



City of San Leandro

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Staff Report

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Agenda Section: PUBLIC HEARINGS

Agenda Number: 4.A.

TO: City Council

FROM: Chris Zapata
City Manager

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FINANCE REVIEW: Not Applicable

TITLE: Staff Report for Proposed Amendments to the City of San Leandro Zoning Code Related to Increasing Flexibility in Industrial and Commercial Uses; Adding Community Gardens; Revising Regulations for Telecommunications, Hazardous Materials, Recycling, Signs, and Parking; Clarifying and Revising Planning Entitlement Processing; and Conducting General Text Updates in Zoning Code Article 3 Definitions; Article 5 Residential Districts; Article 6 Commercial and Professional Districts; Article 7 Industrial Districts; Article 8 Open Space District; Article 9 Public and Semipublic District; Article 16 Development Regulations; Article 17 Off-Street Parking and Loading Regulations; Article 18 Signs; Article 21 Zoning Permits Required, Environmental Review, Fees and Deposits; Article 22 Use Permits, Variances, and Parking Exceptions; Article 27 Amendments; and Article 28 Appeals

SUMMARY AND RECOMMENDATIONS

As the City of San Leandro continues its efforts to transform its industrial core into a center for innovation for the 21st Century and beyond, a need has arisen to adjust the City's Zoning Code to keep up with changing technologies and the latest land-use trends. In 2013, City staff began an extensive internal review of the Zoning Code to modernize the code, streamline the review process for new development, and increase flexibility. Concurrently, the Next Generation Workplace District Study was adopted by the City Council in October 2013. Staff also examined ways to streamline permit processing for uses in certain commercial districts as well as update and clarify definitions and regulations for Telecommunications Facilities, Hazardous Materials, Recycling, Signs, and Parking.

To accomplish these goals, a series of changes are proposed to the Use Regulations within Article 6 Commercial and Professional Districts and Article 7 Industrial Districts as well as Article 5 Residential Districts, Article 8 Open Space District, and Article 9 Public and Semi-Public District. Other proposed changes in Article 16 include adding regulations for Community Gardens; updating the City's parking requirements in Article 17 Off-Street Parking and Loading Regulations; and planning entitlement processing in Zoning Code Part V -

Administration within Articles 21, 22, 27 and 28. Finally, Article 18 Signs has been reviewed and updated to provide clearer guidelines for signage.

This comprehensive set of changes were initially reviewed and commented upon at a January 2014 joint worksession with the Planning Commission and Board of Zoning Adjustments. After making revisions in response to the input, staff presented the changes for comment to the Board of Zoning Adjustments and then made a formal proposal to amend the code at a public hearing with the Planning Commission in April 2014.

At the April 17, 2014 meeting, the Planning Commission voted 5-0 to recommend approval of Resolution 2014-003PC, with four revisions to the staff proposal which have been incorporated into the attached Ordinance. Staff recommends that the City Council take public testimony on the proposed amendments and:

- A. Adopt the findings that this item is exempt from CEQA under Section 15061(b)(3) of the CEQA Guidelines.
- B. Adopt the Ordinance amending the City of San Leandro Zoning Code Article 3 Definitions; Article 5 Residential Districts; Article 6 Commercial and Professional Districts; Article 7 Industrial Districts; Article 8 Open Space District; Article 9 Public and Semipublic District; Article 16 Development Regulations; Article 17 Off-Street Parking and Loading Spaces Regulations; Article 18 Signs; Article 21 Zoning Permits Required; Article 22 Use Permits, Variances, and Parking Exceptions; Article 27 Amendments; and Article 28 Appeals.

BACKGROUND

In order to make San Leandro's industrial area a better place in which to work, the City seeks to encourage the development of more amenities such as restaurants, certain types of retail establishments, and other business-serving uses.

The proposed changes to the Zoning Code resulted from research into what other jurisdictions are doing with their Zoning Codes, as well as discussion with staff from Community Development, the City Attorney's office, the Police Department and Public Works, Environmental Services Section.

The full set of proposed Zoning Code changes can be found in the attached Ordinance, in Exhibits A through M (proposed amended Zoning Code Articles 3, 5, 6, 7, 8, 9, 16, 17, 18, 21, 22, 27, and 28.) Please note that the changes proposed to the Zoning Code text follow the protocol for formal ordinances, i.e. **underline and bolded** text represents new text proposed to the Zoning Code; ~~strike-through~~ text represents text to be eliminated.

Attached to this staff report is Exhibit A, Matrix of Use Classifications and Zoning Districts which shows in red font the proposed use changes in a summary table under each respective commercial and industrial zoning district. We've also included an Exhibit B, San Leandro Zoning Map for referencing the location of the various zoning districts.

Analysis

Article 3 Definitions, Amendments for General Clarification

A number of changes to the Zoning Code are proposed to clean up outdated language and for general clarification purposes. Please see the attached Ordinance, Exhibit A Proposed Amended Article 3 Definitions for the corresponding changes to the following definitions, listed below:

- Activity
- Activity type
- Administrative Review
- Arcade Games (deleted)
- Attached
- Attached structure
- Attic
- Automobile Washing, Attended
- Automobile Washing, Unattended
- Basement
- Bedroom
- Bed and Breakfast Inns
- Conditional Use Permit
- Convalescent Facilities
- Coverage, Lot or Site
- Covered porch
- Day Care, Child or Adult
- Drive-up Facility
- Habitable accessory structure
- Dwelling Unit
- Family
- Fence
- Fortunetelling Establishment
- Garage, private
- Garage, storage
- Hedge
- Home occupation
- Horticulture, Limited
- Hotels, Motels, and Time-Share Facilities
- Industry, General
- Industry, Research and Development
- Manufactured Home
- Mortuaries
- Nonconforming Structure
- Nonhabitable accessory structure
- Outdoor sales
- Pervious Surfaces
- Residential Congregate Care Facilities
- Secondhand Sales
- Street
- Tattoo Studios
- Temporary Use

- Use
- Use, allowed
- Utilities, Major

Article 6 Commercial and Professional Districts and Article 7 Industrial Districts: Amendments to Allow Greater Flexibility in Use Regulations

The Community Development Department proposes revisions to the Zoning Code to implement the Next Generation Workplace District Study, as well as promote general business development goals in both commercial and industrial zoning, to accomplish two main objectives:

1. To create more opportunities for commercial uses in industrial areas; and
2. To reduce barriers for certain uses in the commercial and industrial zones, where appropriate.

