements from other jurisdictions.

4. Staff report, Exhibit B, page 8: regarding the removal of required off-street parking exceeding 500 square feet, it states "the Zoning Administrator shall make a finding that the reduction does not result in a parking impact to the site." Does the "shall" in this statement signify the Zoning Administrator "intends" to approve the finding or has a legal obligation to do so? Please clarify.

Section 18.36.190(C)(1)(e)(ii) is revised to read "If the outdoor dining patio exceeds 500 square feet, the Zoning Administrator may only approve the application if they make a finding that the reduction does not result in a parking impact to the site"

5. Staff report, Exhibit B, page 8: according to Zoning Code 18.60.020, a variance permit can be requested for off-street parking facilities and such a variance can be approved by the Planning Commission after making the required findings that are shown in 18.60.060 A and B. It appears the Zoning Administrator would be exceeding his/her authority by making "a finding that the reduction does not result in a parking impact to the site." Please explain this discrepancy between the proposed zoning text amendment and the current municipal code that provides for a variance for deviations from required off-site parking.

The proposed amendment is giving the Zoning Administrator the authority to allow for the reduction of parking which would not trigger a Variance process. Staff confirmed this approach with the Deputy City Attorney.

# EXHIBIT A

## **Chapter 18.08 Definitions**

### 18.08.261 Food service

A “food service” use is an establishment which serves food or beverages for immediate consumption either on the premises, or to be taken out for consumption elsewhere. Food service includes Food-Fast food/quick service restaurant, Food-Full service/sit down restaurant, and Food-Retail and carry out, but does not include Food stores.

### 18.08.481 Outdoor dining patio.

An outdoor dining patio is an outdoor dining area located on private property that is associated with an adjacent food service use (excluding outdoor dining areas defined as private sidewalk café in section 18.08.495).

### 18.08.534 Sidewalk café

A “sidewalk café” is an outdoor dining area located within the sidewalk area of a public right-of-way that is associated with an adjacent food service use.

### 18.08.535 Site

### 18.08.536 Site-built home

### 18.08.495 Private sidewalk café

A “Private sidewalk café” is an outdoor dining area located within a sidewalk or plaza area on private property that is associated with an adjacent food service use.

### 18.08.537 Site plan review

A Site Plan review is a ministerial process in which the Director reviews a site plan submittal and determines compliance with applicable regulations.

## **Chapter 18.36 Commercial Districts**

### **18.36.020 Permitted Uses**

A. A use that is not listed is not a permitted use. In addition to uses lawfully established on the effective date of this title, the following uses shall be permitted in a C district when the symbol “X” is marked in the column beneath the C district:

PERMITTED USES	CPA	CN	CC	CVR
Apparel and accessory stores		X	X	X
Automobile sales (new vehicles only)			X	
Bakeries with retail sales		X	X	
Banks/savings and loans (excluding check cashing businesses)	X	X	X	
Business services (photocopying and small printing shops, computer and data processing, graphic design, sign shops)	X	X	X	X

PERMITTED USES	CPA	CN	CC	CVR
Educational and instruction uses (business, beauty, computer, dance, martial arts, etc.) with an occupant load of less than fifty (50) through the Uniform Building Code	X	X	X	X
Entertainment and recreation uses (excluding video arcades, pool rooms/halls and dance halls) with an occupant load of less than fifty (50) through the Uniform Building Code	X		X	X
Food, fast food/quick service restaurant, in-line only		X	X	
Food, full service/sit down restaurant	X	X	X	X
Food, retail and carry out food store		X	X	
Sidewalk cafes and private sidewalk cafes associated with food service uses subject to the provisions of Section 18.36.190	X	X	X	X
Food stores, excluding convenience markets		X	X	
Furniture and home furnishings			X	
General merchandise/retail stores		X	X	
Health services (medical, dental, physical therapy and pharmacies)	X	X	X	X
Live music (non-amplified) at full service/sit down restaurants subject to the provisions of Section 18.36.195(A)	X	X	X	X
Lodges and meeting halls			X	X
Lodging (hotel and motel)				X
Miscellaneous small repair services (watches, clocks, jewelry, small countertop appliances)		X	X	
Miscellaneous limited retail typically found in office buildings or hotels	X			X
Nurseries and garden stores (without outdoor storage)		X	X	
Office	X	X	X	X
Personal services (laundry, dry cleaning, beauty parlor, barbershop, nail salon, shoe repair, travel agency, tailor, photography studio, etc.)	X	X	X	X
Pet grooming (no overnight boarding of animals)		X	X	
Public buildings and grounds	X		X	
Residential uses, within the Old Alvarado and Mission Boulevard neighborhoods, located above ground floor commercial uses		X	X	
Seasonal sales lots for holiday trees and pumpkins subject to the provisions of the Policy Statement for the Regulation of Seasonal Sales Lots	X	X	X	
Any other use determined by the Director to be essentially the same or very similar to the above permitted uses. In making this determination, the findings required under Section 18.52.060 shall be addressed	X	X	X	X

**18.36.030 Conditional Uses**

The following conditional uses shall be permitted in a C district, upon the granting of a use permit, when the symbol “X” is marked in the column beneath the C district:

A. Approval by Zoning Administrator (refer to Chapter 18.54 for a detailed description of the administrative use permit process).

<b>CONDITIONAL USES</b>	<b>CPA</b>	<b>CN</b>	<b>CC</b>	<b>CVR</b>
Automotive rental agencies with minor parking requirements, involving no automotive repair or vehicle washing on site	X		X	X
Adult day care facilities	X			
Child day care facilities	X	X	X	
Educational and instructional uses (business, beauty, computer, dance, martial arts) with an occupant load of 50 or more through the Uniform Building Code		X	X	
Live music (amplified) at full service/sit down restaurants subject to the provisions of Section 18.36.195(B)	X	X	X	X
Outdoor dining patios subject to the provisions of Section 18.36.190	X	X	X	X
Outdoor flower display along the street frontage of a permanently established florist in Union City		X	X	
Veterinarian offices and small animal hospitals including short-term overnight boarding of animals for medical purposes, provided that all operations are conducted within a completely enclosed building; there is sufficient air conditioning and soundproofing to effectively confine odors and noise so as not to interfere with the public health, safety, and welfare; and there is no walking of animals outside of the property			X	
Any other use determined by the Zoning Administrator to be essentially the same or very similar to the above permitted uses. In making this determination, the findings required under Section 18.52.060 shall be addressed	X	X	X	X