These changes will make certain uses that were previously approved only with a Conditional Use Permit, which is a costly and time-consuming process for small businesses, to instead be approved through an administrative decision by the Zoning Enforcement Official, i.e. through the Administrative Review process provided in Article 21 of the Zoning Code. Further, some of the proposed changes expand certain permitted uses into more zoning districts where such uses have no significant impacts.

The Administrative Review process is similar to the Conditional Use Permit process in that it enables staff to place conditions on projects and affords the same detailed level of staff review and may include supplemental noticing, as appropriate. However, it places less of a burden on the applicant in terms of time and expense, as it does not involve a public hearing before the Board of Zoning Adjustments. A formal Agreement to Conditions for an Administrative Review includes conditions of approval to address potential impacts and incorporates technical requirements by other City departments.

Please refer to Exhibit A, Matrix of Use Classifications and Zoning Districts to cross reference how each of the affected Use Classifications definitions, if approved, will be handled in each zoning district. Please refer to the attached Ordinance Exhibit A, Proposed Amended Article 3 Definitions for the existing and proposed definition of the use.

- Animal Boarding
- Animal Grooming
- Animal Hospitals
- Artist's Studios
- Automobile Parts Sales
- Bars
- Building Materials and Services
- Business and Trade Schools
- Cafés
- Catering Services
- Cultural Institutions
- Drugstore
- Fast Food Establishments, Small Scale

- Group Housing
- Instruction and Improvement Services
- Live-Work
- Research and Development Services
- Restaurants, Full Service
- Swap Meets

Amendments containing substantive changes

A series of in-depth, substantive changes are proposed to respond to Planning staff experience interpreting the Zoning Code and to provide more flexibility for certain types of land uses. The proposed substantive changes are as follows, organized alphabetically by use category:

Ambulance Services, Emergency & Non-Emergency

Staff proposes to create a new definition for Ambulance Services uses that does not involve the use of sirens, defined as Ambulance Services, Non-Emergency. The existing definition would then be retitled and redefined as Ambulance Services, Emergency.

Ambulance Services, Emergency. Provision of emergency medical care or transportation for critically injured or ill patients, including incidental storage and maintenance of vehicles and residential quarters for employees.

Ambulance Services, Non-Emergency. Provisions of non-emergency ambulance services to transport residents home from the hospital or to meet routine medical needs, including incidental storage and maintenance of vehicles. Siren use is not practiced.

Ambulance Services are currently permitted outright in all Industrial zones and in the SA-3 and CC districts. A Conditional Use Permit is required if an Ambulance Services land use is proposed within 1,000 feet of a residential use. Staff proposes to add Ambulance Service, Non-Emergency in these districts under the same basis, except that it would be subject to Administrative Review (AR), if proposed on a site within 1,000 feet of a residential use.

Beer and Wine Stores

Staff proposes to amend the existing Beer and Wine Stores definition as follows :

Beer and Wine Stores. A retail store principally involved in the business of selling alcoholic beverages, excluding sales of "hard liquor," "fortified wine", or distilled spirits for the consumption off the premises where sold. Stores shall be managed by a certified wine expert (sommelier or oenologist) or a certified beer expert (cicerone.)This classification includes beer- or wine-only shops or facilities that are covered by a State license for "beer and wine" (Class 20 ABC license). This classification includes beer or wine tasting as an accessory use, only, but does not allow for the establishment of a Bar. This classification allows for accessory food sales, but does not include retail sales of food and other items as defined as a Convenience Store in this Code.

Staff proposes that Beer and Wine Stores should be allowed through a Conditional Use Permit (UP) in the C-RM and DA-1 Districts where it is currently Not Permitted (-). It is

currently allowed with a UP in SA-1, SA-2, SA-3 and CC districts, with locational limits of 1,000 feet from public or private schools, parks, libraries, or recreational facilities. Note that Beer and Wine Stores in the DA-1 would be allowed only with these same locational restrictions and with a time limit for stores to be open only between the hours of 7 a.m. and 10 p.m.

Brewpub

Currently, the Zoning Code does not have a definition for a brewpub. Brewpubs, as defined below, would operate much the same as a restaurant with beer or wine service, so staff proposes that brewpubs should be allowed on the same basis as a full-service restaurant.

Brewpub. A small brewery attached to a restaurant and producing beer that is sold for consumption at a bona fide eating place, plus a limited amount of brewing of beer for consumption on the premises. Additionally, the sale of beer for consumption off the premises where sold is also allowed.

Staff proposes that Brewpubs should be Permitted (P) in the SA-1, SA-3, CN, CC, CS, CR, C-RM, P, PHD, NA-1, NA-2, DA-1, DA-2, DA-5, and DA-6 Districts. Staff proposes that Brewpubs should be allowed through an Administrative Review (AR) process in the SA-2, IL, IG, IP, IL(AU), IG(AU), and IP(AU) Districts; and allowed through a Conditional Use Permit (UP) in the DA-3 and DA-4 Districts.

Commercial Roll-Up Doors

Amends commercial development standards to ensure that commercial security systems retain an enhanced appearance along commercial street fronts. The following addition is proposed:

Security Roll-Up Doors. Retractable security gates, window bars, and mall-style roll-up doors shall be installed to the inside of existing windows or glass doors for installation of physical security measures on a building façade. A mall-style roll-up door must not be visible during business hours. Metal gates, stored in a wall pocket or similar enclosure so as not to be visible during business hours, and scissor-style security grilles, retracted into casing during business hours, are subject to the review and approval of the Community Development Director.

Community Gardens

Community gardens would provide an amenity to San Leandro residents, businesses and employees who seek access to local food sources and recreation through gardening and agriculture. Adding a Community Gardens use and allowing Community Gardens in Commercial and Industrial Districts implements the 2009 City of San Leandro Climate Action Plan, specifically Policy, 4.6.1 related to Urban Agriculture. The proposed definition is as follows:

Community Gardens. A site that occupies less than 1 acre for non-commercial raising for family or community use of vegetables, berries, trees, fruits, vines, flowers, ornamental trees or shrubs. Crops from community gardens are limited to personal or group consumption, or for donation, only. Community Garden uses may include communally-managed gardens. Community Gardens may be the principal or accessory use. Community Gardens may not

grow cannabis or any other federally-controlled substances. Such use may not keep bees or any other animals unless allowed by Chapter 4-11 of the San Leandro Municipal Code.