B. Approval by Planning Commission (refer to Chapter 18.56 for a detailed description of the use permit process).

<b>CONDITIONAL USES</b>	<b>CPA</b>	<b>CN</b>	<b>CC</b>	<b>CVR</b>
Adult business, only where located at least 1,000 feet away from a school, day care, or faith based facility			X	
Arcades, computer gaming, pool rooms/halls			X	
Automotive sales—Used vehicles, permitted only in conjunction with new car sales			X	
Automobile washing, including the use of mechanical conveyors, blowers and steam cleaners			X	
Bars, comedy clubs, nightclubs, and lounges		X	X	X
Body art		X	X	
Check cashing			X	
Church uses with existing buildings built for and previously occupied by a church		X		

<b>CONDITIONAL USES</b>	<b>CPA</b>	<b>CN</b>	<b>CC</b>	<b>CVR</b>
Convenience markets		X	X	
Cybercafé		X	X	
Discount clubs			X	
Drive-in/drive-through uses		X	X	
Entertainment and recreation uses with an occupant load of 50 or more through the Uniform Building Code			X	X
Farmers markets, when coordinated in conjunction with the City or the Chamber of Commerce		X		
Food, fast food/quick service restaurant, stand alone		X	X	
Guns and/or ammunition sales			X	
Health services (including, but not limited to: laboratories, drug treatment clinics, palm reading)	X		X	
Hospitals, sanitariums and nursing homes	X		X	
Liquor stores		X	X	
Lodging (hotel and motel)			X	
Lumber or other building materials with outdoor storage or display			X	
Massage	X	X	X	
Mortuaries, crematoriums and funeral homes			X	
Nurseries and garden stores with outdoor storage			X	
Public utility and public service pumping stations, power stations, electrical substations, service groups and storage tanks		X	X	
Retail tobacco store, only where located more than 1,000 feet from another such use and a "sensitive use." Distance shall be measured from the closest exterior wall of the structure or portion of the structure in which the use is located to the property line of the "sensitive use"			X	
Service stations with the following operational characteristics:				
1. All operations, except for the sale of gasoline and the washing of automobiles, are conducted in a building enclosed on at least 3 sides, pump islands located no closer than 20 feet to any property line, and alcoholic beverages not sold on site		X	X	
2. Minor automobile service, such as engine tune-ups, oil change, tire sales and service, brake service and smog check			X	
3. The rental of trailers as an incidental part of the service station operation			X	
4. The rental of hand tools, garden tools, and other similar equipment as an incidental part of the operation of the service station		X	X	
5. Gas station marketeers subject to the provisions of the Gas Station Marketeer Policy Statement		X	X	
Superstores			X	
Veterinarian offices and small animal hospitals including short-term overnight boarding of animals for medical purposes, provided that				

CONDITIONAL USES	CPA	CN	CC	CVR
that all operations are conducted within a completely enclosed building; there is sufficient air conditioning and soundproofing to effectively confine odors and noise so as not to interfere with the public health, safety, and welfare; and there is no walking of animals outside of the property				
Any other use determined by the Planning Commission to be essentially the same or very similar to the above permitted uses. In making this determination, the findings required under Section 18.52.060 shall be addressed	X	X	X	X

**18.36.190 Outdoor dining standards.**

A. The following standards are applicable to all outdoor dining areas:

1. Operational Standards.

- a. An outdoor dining area shall be used for dining only associated with an adjacent permitted food service use.
- b. The area within fifteen (15) feet of the outdoor dining area shall be kept clean and free of litter.
- c. An outdoor dining area shall not operate before 7:00 a.m. and after 10:00 p.m. Sunday through Thursday, and before 7:00 a.m. and after 11:00 p.m. Friday through Saturday and shall not be used when the food service use is closed.
- d. The hours of operation of an outdoor dining area, located within 150 feet of an adjacent residential use shall not operate before 7:00 a.m. and after 9:00 p.m. Sunday through Thursday, and before 7:00 a.m. and after 10:00 p.m. Friday through Saturday.
- e. Use of an outdoor dining area shall comply with Chapter 9.40, Union City Community Noise Ordinance.
- f. Smoking or vaping is not permitted within an outdoor dining area at any time.
- g. An outdoor dining area shall comply with all State of California Department of Alcoholic Beverage Control license requirements, as applicable.
- h. Cooking and/or the preparation of food within outdoor dining areas is prohibited.
- i. Portable heaters, if provided, shall be located a minimum of 5 feet away from the exterior face of the building and from any combustible materials, including architectural projections, or in accordance with manufacturer recommendations, whichever is most restrictive.
- j. Umbrellas, if provided, shall not be placed under a permanent roof or overhang.

k. An outdoor dining area shall provide at least one of each: trash, recycling, and compost receptacles to serve the area. Receptacles that are located inside the business may meet this requirement if tables will be bussed for customers.

## 2. Design Standards.

a. An outdoor dining area shall be located adjacent to a permitted food service use.

b. An outdoor dining area shall be designed and operated so that unsafe conditions are not created.

c. An outdoor dining area shall ensure accessibility by complying with the California Building Code, and/or the Americans with Disabilities Act, whichever provides greater accessibility.

d. An outdoor dining area shall comply with applicable California Building and Fire Code requirements.

e. An unobstructed path of travel with a minimum 4-foot width that leads directly from exit doors of the food service use to the main private sidewalk or public right of way shall be required.

f. Temporary tent structures are prohibited.

## B. Private sidewalk cafés are subject to the following standards:

### 1. Design Requirements.

a. A private sidewalk café shall be located within an existing sidewalk or plaza area on private property and shall not result in the removal of more than 5 percent of existing landscaping.

i. If more than 5 percent of existing on-site landscaping is proposed to be removed to accommodate the private sidewalk café, the private sidewalk café shall be subject to the requirements of an outdoor dining patio as provided in 18.36.190(C).

b. A private sidewalk café may be delineated by a barrier consisting of railings, fences, or planter boxes that are 3 feet in height or less. Solid walls are not permitted.

i. If the private sidewalk café is completely enclosed by a barrier, an access gate shall be provided and meet all California Building and Fire Codes requirements regarding emergency egress.

c. If permanent structures are proposed, the private sidewalk café shall be subject to the requirements of an outdoor dining patio as provided in 18.36.190(C).