The full set of regulations for management of Community Gardens is found on pages 68-70 of the attached Ordinance, Exhibit G Proposed Amended Article 16. These regulations cover a range, including: identification of a responsible party for the Community Garden, management of chemicals and other gardening products and equipment, deliveries, height of planting in the required setbacks, and compost and structure placement.

Staff proposes that Community Gardens should be allowed through an Administrative Review (AR) process in the SA-1, SA-2, SA-3, CN, CC, CR, C-RM, NA-1, NA-2, DA-1, DA-2, DA-3, DA-4, DA-5, DA-6, IL, IG, IP, IL(AU), IG(AU), and IP(AU) Districts. Staff proposes that Community Gardens should be Not Permitted (-) in the CS, P, and PHD Districts. Staff received recommendations at the January 30 worksession to allow Community Gardens in Residential Districts with an Administrative Review (AR), which has been incorporated in the attached Ordinance.

Dance Clubs

Staff seeks to modernize and clarify the title of this definition. Staff's proposed amendment would effectively narrow the scope of the activity to establishments that operate primarily as dance clubs rather than the current broad definition that links any dancing activities to other established uses where alcohol is sold, such as a restaurant or bar.

Staff proposes that the Zoning Code's definition for Dance Hall should be changed to "Dance Club" for clarity. Staff proposes a new definition for Dance Club as follows:

Dance Club Hall. Any establishment where the primary use is a person or persons dance and where either: ~~(i) such persons pay admission to each dance except where admission charges are to be used for charitable, eleemosynary, educational, religious, or social groups which do not include the distribution of profits to the sponsors or members thereof; or (ii) such place is connected to a place where alcoholic beverages are sold. This definition includes, but is not limited to, any business establishment identified in San Leandro Municipal Code Section 4 4 100. See "Entertainment" for dancing at establishments other than dance halls.~~

Dance Clubs are currently allowed with a Conditional Use Permit (UP) in the SA-1, SA-3, and CC Districts. Staff proposes that Dance Clubs should be allowed through a Conditional Use Permit (UP) in the DA-1, IL, IG, IP, IL(AU), IG(AU), and IP(AU) Districts. Staff recommends that Dance Clubs should be Not Permitted (-) in the SA-2, CN, CS, CR, P, PHD, NA-1, NA-2, DA-2, DA-3, DA-4, DA-5, and DA-6 Districts.

Electronic Cigarette-related products

Staff proposes to add a new definition in the Zoning Code for electronic cigarettes and their related products. This new definition will be listed along with other products specified in the definition for Tobacconist/Cigarette Store, which is a land use that is tightly restricted. The proposed change will assist staff's interpretation of e-cigarettes and related product sales.

Proposed new definition:

Electronic Cigarette-Related Products. Any electronic device that can provide an inhalable dose of nicotine by delivering a vaporized solution, as defined by California Health and Safety Code Section 119405(b), or any electronic device designed to vaporize a liquid solution that releases flavored vapor and the use or inhalation of such device simulates smoking. This definition shall include any substance containing nicotine or a flavored liquid solution for vaporization through an electronic cigarette, including any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body, but does not include any cessation product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence.

Please see section below on Tobacconist/Cigarette Store for discussion of use regulations.

Entertainment Activities

In reviewing initial policy proposals with the Planning Commission and Board of Zoning Adjustments at the January 2014 worksession, where staff presented a proposal to regulate Entertainment operations in the Municipal Code instead of the current policy of regulating Entertainment in the Zoning Code, it was made clear that further study and discussion are required prior to proposing major changes to regulate entertainment activities.

In the interim, staff proposes a minor amendment to the Zoning Code's existing definition of entertainment, to focus on events rather than background activities, and to increase the number of yearly events to six from three events allowed without requirement of a Conditional Use Permit. This will create greater flexibility for establishments such as restaurants and bars that wish to have music or large screen television viewing as a background amenity, for example. The proposed revision to the definition is as follows:

Entertainment Events Activities. Regulations pertaining to Entertainment ~~Events~~ Activities, defined as a use classification by this Code, apply to the following ~~events~~ activities where they occur on a scheduled basis ~~more than six (6) three (3) or more~~ days during a calendar year on the site of any permitted or conditionally permitted use, excluding ~~events~~ activities for the non-profit, charitable or educational purposes of public or private institutional uses. **Entertainment events are further defined as events advertised as a stand-alone event with a set start or end time, or where separate admission is charged.**

- A. A musical, theatrical, wrestling, ~~dance recital~~, cabaret, or comedy act performed by one (1) or more persons, regardless of whether performers are compensated;
- B. Any form of dancing by patrons or guests at a business establishment not otherwise regulated as either a "Dance Hall" or an "Instruction and Improvement Services" use classification;
- ~~B.C.~~ C. A fashion show, except when conducted within an enclosed building used primarily for the manufacture or sale of clothing;
- D. Any form of recorded entertainment using amplified recorded music, such as karaoke systems;
- ~~C.E.~~ E. Televised events, or with such features as "big screen" projection systems.

Staff proposes that Entertainment Events be allowed in the C-RM Commercial Regional Mall zoning district (Bay Fair Shopping Center) with approval of a Conditional Use Permit (UP).

Game Center

Certain Game Centers have recently evolved into gambling establishments. The proposed change in definition would explicitly provide that gambling is not allowed, which would assist Planning Division staff to interpret and determine legitimate Game Centers featuring recreational arcade gaming or tournament play versus those uses that involve illegal gambling activities. The current Zoning Code definition for Game Center should be amended to keep up with changing technology and the emergence of electronic gaming. Clarification is necessary to specify that game centers do not include gambling-type activities.

Proposed amended definition:

Game Center. A commercial establishment, which contains more than four (4) pinball machines, computer games, electronic video games, or any other similar games or devices, for the use of which fees are paid directly into the machines or to an operator regardless of whether the devices constitute the primary use or accessory or incidental use of the premises. This does not include games of chance, internet sweepstakes, or any gambling activities, which are not permitted in any zoning district in the City. ~~arcade-games. This includes activities or establishments that provide a simulated war or battle experience.~~

Game Center uses are allowed with a Conditional Use Permit (UP) in the SA-3 and CC District. Staff proposes that Game Center uses should be allowed through an Administrative Review (AR) process in the C-RM, and DA-6 Districts. Game Center uses should be allowed through a Conditional Use Permit (UP) in the SA-1, SA-3, CC, DA-1, IL, IL(AU), IG and IG(AU) Districts. Staff recommends that Game Center uses should be Not Permitted (-) in the SA-2, CN, CS, CR, P, PHD, NA-1, NA-2, DA-2, DA-3, DA-4, DA-5, IP and IP(AU) Districts.

Hazardous Waste Facilities

As part of this Zoning Code update, portions of Article 16 relating to Hazardous Waste Facilities have been reviewed and updated by the Environmental Services Department in order to update and clarify regulations. Please see the associated clean-up changes in Section 4-1634(C); Section 4-1636(A); Section 4-1636(B); Section 4-1636(C); Section 4-1638(B)(3); Section 4-1684(F)(3)(a)(iii); Section 4-1684(F)(3)(b); Section 4-1684(G)(3)(d) (iv); and Section 4-1684(G)(4)(b) of the attached Ordinance, Exhibit G: Proposed Amended Article 16.

Health and Fitness Centers

Staff proposes that the Zoning Code's definition for Health and Fitness Centers be amended to add additional sports activities that have become popular in recent years as alternative fitness activities to gyms.

Health and Fitness Centers. Establishments with equipment for exercise and physical conditioning. This classification includes spas, gyms, tennis clubs, racquet ball clubs, pools, sports courts and fields, climbing walls, skating rinks, batting cages, diet centers, reducing salons, fitness studios,

health studios, and massage therapy as an accessory use to another health and fitness center use.

Any such facilities that offer alcoholic beverage service shall be defined as Commercial Recreation.

Staff proposes that Health and Fitness Centers should be allowed through an Administrative Review (AR) process in the CN, DA-3, and DA-4 Districts instead of a Conditional Use Permit (UP). Staff also proposes that Health and Fitness Centers should be a Permitted (P) use in the DA-6 District.

Internet Sweepstakes Center

Staff proposes adding a new definition to the Zoning Code for Internet Sweepstakes Center. Per the State's Bureau of Gaming Control, such uses are considered a form of gambling. By defining the activity as a separate use, and then not including this use in any districts as a permitted or discretionary use, staff believes that this strengthens the City's ability to restrict the use and activity.

Proposed new definition:

Internet Sweepstakes Center. A commercial establishment which sells a service -- such as the ability to browse the world wide web or Internet, create and print documents, shop online, play games, watch video and video-related media, fax documents, use telephone services -- and also provides customers with promotional sweepstakes entries to obtain a prize through predetermined odds via simulated casino-style games on a computer or other electronic device or via immediate disclosure on a computer or other electronic device or via immediate disclosure from an employee.

Mobile Food Vendor/Mobile Food Vending

An update to the Municipal Code to establish a permitting process and performance standards for Mobile Food Vendors is currently underway. Such proposed regulations are on a parallel track with these proposed Zoning Code amendments. Staff proposes that the Zoning Code definition be changed to focus on the use rather than the individual vendor. Additionally, the zoning districts in which staff recommends Mobile Food Vendors be allowed should be expanded and clarified so that Mobile Food Vending is allowed in more zoning districts.

Mobile Food Vending. ~~A person engaged in the sale of food from a handcart or other small, self-propelled, or tow-able cart.~~ **any motorized or trailer vehicle, designed to be portable and not permanently attached to the ground, from which only food and beverages are sold, served free or sampled, displayed or offered for sale, as regulated by the San Leandro Municipal Code.**

Staff recommends that Mobile Food Vending should be allowed through an Administrative Review (AR) process in the IL, IG, IP, IL(AU), IG(AU) and IP(AU) Districts. Per Planning Commission recommendation, staff proposes that Mobile Food Vending should be Not Permitted (-) in the SA-1, SA-2, SA-3, CN, P, PHD, DA-1, DA-2, DA-3, DA-4, DA-5, and DA-6 Districts.

Outdoor Facility Permits in Industrial Zones

Staff proposes to add clarifications to Article 16, Section 4-1662 to explicitly allow an Outdoor Facility Permit and clarify the time frame for a Temporary Use Permit as 90 days. Staff also corrected the Temporary Use definition in Article 3 to state a timeframe of 90 days to be consistent with Article 22, Section 5-2222 Temporary Use Permits.

Recycling Facilities

Staff proposes updating the definition of a Recycling Facility so that it more closely resembles the guidelines established by the State and administered through CalRecycle (formerly, California Integrated Waste Management Board). Changes are also proposed to allow certain types of recycling uses that take place indoors only through an Administrative Review (AR) process rather than the Conditional Use Permit (UP) process, such as Bulk Reverse Vending Machines, Large Collection and Light Processing. Additionally, any specific references to State certification or State Codes have been eliminated so that the City's Code does not have to be updated each time the State makes changes.

Proposed amended definition:

Recycling Facility. A center for the collection and/or processing of recyclable materials, and includes facilities for the drop-off, buyback, deposit, or return for redemption, of recyclable material. Recyclable material is reusable material including but not limited to aluminum, glass, plastic and paper which is intended for remanufacture or reconstitution for the purpose of using the altered form. A recycling facility consists of a reverse vending machine, collection facility, or processing facility, as defined in Section 4-1646 "Recycling Facilities". A recycling collection facility may also consist of a facility for the collection of reusable household goods or clothes by a charitable organization.

Under Article 16, Section 4-1646, the above general definition of Recycling Facility is further defined in several sub-categories as follows:

- Single Feed Reverse Vending Machine
- Bulk Reverse Vending Machine
- Small Collection
- Small Scale Hazardous Waste Center
- Large Collection
- Light Processing
- Heavy Processing

Please see pages 6 through 11 in Exhibit G: Proposed Amended Article 16, Section 4-1646, including the summary table on page 8 for the series of proposals for regulating recycling.

Retail Sales

Staff proposes that this use should be changed to allow for clothing and consignment stores that were evaluated as Secondhand Sales, which is only permitted with a CUP. Clean-up of certain outdated terms are also proposed.