### d. Circulation.

i. A clear path in, around or through the private sidewalk café shall be provided and be maintained at all times.

ii. The clear path shall be a paved sidewalk that is at least 5 feet wide.

iv. The clear path shall be measured from the outermost point of the private sidewalk cafe to the curb, edge of sidewalk or to the nearest obstruction within the flow of pedestrian traffic, whichever is shorter. Obstructions include but are not limited to: sign poles, lighting, trash receptacles, benches, trees, and gates that open outward beyond the perimeter of the private sidewalk café.

v. Recesses in the building facade shall not be used to satisfy the clear path requirement.

## 2. Permit Requirements.

a. Private sidewalk cafés are permitted subject to a site plan review approval as detailed below:

i. An application for site plan review shall be accompanied by the items identified by the outdoor dining application checklist as prescribed by the Director.

ii. The application shall be accompanied by a fee in an amount established by resolution of the City Council.

iii. All applications for site plan review shall be filed with the Director for review and approval or disapproval prior to the establishment of a private sidewalk café, or issuance of building permits.

C. Outdoor dining patios are subject to the following standards:

### 1. Design Requirements.

a. An outdoor dining patio shall be located adjacent to a food service use on private property.

b. An outdoor dining patio shall be delineated by a permanently installed barrier consisting of railings, fences, or a combination of railings and fences, and planter boxes that are 3 feet in height or less. Solid walls are not permitted.

i. if the outdoor dining patio is completely enclosed by a barrier, an access gate shall be provided and meet all California Building and Fire Codes requirements regarding emergency egress.

c. An outdoor dining patio may have permanent shade and/or lighting structures.

i. Any permanent improvements shall comply with applicable California Building and Fire Code requirements and may be subject to issuance of a building permit and/or Administrative Site Development Review approval pursuant to Chapter 18.52.

ii. Any permanent improvements shall comply with the development standards for the appropriate zoning district for which the site is located in.

d. An outdoor dining patio located within a parking lot or directly adjacent to a drive aisle shall be designed to not obstruct driver's sight distances, vehicular or pedestrian access, and shall not result in a configuration that would shift pedestrian traffic into driveways or drive aisle.

e. Removal of required off-street parking:

i. The removal of required off-street parking is permitted when the outdoor dining area does not exceed 500 square feet.

ii. If the outdoor dining patio exceeds 500 square feet, the Zoning Administrator may only approve the application if he or she makes a finding that the reduction does not result in a parking impact to the site.

## 2. Permit Requirements.

a. Outdoor dining patios are subject to issuance of an administrative use permit, as detailed in Chapter 18.54, and site plan review as detailed in Section 18.36.190(B)(2).

D. Sidewalk Cafés are subject to the following standards:

### 1. Design requirements:

a. A sidewalk café shall be located within a public right-of-way sidewalk area adjacent to a food service use.

b. A sidewalk café may be delineated by a barrier consisting of railings, fences, or planter boxes that are 3 feet in height or less. Solid walls are not permitted

c. Permanent structures are prohibited. The components of a sidewalk cafe shall consist solely of moveable furnishings, including moveable tables, chairs, planters and umbrellas.

e. Circulation.

i. A clear path around or through the sidewalk café shall be provided and be maintained at all times.

ii. The clear path shall be a paved sidewalk that is at least 5 feet wide.

iv. The clear path shall be measured from the outermost point of the private sidewalk cafe to the curb, edge of sidewalk or to the nearest obstruction within the flow of pedestrian traffic, whichever is shorter. Obstructions include but are not limited to: sign poles, lighting, trash receptacles, benches, trees, gates that open outward beyond the perimeter of the private sidewalk cafe.

v. Recesses in the building facade shall not be used to satisfy the clear path requirement.

## 2. Permit Requirements

a. Sidewalk cafés are permitted subject to the issuance of an encroachment permit from the Public Works Department and a site plan review from the Planning Division as detailed in 18.36.190(B)(2).

b. Permission to use of the public right-of-way to operate a sidewalk café is at the discretion of the City, and such permission may be terminated at any time and for any reason. Permittee shall remove or relocate the sidewalk café, as directed, upon written demand of the City Manager, or his or her designee. Should the permittee fail to comply with said written demand within a reasonable period of time not to exceed thirty (30) calendar days, the City may cause such relocation or removal of the sidewalk café at the expense of the permittee and/or property owner. Any such noncompliance shall also be a violation of this section

c. The permittee shall carry liability insurance in the amount of at least one million dollars (\$1,000,000), or such greater amount required by the City Manager with the City of Union City listed as an additionally insured.

**18.36.195 Standards for live music at full service/sit down restaurants**

**Chapter 18.39 Union Landing Commercial (CUL) District**

**18.39.040 Permitted Uses.**

To facilitate coordinated, yet distinct development areas within Union Landing, a development proposal shall include only those uses consistent with its development type. The following uses shall be permitted within a commercial development in Union Landing, when the symbol “X” is marked in the column beneath the appropriate development type on Table 18.39.040. A use that is not listed is not permitted.

**Table 18.39.040**

**Permitted Uses By Development Type**

Permitted Uses	Development Type			
	SRC	SRSC	CC	OC
Business, commercial and professional services including banks and credit unions, financial, insurance, real estate, and law offices, etc.	X	X	X	X
Dental, medical and optical offices measuring up to 5,000 sq. ft.	X	X	X	X
Fitness uses measuring up to 5,000 sq. ft.	X	X	X	
Food service:				
Full service/sit down restaurant in-line or stand-alone	X	X	X	
Fast food/quick service restaurant, in-line or stand-alone	X	X	X	
Retail and carry out food store, in-line only	X	X	X	
General merchandise retail over 75,000 square feet excluding superstores	X	X		
General merchandise retail under 75,000 square feet, including:				
Alcoholic beverage stores over 4,000 square feet	X	X	X	