Proposed amended definition:

Retail Sales. The retail sale of merchandise not specifically listed under another use classification. This classification includes, but is not limited to **clothing stores, consignment stores,** and businesses retailing the following goods: toys, hobby supplies, handcrafted items, gift items, jewelry, books, cameras, photographic supplies, **music media** records, videos, ~~compact discs, laser discs, cassettes,~~ sporting goods (excluding uses where gun and ammunition sale are the primary use - see Gun or Weapon Shop definition), kitchen utensils, hardware, antiques **and vintage clothing stores,** art supplies and services, musical instruments, supplies, and services, office supplies, and bicycles.

This use is currently allowed in all Commercial Districts. Staff proposes that Retail Services should be allowed through an Administrative Review (AR) process in the IL, IG, IP, IL(AU), IG(AU) and IP(AU) Districts where it is currently Not Permitted (-).

Retail Services

Staff recommends that the definition for Retail Services be changed in order to allow for tattoo studios to be regulated as a personal service, where it currently is only allowed as a Tattoo Parlor with a Conditional Use Permit in the SA-1, SA-3, and CC Districts. The Board of Zoning Adjustments, after an in-depth discussion of this proposal and presentation of various options, fully supported this proposal, per the attached Excerpt of the Board of Zoning Adjustments Meeting Minutes of April 3, 2014.

Proposed amended definition:

Retail Services. Provision of services of a personal nature. This classification includes barber and beauty shops, **tattoo studios,** seamstresses, tailors, shoe repair shops, dry cleaning businesses (excluding large-scale plants), photocopying, and self-service laundries. Retail Services excludes coin-operated self-service laundries and coin-operated dry cleaning businesses.

Staff proposes Retail Services should be allowed through an Administrative Review (AR) process in the IL, IG, IL(AU) and IG(AU) Districts where it is currently Not Permitted (-).

Tobacconist/Cigarette Stores and Tobacco-related Products

The Zoning Code definition for Tobacconist/Cigarette Stores should be amended to include "tobacco-related products" and a new definition proposed for Tobacco-related Products that will explicitly list all products related to tobacco and nicotine use should be adopted. Staff proposes that such uses should be allowed with a CUP, but only in the SA-1, SA-3, and CC Districts. (Please note that tobacco and cigarette stores have additional locational requirements to maintain a 1,500-foot separation from sensitive uses such as schools and parks.) No changes are proposed to the corresponding zoning districts for Tobacconist/Cigarette Stores.

This new definition will also clarify that an e-cigarettes store will be considered a Tobacconist/Cigarette Store.

Definitions:

Tobacconist/Cigarette Stores. Businesses devoted primarily to the sale of tobacco-related and

e-cigarettes, and e-cigarette-related products, as defined by 1) devoting twenty percent (20%) or more of total floor area or display area to or 2) deriving seventy-five percent (75%) or more of gross sale receipts from, the sale or exchange of tobacco-related products.

Tobacco-related products. Any substance containing tobacco including but not limited to cigarettes, cigars, chewing tobacco and dipping tobacco; cigarette papers; vaporizers; or any other instrument or paraphernalia for the smoking or ingestion of tobacco and products prepared from tobacco.

Wind Farms

Currently, the Zoning Code does not include a definition for a Wind Farm, nor for a single wind turbine. Staff proposes the following definitions:

Wind Farms. Utility-scale wind turbines larger than 100 kilowatts and developed with electricity delivered to the power grid and distributed to the end user by electric utilities or power system operators. Small wind turbines 100 kilowatts or smaller that directly power a home or small business and are considered an accessory use subject to height regulations.

Wind Turbines. Devices that convert kinetic energy from the wind into electrical power.

Staff recommends that Wind Farms should be allowed with a Conditional Use Permit (UP) in the IG and IG(AU) Districts, only. As stated in the definition above, a single wind turbine would be considered an accessory use.

Wireless Telecommunications Facilities

Article 16 (Section 4-1686) of the Zoning Code should be updated to reflect recent changes in federal law, technological advancements, and what other jurisdictions do to regulate these types of uses. The updated Wireless Telecommunications Facilities regulations also have corresponding changes to where they must be allowed in various zoning districts. Changes are recommended to clean up related definitions that were affected by the Ordinance changes (Please see the attached Ordinance, Exhibit A Proposed Amended Article 3 Definitions), such as those for the following:

- Antenna
- Telecommunications Antennas and Towers
- Wireless Telecommunications Facility

Proposed amended definition:

Wireless Telecommunication Facility. An unstaffed communications facility containing communication towers and/or antennas and any related equipment for the purpose of transmitting or receiving electromagnetic radio frequency waves, including antennas and all ancillary equipment. It does not include radio and television towers, antennas or related equipment for commercial broadcast or amateur use; citizens band and any other miscellaneous telemetric and control communications systems.

The definition for “Telecommunications Antennas and Towers” is proposed to be eliminated from *Article 3 Definitions* because staff proposes it be replaced with “Wireless Telecommunication

Facilities” as part of the update to the City’s Wireless Telecommunications Ordinance described above.

A comprehensive breakdown of which zoning districts Wireless Telecommunication Facilities are allowed in can be found in the attached Ordinance, Exhibit G: Proposed Amended Article 16, in Section 4-1686, Table 1 (page 58 of 68).

Article 17 Off-Street Parking and Loading

Staff proposes a revision to clarify the code language in areas that have been difficult to interpret, such as the paving of front yards. In addition, staff proposes implementing the reduced parking requirements of the Downtown TOD Strategy for senior housing.

Paving in Front Yards

Article 17 defines the allowable amount of paving within front yards, which was set at 50 percent in a set of Zoning Code amendments adopted in 2012. Because it has been interpreted very strictly by both staff and residents, staff is now proposing to eliminate the phrase “related to parking”, to ensure that there is clarity on this topic. The intent of the 2012 amendment was to prohibit paving over more than 50% of a front yard, regardless of whether there would be parking or not.

Section 4-1718, C. Allowable Paving in the Required Front Yard. Paving or impervious surfaces for ~~walkways, parking areas and vehicular access~~ shall not collectively occupy more than fifty percent (50%) of the required front setback area.

Senior Parking

Currently, new senior residential development of three or more units in the DA Districts must comply with the same parking requirements as non-senior residential development, which is: 1.0 to 1.5 spaces per unit (0.25 to 0.50 spaces/unit may be unbundled flex parking). In the SA Districts, the senior residential parking ratio is 0.6 spaces per unit plus one space per employee. Given the available commercial/retail activity and convenient public transit options, the senior housing parking standards in the DA Districts near BART should have lowered parking standards in comparison to the SA Districts. Therefore, staff recommends creating the following parking requirements in the DA Districts:

Senior Housing (DA Districts adjacent to BART): 0.4 spaces per unit plus one space per employee

Relaxed Triggers for Parking Exceptions

Staff proposes that a greater degree of flexibility for parking be provided in the Zoning Code, by allowing the maximum parking deficiency to be increased from 15 percent to 20 percent before a formal parking analysis would be triggered under Section 4-1702. This could allow for some additional use changes between commercial and industrial uses to proceed without a Parking Exception.

Article 18 Signs

Staff proposes a series of amendments to the sign code to allow staff to control the aesthetic quality of signage within the City. Changes are shown on the attached Ordinance Exhibit I, Proposed Amended Article 18 Signs. Notable changes include:

- Ruling out the use of extraneous information that clutters signs (e.g. phone numbers, listing of products, etc.);
- Protecting landmark signs;
- Clarifying that signs in all DA districts should conform to the Downtown Sign Regulations;
- Prohibiting cabinet or “box-type” signs in commercial districts;
- Tightening regulations for window signs;
- Allowing for reader boards for institutions that offer classes, only.

In addition, the City Attorney’s Office has added the following amendment to the ordinance related to temporary political signs, in Article 18, Section 4-1806(I) to better align the temporary sign policy with federal law:

Temporary Political Signs. The maximum size of temporary political signs shall be sixteen (16) square feet unless the sign meets structural and design requirements prescribed by the Uniform Sign Code for signs other than temporary signs. This requirement is intended to prevent installation of structurally unsafe signs. ~~Temporary political signs shall be removed within ten (10) days following the election pertaining to a candidate, ballot measure or issue addressed by the sign.~~ Prior to the installation of **any** temporary political sign **anywhere in the City**, the person intending to install the sign or the person on whose behalf the signs are to be installed shall, at least two (2) days prior to the installation, file a declaration of intent to install with the Zoning Enforcement Official or the Zoning Enforcement Official’s designee. The declaration shall contain an agreement to remove **any sign that is installed in violation of any provisions of the Zoning Code or the Municipal Code**, such signs within ten (10) days after the election and to pay **the City’s costs of removal**, any costs incurred by the City as a result of the declarant. If a person installs temporary political signs without having filed a declaration of intent, that person or the person on whose behalf the signs are installed, shall be notified to remove the signs and shall immediately remove such signs or pay the cost of removal by the City.

Articles 21, 22, 27, and 28: Process Changes

Staff proposes amendments to Part V of the Zoning Code, which governs the processing of applications. In general, the bulk of the Zoning Code amendments shift requirements from a Conditional Use Permit to an Administrative Review, which helps to streamline new development. However, staff believes that the current description of an Administrative Review in the Zoning Code lacks detail and omits any form of public notice. While staff believes that streamlining is needed, there should be some instances where public notice is conducted.

In the area of Appeals and Amendments, a series of clarifications are needed for process descriptions. In addition, the timelines specified for hearings to be conducted, currently set at 45 days, is not practical under current deadlines for scheduling items on City Council meeting agendas. As such, staff recommends allowing for up to 60 days.

The following summarizes the changes proposed:

Article 21 Zoning Permits Required; Environmental Review; Fees and Deposits

- Specifies that conditions of approval may be placed on a development application for a Zoning Permit, as outlined in Article 21 Zoning Permits.

- Adds supplemental noticing requirements to the Administrative Review process so that property owners adjacent to a subject property would be notified of certain proposed projects, upon the determination of the Zoning Enforcement Official.
- Specifies that the decisions of the Zoning Enforcement Official related to determinations of uses may be appealed to the Board of Zoning Adjustments. Currently the Zoning Code provides that such decisions be appealed to the Planning Commission which is not consistent with Article 27.
- Adds language to Section 5-2108 to clarify that non-applicants are allowed to appeal a Zoning Enforcement Official decision.

Article 22 Use Permits, Variances, and Parking Exceptions

- Adds clarification language to the definition of a Use Permit.
- Extends the period from one to two years for renewal of a use permit, variance, height exception or parking exception. In recent years, applicants have fallen on difficult financial situations that have prevented them from carrying out a development approval. This will allow for more flexibility in time lines.

Article 27 Amendments

Amends language in Article 27 as follows:

- Allow for the Community Development Director to initiate Zoning Code amendments, which will memorialize current Planning staff practice dating back to at least 2003;
- Remove the 45-day deadline to schedule a public hearing for a Zoning Code or zoning map amendment after receipt of an application; and
- Expand the timeframe for a City Council public hearing to be conducted after the Planning Commission has made a recommendation from 45 days to 60 days.

Article 28 Appeals

Adds clarification language under the Procedures for Appeals, including expansion of the timeframe for a public hearing to be conducted after the receipt of an appeal application from 45 days to 60 days; and clean up the paragraphs related to Hearing and Decision and Notice to eliminate confusing phraseology.

Current Agency Policies

- Downtown Transit Oriented Development Strategy
- Next Generation Workplace District Study

Applicable General Plan Policies

In 2002, the City of San Leandro adopted a new General Plan, which states that “the San Leandro General Plan aspires to reshape the industrial areas of West and Central San Leandro to meet the demands of the new economy.” Furthermore, the General Plan states that “the guiding objectives in the City’s large business districts are to promote business retention and diversification”.

The proposed Zoning Code Update seeks to correct and clarify sections of the Code to keep up with changing technologies and land use trends. By tightening up the regulations for Telecommunications, Hazardous Materials and Recycling, the City will follow more closely what other jurisdictions are doing and comply more closely with State regulatory changes. Staff

believes that the proposed changes, through modifications to parking requirements, as well as Administrative Review and public hearing noticing changes and updates to signage regulations, provide clearer administrative approvals, oversight and design guidelines. Finally, staff believes that the General Plan goals and policies related to economic development will be implemented by allowing a greater range of uses in various commercial and industrial zoning designations.