Permitted Uses	Development Type			
	SRC	SRSC	CC	OC
Antique stores	X	X	X	
Appliance stores	X	X	X	
Beauty supply stores	X	X	X	
Book stores	X	X	X	
Breweries and wineries with on-site tasting and food service up to 5,000 sq. ft.	X	X	X	
Bridal and tuxedo sales/rental stores	X	X	X	
Camera and photo retail stores	X	X	X	
Cannabis dispensary/retail***	X	X	X	
Cell phone stores	X	X	X	
Clothing and clothing accessories	X	X	X	
Consumer electronic sales	X	X	X	
Copying and printing service	X	X	X	
Craft, art, and fabric supply stores, hobby shops and frame shops	X	X	X	
Department stores	X	X	X	
Florist	X	X	X	X
Furniture sales, including patio furniture and barbeque stores	X	X	X	
Gift, stationery and office supply stores	X	X	X	X
Gourmet food and beverage stores that sell artisan products measuring up to 5,000 sq. ft.	X	X	X	
Home furnishings and housewares	X	X	X	
Jewelry stores	X	X	X	X
Live music (non-amplified) at full service/sit down restaurants subject to the provisions of Section 18.36.195(A)	X	X	X	
Luggage and leather stores	X	X	X	
Magazine and newspaper stands	X	X	X	X
Mattress stores	X	X	X	
Music retail stores, including the sale of musical instruments such as pianos	X	X	X	
Party supply stores	X	X	X	
Pet supply stores	X	X	X	
Shoe stores	X	X	X	
Sporting goods and bicycle sales (no gun sales)	X	X	X	
Supermarkets			X	
Toy/educational stores	X	X	X	
Vitamin stores and pharmacies	X	X	X	
Any other retail sales use determined by the Economic and Community Development Director to be the same or similar to the above list	X	X	X	
Hardware, building materials and garden supply stores with no outdoor storage	X	X	X	
Hotels	X	X	X	X
Indoor theaters without alcoholic beverage sales	X	X	X	
Private sidewalk cafés subject to the provisions listed in Section 18.36.190	X	X	X	

Permitted Uses	Development Type			
	SRC	SRSC	CC	OC
Personal care services including beauty and barber shops, nail care, day spas, waxing, hair removal, tattoo parlors, etc. excluding massage uses		X	X	
Personal services including dry-cleaning establishments, shoe repair, travel agency, tailor, photography studio, etc.			X	
Tutoring centers	X	X	X	X
Veterinarian offices and small animal hospitals measuring up to 5,000 sq. ft. including short-term overnight boarding of animals for medical purposes, provided that all operations are conducted within a completely enclosed building; there is sufficient air conditioning and soundproofing to effectively confine odors and noise so as not to interfere with the public health, safety, and welfare; and there is no walking of animals outside of the property	X	X	X	X
Any other use determined by the Director to be essentially the same or very similar to the above permitted uses. In making this determination, the findings required under Section 18.52.060 shall be made.	X	X	X	

\* Key to development type abbreviations:

- SRC—Subregional commercial development;
- SRSC—Subregional specialty commercial development;
- CC—Community commercial development;
- OC—Office commercial development.

\*\* Supermarkets and food stores shall mean any store where fifty percent (50%) or more of the total floor area of the store is devoted to prepackaged food and grocery sales.

\*\*\* A cannabis dispensary/retail use shall be subject to the zoning requirements of Chapter [18.117](#) as well as the licensure and regulatory requirements of Chapter [5.44](#).

**18.39.050 Conditionally permitted uses.**

To facilitate coordinated, yet distinct development areas within Union Landing, the following uses shall be permitted within a commercial development upon granting of a use permit, when the symbol “X” is marked in the column beneath the appropriate development type on Table [18.39.050](#). A use that is not listed is not permitted.

A. Approval by Zoning Administrator (refer to Chapter [18.54](#) for a detailed description of the administrative use permit process).

**Table 18.39.050(A)**

**Uses That Require an Administrative Use Permit by Development Type**

Conditionally Permitted Uses	Development Type			
	SRC	SRSC	CC	OC
Live music (amplified) at full service/sit down restaurants subject to the standards of Section 18.36.195(B)	X	X	X	
Outdoor dining patios subject to the provisions listed in Section 18.36.190	X	X	X	

**18.39.055 Outdoor dining.**

Outdoor dining areas shall be subject to the requirements included in Section 18.36.190.

# EXHIBIT B

## **Chapter 18.08 Definitions**

### 18.08.261 Food service

A “food service” use is an establishment which serves food or beverages for immediate consumption either on the premises, or to be taken out for consumption elsewhere. Food service includes Food-Fast food/quick service restaurant, Food-Full service/sit down restaurant, and Food-Retail and carry out, but does not include Food stores.

### 18.08.481 Outdoor dining patio.

An outdoor dining patio is an outdoor dining area located on private property that is associated with an adjacent food service use (excluding outdoor dining areas defined as private sidewalk café in section 18.08.495).

### 18.08.534 Sidewalk café

A “sidewalk café” is an outdoor dining area located within the sidewalk area of a public right-of-way that is associated with an adjacent food service use.

### 18.08.53~~4~~5 Site

### 18.08.53~~6~~5 Site-built home

### 18.08.495 Private sidewalk café

A “Private sidewalk café” is an outdoor dining area located within a sidewalk or plaza area on private property that is associated with an adjacent food service use.

### 18.08.537 Site plan review

A Site Plan review is a ministerial process in which the Director reviews a site plan submittal and determines compliance with applicable regulations.

## **Chapter 18.36 Commercial Districts**

### **18.36.020 Permitted Uses**

A. A use that is not listed is not a permitted use. In addition to uses lawfully established on the effective date of this title, the following uses shall be permitted in a C district when the symbol “X” is marked in the column beneath the C district:

PERMITTED USES	CPA	CN	CC	CVR
Apparel and accessory stores		X	X	X
Automobile sales (new vehicles only)			X	
Bakeries with retail sales		X	X	
Banks/savings and loans (excluding check cashing businesses)	X	X	X	
Business services (photocopying and small printing shops, computer and data processing, graphic design, sign shops)	X	X	X	X

PERMITTED USES	CPA	CN	CC	CVR
Educational and instruction uses (business, beauty, computer, dance, martial arts, etc.) with an occupant load of less than fifty (50) through the Uniform Building Code	X	X	X	X
Entertainment and recreation uses (excluding video arcades, pool rooms/halls and dance halls) with an occupant load of less than fifty (50) through the Uniform Building Code	X		X	X
Food, fast food/quick service restaurant, in-line only		X	X	
Food, full service/sit down restaurant	X	X	X	X
Food, retail and carry out food store		X	X	
<u>Sidewalk cafes and private sidewalk cafes associated with food service uses subject to the provisions of Section 18.36.190</u>	X	X	X	X
Food stores, excluding convenience markets		X	X	
Furniture and home furnishings			X	
General merchandise/retail stores		X	X	
Health services (medical, dental, physical therapy and pharmacies)	X	X	X	X
Live music (non-amplified) at full service/sit down restaurants subject to the provisions of Section 18.36.195(A)	X	X	X	X
Lodges and meeting halls			X	X
Lodging (hotel and motel)				X
Miscellaneous small repair services (watches, clocks, jewelry, small countertop appliances)		X	X	
Miscellaneous limited retail typically found in office buildings or hotels	X			X
Nurseries and garden stores (without outdoor storage)		X	X	
Office	X	X	X	X
Personal services (laundry, dry cleaning, beauty parlor, barbershop, nail salon, shoe repair, travel agency, tailor, photography studio, etc.)	X	X	X	X
Pet grooming (no overnight boarding of animals)		X	X	
Public buildings and grounds	X		X	
Residential uses, within the Old Alvarado and Mission Boulevard neighborhoods, located above ground floor commercial uses		X	X	
Seasonal sales lots for holiday trees and pumpkins subject to the provisions of the Policy Statement for the Regulation of Seasonal Sales Lots	X	X	X	
Any other use determined by the Director to be essentially the same or very similar to the above permitted uses. In making this determination, the findings required under Section 18.52.060 shall be addressed	X	X	X	X

### 18.36.030 Conditional Uses

The following conditional uses shall be permitted in a C district, upon the granting of a use permit, when the symbol “X” is marked in the column beneath the C district:

A. Approval by Zoning Administrator (refer to Chapter 18.54 for a detailed description of the administrative use permit process).

CONDITIONAL USES	CPA	CN	CC	CVR
Automotive rental agencies with minor parking requirements, involving no automotive repair or vehicle washing on site	X		X	X
Adult day care facilities	X			
Child day care facilities	X	X	X	
Educational and instructional uses (business, beauty, computer, dance, martial arts) with an occupant load of 50 or more through the Uniform Building Code		X	X	
Live music (amplified) at full service/sit down restaurants subject to the <u>standards-provisions</u> of Section 18.36.195(B)	X	X	X	X
<u>Outdoor dining/seating areas, Outdoor dining patios subject to the provisions of Section 18.36.190</u>	X	X	X	X
Outdoor flower display along the street frontage of a permanently established florist in Union City		X	X	
Veterinarian offices and small animal hospitals including short-term overnight boarding of animals for medical purposes, provided that all operations are conducted within a completely enclosed building; there is sufficient air conditioning and soundproofing to effectively confine odors and noise so as not to interfere with the public health, safety, and welfare; and there is no walking of animals outside of the property			X	
Any other use determined by the Zoning Administrator to be essentially the same or very similar to the above permitted uses. In making this determination, the findings required under Section 18.52.060 shall be addressed	X	X	X	X

B. Approval by Planning Commission (refer to Chapter 18.56 for a detailed description of the use permit process).

CONDITIONAL USES	CPA	CN	CC	CVR
Adult business, only where located at least 1,000 feet away from a school, day care, or faith based facility			X	
Arcades, computer gaming, pool rooms/halls			X	
Automotive sales—Used vehicles, permitted only in conjunction with new car sales			X	
Automobile washing, including the use of mechanical conveyors, blowers and steam cleaners			X	
Bars, comedy clubs, nightclubs, and lounges		X	X	X
Body art		X	X	
Check cashing			X	

<b>CONDITIONAL USES</b>	<b>CPA</b>	<b>CN</b>	<b>CC</b>	<b>CVR</b>
Church uses with existing buildings built for and previously occupied by a church		X		
Convenience markets		X	X	
Cybercafé		X	X	
Discount clubs			X	
Drive-in/drive-through uses		X	X	
Entertainment and recreation uses with an occupant load of 50 or more through the Uniform Building Code			X	X
Farmers markets, when coordinated in conjunction with the City or the Chamber of Commerce		X		
Food, fast food/quick service restaurant, stand alone		X	X	
Guns and/or ammunition sales			X	
Health services (including, but not limited to: laboratories, drug treatment clinics, palm reading)	X		X	
Hospitals, sanitariums and nursing homes	X		X	
Liquor stores		X	X	
Lodging (hotel and motel)			X	
Lumber or other building materials with outdoor storage or display			X	
Massage	X	X	X	
Mortuaries, crematoriums and funeral homes			X	
Nurseries and garden stores with outdoor storage			X	
Public utility and public service pumping stations, power stations, electrical substations, service groups and storage tanks		X	X	
Retail tobacco store, only where located more than 1,000 feet from another such use and a "sensitive use." Distance shall be measured from the closest exterior wall of the structure or portion of the structure in which the use is located to the property line of the "sensitive use"			X	
Service stations with the following operational characteristics:				
1. All operations, except for the sale of gasoline and the washing of automobiles, are conducted in a building enclosed on at least 3 sides, pump islands located no closer than 20 feet to any property line, and alcoholic beverages not sold on site		X	X	
2. Minor automobile service, such as engine tune-ups, oil change, tire sales and service, brake service and smog check			X	
3. The rental of trailers as an incidental part of the service station operation			X	
4. The rental of hand tools, garden tools, and other similar equipment as an incidental part of the operation of the service station		X	X	
5. Gas station marketeers subject to the provisions of the Gas Station Marketeer Policy Statement		X	X	
Superstores			X	

CONDITIONAL USES	CPA	CN	CC	CVR
Veterinarian offices and small animal hospitals including short-term overnight boarding of animals for medical purposes, provided that that all operations are conducted within a completely enclosed building; there is sufficient air conditioning and soundproofing to effectively confine odors and noise so as not to interfere with the public health, safety, and welfare; and there is no walking of animals outside of the property				
Any other use determined by the Planning Commission to be essentially the same or very similar to the above permitted uses. In making this determination, the findings required under Section 18.52.060 shall be addressed	X	X	X	X