The following broad policies in the General Plan promote retail diversity and job opportunities:

Policy 6.02 Retail-Service Improvements - *Develop and implement business development strategies that improve the mix of retail and service businesses Downtown, with an emphasis on higher-end retail shops, sit-down restaurants, and entertainment uses.*

Policy 8.02 Retail Diversity - *Encourage a diverse range of commercial uses in the City, offering goods and services that fully meet the needs of San Leandro residents and businesses...*

Policy 12.03 Job Opportunities for Residents - *Promote opportunities for San Leandro residents to find suitable employment within the community...*

The General Plan fosters the development of a strong and healthy industrial and office employment base in the City. The Next Generation Workplace District Study encourages the City to allow greater business-serving amenities in the industrial areas. The following General Plan policies support the proposed changes to Articles 6 and 7.

Policy 7.02 Economic Diversity - *Promote economic diversity and the growth of new and emerging industries. Target businesses that will provide higher-paying jobs for San Leandro residents.*

Policy 7.03 Sustainable Manufacturing - *Promote environmentally sustainable manufacturing practices by San Leandro businesses and focus business attraction efforts on clean, environmentally-friendly businesses.*

Policy 7.04 Tech-Sector Recruitment - *Attract and retain technology ("high tech") companies by improving technology infrastructure, targeting such companies through marketing, supporting incubator and start-up firms, and maintaining development regulations which facilitate the adaptive reuse of older industrial buildings.*

Policy 7.06 Adaptive Reuse - *Encourage private reinvestment in vacant or underutilized industrial and commercial real estate to adapt such property to changing economic needs, including the creation of flex/office space.*

The General Plan encourages the establishment of excellent community and neighborhood-serving retail and entertainment uses. The following General Plan policy fosters cultural arts and entertainment uses.

Policy 8.07 Cultural Arts and Entertainment - *Provide additional opportunities for cultural, recreational, and entertainment uses in the City, including cinemas, theaters, live-performance venues, sports facilities, and art galleries.*

Promoting the positive image of the City as a desirable place in which to do business consists in part on attracting emerging technologies. The following General Plan policy encourages the enhancement of these qualities.

Policy 11.03 Technology/Telecommunication Recruitment - *Implement programs to attract businesses in economic sectors that are emerging or underrepresented in San Leandro. This should include the development of infrastructure to facilitate the growth of technology and telecommunication firms within the City.*

Protecting local residents and workers from the risks associated with hazardous materials is an important General Plan policy. The following policy encourages regulatory compliance.

Policy 33.01 Regulatory Compliance - *Work with the appropriate county, regional, state, and federal agencies to develop and implement programs for hazardous waste reduction, hazardous material facility siting, hazardous waste handling and disposal, public education, and regulatory compliance.*

The General Plan encourages quality design and construction, as well as signage that will enhance the public streetscape. The following policy encourages quality signage.

Policy 43.08 Signage - *Encourage commercial signage that is compatible with the building and streetscape, enhances the character of the surrounding area, and is not intrusive to nearby residential uses.*

And, the General Plan proactively addresses the special housing needs of the community, including seniors. The following General Plan policy addresses senior housing.

Policy 58.01 Senior Housing - *In accordance with the needs analysis conducted as part of this Housing Element, encourage the production of housing targeted to San Leandro seniors. Both non-profit and for-profit developers in the City should incorporate supportive services for seniors and design features which respond to the needs of seniors and others with limited mobility - such as single story floor plans, wheelchair ramps, bathrooms and grab bars, and buildings with elevators.*

The proposed amendments to the Zoning Code would allow more amenities in the industrial and commercial zones and will implement business development goals by allowing greater business-serving amenities in the industrial and commercial areas. Additionally, they would comply more closely with Federal and State regulatory guidelines concerning hazardous waste, recycling, and telecommunications.

Environmental Review

The proposed amendments to the Zoning Code are exempt from the California Environmental Quality Act (CEQA) under State CEQA Guidelines Section 15061(b)(3) because the General Rule exemption states that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment that the activity is not subject to CEQA. In addition, CEQA defines "project" as an activity that may result in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment (Public Resources Code Section 21065). Updating the City of San Leandro Zoning Code in the manner described herein does not alter the existing zoning regulations in any substantive manner such that there is a possibility for the amendments to result in any direct or indirect physical change in the environment or cause any significant environmental effects. Any

potential indirect secondary impacts from the proposed amendments on the physical environment are speculative and are not reasonably foreseeable, and are, therefore, not subject to review under CEQA.

Board/Commission Review and Actions

On January 30, 2014, Planning staff conferred with the Planning Commission and the Board of Zoning Adjustments in a joint worksession on the proposed Zoning Code Amendments. Consensus was reached on the majority of proposed changes, with recommendations made on a number of topics that were brought back to both bodies in April.

On April 3, 2014, the Board of Zoning Adjustments reviewed the changes and provided support for the proposed changes.

On April 17, 2014, the Planning Commission held a public hearing and reviewed the final set of proposed changes. The Commission made four revisions to the staff proposal, which included:

- A) Add to the Entertainment Event language text that defines a televised stand-alone event as one including a set start and/or end time in the advertising
- B) Omit Dance Club from C-RM District uses
- C) Restore "Bowling Alley" and the word "participant" to the Commercial Recreation definition
- D) Delete "recurrently needed" from the description of "services of a personal nature" in the definition of Retail Services

With the above changes to the staff proposal, the Planning Commission voted to recommend approval of the Zoning Code Amendments to City Council by a vote of 5-0.

All of the above changes have been included in the attached Ordinance recommended for City Council adoption. Staff expanded item A to include the definition for "stand-alone event" to apply to all of the forms of Entertainment Events rather than limit that sub-definition only to televised events.

Summary of Public Outreach Efforts

A press release was issued prior to the January 30, 2014 Board of Zoning Adjustments - Planning Commission joint worksession, along with a courtesy notice to all neighborhood associations and to the San Leandro Chamber of Commerce. News articles covering the proposed Zoning Code amendments were published in the San Leandro Times and the Daily Review. Public comment at the work session was opposed to the proposal to modify entertainment regulations through the Municipal Code. A comprehensive update to entertainment policy is not proposed at this time.

Community Development staff, with the consultant team that wrote up the Next Generation Workplace District Study, conducted a series of meetings with the community where the proposal to increase flexibility within industrial regulations in the Zoning Code was presented. These included: a presentation to City Council in September 2013; a community meeting and a City Council worksession in October 2013; an Industrial Area Working Group meeting in January 2014; and a City Council worksession on the next steps for implementing the Next Generation plan in February 2014. Business Development and Planning staff presented the proposed amendments to the Chamber of Commerce Entrepreneurs Business Forum on May 20, 2014.