**18.36.180-190 Sidewalk Café Outdoor dining standards.**

A. The following standards are applicable to all outdoor dining areas:

1. Operational Standards.

- a. An outdoor dining area shall be used for dining only associated with an adjacent permitted food service use.
- b. The area within fifteen (15) feet of the outdoor dining area shall be kept clean and free of litter.
- c. An outdoor dining area shall not operate before 7:00 a.m. and after 10:00 p.m. Sunday through Thursday, and before 7:00 a.m. and after 11:00 p.m. Friday through Saturday and shall not be used when the food service use is closed.
- d. The hours of operation of an outdoor dining area, located within 150 feet of an adjacent residential use shall not operate before 7:00 a.m. and after 9:00 p.m. Sunday through Thursday, and before 7:00 a.m. and after 10:00 p.m. Friday through Saturday.
- e. Use of an outdoor dining area shall comply with Chapter 9.40, Union City Community Noise Ordinance.
- f. Smoking or vaping is not permitted within an outdoor dining area at any time.
- g. An outdoor dining area shall comply with all State of California Department of Alcoholic Beverage Control license requirements, as applicable.
- h. Cooking and/or the preparation of food within outdoor dining areas is prohibited.
- i. Portable heaters, if provided, shall be located a minimum of 5 feet away from the exterior face of the building and from any combustible materials, including architectural projections, or in accordance with manufacturer recommendations, whichever is most restrictive.
- j. Umbrellas, if provided, shall not be placed under a permanent roof or overhang.

k. An outdoor dining area shall provide at least one of each: trash, recycling, and compost receptacles to serve the area. Receptacles that are located inside the business may meet this requirement if tables will be bussed for customers.

## 2. Design Standards:

a. An outdoor dining area shall be located adjacent to a permitted food service use.

b. An outdoor dining area shall be designed and operated so that unsafe conditions are not created.

c. An outdoor dining area shall ensure accessibility by complying with the California Building Code, and/or the Americans with Disabilities Act, whichever provides greater accessibility.

d. An outdoor dining area shall comply with applicable California Building and Fire Code requirements.

e. An unobstructed path of travel with a minimum 4-foot width that leads directly from exit doors of the food service use to the main private sidewalk or public right of way shall be required.

f. Temporary tent structures are prohibited.

## B. Private sidewalk cafés are subject to the following standards:

### 1. Design Requirements.

a. A private sidewalk café shall be located within an existing sidewalk or plaza area on private property and shall not result in the removal of more than 5 percent of existing landscaping.

i. If more than 5 percent of existing on-site landscaping is proposed to be removed to accommodate the private sidewalk café, the private sidewalk café shall be subject to the requirements of an outdoor dining patio as provided in 18.36.190(C).

b. A private sidewalk café may be delineated by a barrier consisting of railings, fences, or planter boxes that are 3 feet in height or less. Solid walls are not permitted.

i. if the private sidewalk café is completely enclosed by a barrier, an access gate shall be provided and meet all California Building and Fire Codes requirements regarding emergency egress.

c. If permanent structures are proposed, the private sidewalk café shall be subject to the requirements of an outdoor dining patio as provided in 18.36.190(C).

### d. Circulation.

i. A clear path in, around or though the private sidewalk café shall be provided and be maintained at all times.

ii. The clear path shall be a paved sidewalk that is at least 5 feet wide.

iv. The clear path shall be measured from the outermost point of the private sidewalk cafe to the curb, edge of sidewalk or to the nearest obstruction within the flow of pedestrian traffic, whichever is shorter. Obstructions include but are not limited to: sign poles, lighting, trash receptacles, benches, trees, and gates that open outward beyond the perimeter of the private sidewalk café.

v. Recesses in the building facade shall not be used to satisfy the clear path requirement.

## 2. Permit Requirements.

a. Private sidewalk cafés are permitted subject to a site plan review approval as detailed below:

i. An application for site plan review shall be accompanied by the items identified by the outdoor dining application checklist as prescribed by the Director.

ii. The application shall be accompanied by a fee in an amount established by resolution of the City Council.

iii. All applications for site plan review shall be filed with the Director for review and approval or disapproval prior to the establishment of a private sidewalk café, or issuance of building permits.

C. Outdoor dining patios are subject to the following standards:

### 1. Design Requirements.

a. An outdoor dining patio shall be located adjacent to a food service use on private property.

b. An outdoor dining patio shall be delineated by a permanently installed barrier consisting of railings, fences, or a combination of railings and fences, and planter boxes that are 3 feet in height or less. Solid walls are not permitted.

i. if the outdoor dining patio is completely enclosed by a barrier, an access gate shall be provided and meet all California Building and Fire Codes requirements regarding emergency egress.

c. An outdoor dining patio may have permanent shade and/or lighting structures.

i. Any permanent improvements shall comply with applicable California Building and Fire Code requirements and may be subject to issuance of a building permit and/or Administrative Site Development Review approval pursuant to Chapter 18.52.

ii. Any permanent improvements shall comply with the development standards for the appropriate zoning district for which the site is located in.

d. An outdoor dining patio located within a parking lot or directly adjacent to a drive aisle shall be designed to not obstruct driver's sight distances, vehicular or pedestrian access, and shall not result in a configuration that would shift pedestrian traffic into driveways or drive aisle.

e. Removal of required off-street parking:

i. The removal of required off-street parking is permitted when the outdoor dining area does not exceed 500 square feet.

ii. If the outdoor dining patio exceeds 500 square feet, the Zoning Administrator may only approve the application if he or she makes a finding that the reduction does not result in a parking impact to the site.

## 2. Permit Requirements.

a. Outdoor dining patios are subject to issuance of an administrative use permit, as detailed in Chapter 18.54, and site plan review as detailed in Section 18.36.190(B)(2).

## D. Sidewalk Cafés are subject to the following standards:

### 1.Design requirements:

a. A sidewalk café shall be located within a public right-of-way sidewalk area adjacent to a food service use.

b. A sidewalk café may be delineated by a barrier consisting of railings, fences, or planter boxes that are 3 feet in height or less. Solid walls are not permitted

c. Permanent structures are prohibited. The components of a sidewalk cafe shall consist solely of moveable furnishings, including moveable tables, chairs, planters and umbrellas.

### e. Circulation.

i. A clear path around or through the sidewalk café shall be provided and be maintained at all times.

ii. The clear path shall be a paved sidewalk that is at least 5 feet wide.

iv. The clear path shall be measured from the outermost point of the private sidewalk cafe to the curb, edge of sidewalk or to the nearest obstruction within the flow of pedestrian traffic, whichever is shorter. Obstructions include but are not limited to: sign poles, lighting, trash receptacles, benches, trees, gates that open outward beyond the perimeter of the private sidewalk cafe.

v. Recesses in the building facade shall not be used to satisfy the clear path requirement.

## 2. Permit Requirements

a. Sidewalk cafés are permitted subject to the issuance of an encroachment permit from the Public Works Department and a site plan review from the Planning Division as detailed in 18.36.190(B)(2).

b. Permission to use of the public right-of-way to operate a sidewalk café is at the discretion of the City, and such permission may be terminated at any time and for any reason. Permittee shall remove or relocate the sidewalk café, as directed, upon written demand of the City Manager, or his or her designee. Should the permittee fail to comply with said written demand within a reasonable period of time not to exceed thirty (30) calendar days, the City may cause such relocation or removal of the sidewalk café at the expense of the permittee and/or property owner. Any such noncompliance shall also be a violation of this section

c. The permittee shall carry liability insurance in the amount of at least one million dollars (\$1,000,000), or such greater amount required by the City Manager with the City of Union City listed as an additionally insured.

~~Sidewalk cafes with outdoor dining and seating areas are permitted with an administrative use permit approval as detailed in Chapter 18.54, subject to the follow standards:~~

~~A.—— Outdoor dining and seating areas must be located directly in front of the tenant space of the business requesting outdoor dining and seating.~~

~~B.—— A six (6) foot-wide free and clear pedestrian walkway must be provided at all times along the public sidewalk. This walkway must provide for pedestrian access to doorways and crosswalks. Associated amenities for the outdoor dining and seating area, such as landscape planters, shall not encroach into the six (6) foot-wide pedestrian walkway.~~

~~C.—— No tables or seating shall be placed within the area of any handicap ramps, driveways, or doorways.~~

~~D.—— The canopies of umbrellas associated with outdoor tables must provide a minimum vertical clearance of seven (7) feet, unless the umbrella does not extend beyond the outside edge of the table, and shall not be located within nine (9) feet of the face of curb.~~

~~E.—— Tables, chairs, umbrellas, and other associated amenities (i.e., landscape planters, etc.) to the outdoor dining/seating shall be attractive, made of durable materials, and of a coordinated design style.~~

~~F.—— An encroachment permit from the Public Works Department must be obtained.~~

~~G.—— By accepting an administrative use permit, the permittee explicitly agrees to hold the City, its officers and employees harmless from any liability, claims, suits or actions for any and all damages alleged to have been suffered by any person or property by reason of the permittees' installation, operation, maintenance or removal of sidewalk café.~~

~~H.—— The permittee shall be responsible for, and exercise reasonable care in the inspection, maintenance, and cleanliness of, the area affected by the sidewalk café dining and seating, including any design requirements hereafter enacted, from the building frontage to the curb.~~

~~I.—— The permittee shall restrict the sidewalk café seating and dining to the approved location and ensure compliance with all applicable laws, including laws against blocking the public right-~~

~~of way, health and safety laws, public cleanliness laws, and laws regulating sale and public consumption of alcohol.~~

~~J. — When any sidewalk café is found to be in conflict with existing or proposed facilities or improvements owned, maintained or operated by the City, or any existing or proposed City design plans, such placement shall, upon written demand of the City Manager or his or her designee, be removed or relocated in such a way as to eliminate the conflict; and said removal or relocation shall be at the sole expense of the permittee. Should the permittee fail to comply with said written demand within a reasonable period of time not to exceed thirty (30) calendar days, the City may cause such relocation of the placement at the expense of the permittee. Any such noncompliance shall also be a violation of this section.~~

~~K. — A permit for a sidewalk café, or a copy thereof, shall be posted in plain view within the food service establishment for which the permit has been issued.~~

~~L. — Any authorized sidewalk café shall be subject to additional taxes, permits or fees as required by law.~~

~~M. — The permittee shall carry liability insurance in the amount of at least one million dollars (\$1,000,000).~~

~~N. — When the Zoning Officer finds that the proposed additional seating would lead to new parking demand that exceeds available supply because of the amount of sidewalk café seating, he/she may require off-street parking for the outdoor area devoted for the sidewalk café at the rate required for interior floor area for food service establishments in the district.~~

**18.36.1950 Standards for live music at full service/sit down restaurants**

**Chapter 18.39 Union Landing Commercial (CUL) District**

**18.39.040 Permitted Uses.**

To facilitate coordinated, yet distinct development areas within Union Landing, a development proposal shall include only those uses consistent with its development type. The following uses shall be permitted within a commercial development in Union Landing, when the symbol “X” is marked in the column beneath the appropriate development type on Table 18.39.040. A use that is not listed is not permitted.

**Table 18.39.040**

**Permitted Uses By Development Type**

Permitted Uses	Development Type			
	SRC	SRSC	CC	OC
Business, commercial and professional services including banks and credit unions, financial, insurance, real estate, and law offices, etc.	X	X	X	X
Dental, medical and optical offices measuring up to 5,000 sq. ft.	X	X	X	X
Fitness uses measuring up to 5,000 sq. ft.	X	X	X	
Food service:				

Permitted Uses	Development Type			
	SRC	SRSC	CC	OC
Full service/sit down restaurant in-line or stand-alone	X	X	X	
Fast food/quick service restaurant, in-line or stand-alone	X	X	X	
Retail and carry out food store, in-line only	X	X	X	
General merchandise retail over 75,000 square feet excluding superstores	X	X		
General merchandise retail under 75,000 square feet, including:				
Alcoholic beverage stores over 4,000 square feet	X	X	X	
Antique stores	X	X	X	
Appliance stores	X	X	X	
Beauty supply stores	X	X	X	
Book stores	X	X	X	
Breweries and wineries with on-site tasting and food service up to 5,000 sq. ft.	X	X	X	
Bridal and tuxedo sales/rental stores	X	X	X	
Camera and photo retail stores	X	X	X	
Cannabis dispensary/retail***	X	X	X	
Cell phone stores	X	X	X	
Clothing and clothing accessories	X	X	X	
Consumer electronic sales	X	X	X	
Copying and printing service	X	X	X	
Craft, art, and fabric supply stores, hobby shops and frame shops	X	X	X	
Department stores	X	X	X	
Florist	X	X	X	X
Furniture sales, including patio furniture and barbeque stores	X	X	X	
Gift, stationery and office supply stores	X	X	X	X
Gourmet food and beverage stores that sell artisan products measuring up to 5,000 sq. ft.	X	X	X	
Home furnishings and housewares	X	X	X	
Jewelry stores	X	X	X	X
Live music (non-amplified) at full service/sit down restaurants subject to the provisions of Section 18.36.195(A)	X	X	X	
Luggage and leather stores	X	X	X	
Magazine and newspaper stands	X	X	X	X
Mattress stores	X	X	X	
Music retail stores, including the sale of musical instruments such as pianos	X	X	X	
Party supply stores	X	X	X	
Pet supply stores	X	X	X	
Shoe stores	X	X	X	
Sporting goods and bicycle sales (no gun sales)	X	X	X	
Supermarkets			X	
Toy/educational stores	X	X	X	
Vitamin stores and pharmacies	X	X	X	

Permitted Uses	Development Type			
	SRC	SRSC	CC	OC
Any other retail sales use determined by the Economic and Community Development Director to be the same or similar to the above list	X	X	X	
Hardware, building materials and garden supply stores with no outdoor storage	X	X	X	
Hotels	X	X	X	X
Indoor theaters without alcoholic beverage sales	X	X	X	
<del>Outdoor dining areas</del> <u>Private sidewalk cafés</u> subject to the provisions listed in Section <del>18.36.190</del> <u>39.055</u>	X	X	X	
Personal care services including beauty and barber shops, nail care, day spas, waxing, hair removal, tattoo parlors, etc. excluding massage uses		X	X	
Personal services including dry-cleaning establishments, shoe repair, travel agency, tailor, photography studio, etc.			X	
Tutoring centers	X	X	X	X
Veterinarian offices and small animal hospitals measuring up to 5,000 sq. ft. including short-term overnight boarding of animals for medical purposes, provided that all operations are conducted within a completely enclosed building; there is sufficient air conditioning and soundproofing to effectively confine odors and noise so as not to interfere with the public health, safety, and welfare; and there is no walking of animals outside of the property	X	X	X	X
Any other use determined by the Director to be essentially the same or very similar to the above permitted uses. In making this determination, the findings required under Section 18.52.060 shall be made.	X	X	X	

\* Key to development type abbreviations:

- SRC—Subregional commercial development;
- SRSC—Subregional specialty commercial development;
- CC—Community commercial development;
- OC—Office commercial development.

\*\* Supermarkets and food stores shall mean any store where fifty percent (50%) or more of the total floor area of the store is devoted to prepackaged food and grocery sales.

\*\*\* A cannabis dispensary/retail use shall be subject to the zoning requirements of Chapter [18.117](#) as well as the licensure and regulatory requirements of Chapter [5.44](#).

### **18.39.050 Conditionally permitted uses.**

To facilitate coordinated, yet distinct development areas within Union Landing, the following uses shall be permitted within a commercial development upon granting of a use permit, when

the symbol “X” is marked in the column beneath the appropriate development type on Table [18.39.050](#). A use that is not listed is not permitted.

A. Approval by Zoning Administrator (refer to Chapter [18.54](#) for a detailed description of the administrative use permit process).

**Table 18.39.050(A)**

**Uses That Require an Administrative Use Permit by Development Type**

Conditionally Permitted Uses	Development Type			
	SRC	SRSC	CC	OC
Live music (amplified) at full service/sit down restaurants subject to the standards of Section 18.36.195(B)	X	X	X	
<u>Outdoor dining patios subject to the provisions listed in Section 18.36.190</u>	<u>X</u>	<u>X</u>	<u>X</u>	

**18.39.055 Outdoor dining.**

Outdoor dining areas shall be subject to the requirements included in Section 18.36.190.

~~A. Prior to establishment of an outdoor dining area, a site plan shall be submitted to the Planning Division for review and approval that addresses the following:~~

~~1. Site plan shall be drawn to scale (1/4"= 1') and/or include dimensions and shall include the following:~~

~~a. Boundary of outdoor dining area including adjacent buildings, sidewalk areas, driveways or drive aisles; and~~

~~b. Configuration of outdoor dining area including entrance/exit into area and location of tables, chairs, umbrellas, heat lamps, fencing, landscape planters, etc.~~

~~2. Umbrellas are permitted if there are no building awnings or overhangs directly above them. Tent structures are not permitted.~~

~~3. Outdoor dining areas are limited to the private sidewalk area directly adjacent to tenant space.~~

~~4. Outdoor dining areas shall comply with all applicable requirements of the California Building Code and the Americans with Disabilities Act (ADA), which requires a continuous accessible path of travel.~~

~~5. Outdoor dining areas shall not obstruct any building entrances or exits; driveways and drive aisles or driver's sight distances; fire protection equipment;~~

~~and pedestrian circulation including configurations that result in shifting pedestrian traffic into driveway or drive aisle.~~

~~6. Any permanent improvements shall comply with applicable California Building and Fire Code requirements and may be subject to issuance of a building permit and/or Administrative Site Development Review approval pursuant to Chapter 18.52.~~

~~7. Any outdoor dining barriers such as fencing or landscape planters shall not exceed forty-eight (48) inches in height.~~

~~8. Exterior electricity outlets shall be installed for any outdoor dining area components that require an electrical connection.~~

~~B. The following requirements shall apply to outdoor dining areas:~~

~~1. At least one receptacle each for trash, recycling, and organics recycling shall be provided to serve the outdoor dining area. Receptacles that are located inside the business may meet this requirement if table service is provided.~~

~~2. Area within fifteen (15) feet of the outdoor dining area shall be kept clean and debris-free.~~

~~3. No smoking shall be allowed within the outdoor dining area.~~

~~4. Any applicable permits/approvals from the California Department of Alcohol Beverage Control shall be obtained prior to sale of alcoholic beverages in the outdoor dining area.~~