Subsequent to the January 2014 joint worksession, representatives from Madison Marquette, the owner of Bayfair Shopping Center, met with City staff to review the current uses allowed in the C-RM zoning district. They requested that staff look at the C-RM Commercial Regional Mall zoning uses to make them more consistent with CC Commercial Community, which is the underlying zoning for the Kaiser north parcel site, slated for mixed-use retail development. Staff considered the request and added certain uses to the C-RM zoning that staff believes will enhance the shopping center environment. The full set of changes is found in the attached Proposed Amended Article 6, Section 2-616.

Notification of the April 17, 2014 Planning Commission and the June 2, 2014 City Council meetings included a legal ad in the Daily Review and posting of the meetings at City Hall a minimum of 72 hours in advance of the meeting dates. In addition, a courtesy notice was sent to all Neighborhood Associations listed on the City's roster and to the San Leandro Chamber of Commerce. No public comments have been received as of the writing of this report.

Legal Analysis

The proposed Zoning Code amendments were analyzed by the City Attorney's Office and found to be in conformance with the California Government Code as well as the local General Plan and Zoning Code.

ATTACHMENTS

Attachments to Staff Report

- Exhibit A: Matrix of Industrial and Commercial Use Classifications and Zoning Districts
- Exhibit B: San Leandro Zoning Map
- Exhibit C: Excerpt of the Minutes of the Planning Commission Meeting, April 17, 2014
- Exhibit D: Excerpt of the Minutes of the Board of Zoning Adjustments Meeting, April 3, 2014
- Exhibit E: Excerpt of the Minutes of the Planning Commission and Board of Zoning Adjustments Joint Worksession, January 30, 2014

Attachments to Ordinance

- Exhibit A: Proposed Amended Article 3 Definitions
- Exhibit B: Proposed Amended Article 5 Residential Districts (excerpt, only)
- Exhibit C: Proposed Amended Article 6 Commercial and Professional Districts
- Exhibit D: Proposed Amended Article 7 Industrial Districts
- Exhibit E: Proposed Amended Article 8 Open Space District
- Exhibit F: Proposed Amended Article 9 Public and Semipublic District
- Exhibit G: Proposed Amended Article 16 Development Regulations
- Exhibit H: Proposed Amended Article 17 Off-Street Parking and Loading Requirements
- Exhibit I: Proposed Amended Article 18 Signs
- Exhibit J: Proposed Amended Article 21 Zoning Permits Required; Environmental Review; Fees and Deposits
- Exhibit K: Proposed Amended Article 22 Use Permits, Variances, and Parking Exceptions
- Exhibit L: Proposed Amended Article 27 Amendments
- Exhibit M: Proposed Amended Article 28 Appeals

PREPARED BY: Sally Barros, Principal Planner, Community Development Department



CITY OF SAN LEANDRO ZONING CODE

COMMERCIAL/INDUSTRIAL USE CLASSIFICATIONS and ZONING DISTRICTS

LEGEND	ZONING DISTRICTS																				
	SA-1	SA-2	SA-3	CN	CC	CS	CR	C-RM	P	PHD	NA-1	NA-2	DA-1	DA-2	DA-3	DA-4	DA-5	DA-6	IL	IG	IP
	136 TH TO 148 TH , INT'L / CULTURAL / GENERAL	SYBL TO 136 TH ; MIXED USE RESIDENTIAL	148 TH TO 150 TH ; GATEWAY / GENERAL	NEIGHBORHOOD COMM IN RESIDENTIAL	MACARTHUR BLVD; HESPERIAN; WASHINGTON	MARINA BLVD - ORCHARD TO EVELETH	MARINA SHORLINE AREA; BURELL FIELD	BAY FAIR MALL	OFFICES EAST OF DOWNTOWN	HIGH DENSITY OFFICE (ONE PARCEL??)	OAKES BLVD (ONE PARCEL??)	GEORGIA TO DURANT	DOWNTOWN CORE - RETAIL/MIXED USE DAVIS TO CASTRO	MULTI-USE INFILL (FORMER NA-1)	TRANSITION MIXED USE ADJACENT TO CORE DOWNTOWN	RESIDENTIAL MIXED-USE NEAR TRANSIT	BART AREA MIXED-USE ADJACENT TO BART	OFFICE MIXED USE DAVIS @ SLB	INDUSTRIAL, NEAR RESIDENTIAL	HEAVY INDUSTRIAL CORE	INDUSTRIAL PARKS WITHIN IG AND EDGES
P = PERMITTED USE UP = USE PERMIT REQUIRED AR = ADMINISTRATIVE REVIEW REQUIRED - = NOT PERMITTED	Short explanations provided in Use Classifications, but please refer to <i>Zoning Code</i> for more information.																				

USE CLASSIFICATIONS	SA-1	SA-2	SA-3	CN	CC	CS	CR	C-RM	P	PHD	NA-1	NA-2	DA-1	DA-2	DA-3	DA-4	DA-5	DA-6	IL	IG	IP
Commercial Parking Facility	-	-	UP	-	UP	-	-	P	UP	-	-	-	UP	UP	-	-	-	-	-	-	-
Communications Facilities	P	-	P	-	P	-	-	UP	-	-	-	-	P	-	-	-	-	UP	P	P	P
Community Gardens (also allowed with AR in R zones)	AR	AR	AR	AR	AR	-	AR	AR	-	-	AR	AR	AR	AR	AR	AR	AR	AR	AR	AR	AR
Convalescent Facilities	UP	UP	-	-	-	-	-	-	UP	-	-	-	-	UP	-	-	-	-	-	-	-
Convenience Stores (1,000' from sensitive uses)	-	-	UP	-	UP	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Corporation Yards	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	UP	UP	-
Cultural Institutions	UP	UP	UP	UP	UP	UP	-	UP	UP	UP	-	-	UP	UP	-	UP	UP	UP	-UP	-UP	-UP
Dance Hall Club	UP	-	UP	-	UP	-	-	-	-	-	-	-	-UP	-	-	-	-	-	-UP	-UP	-UP
Day Care, General	UP	UP	-	UP	UP	-	UP	P	UP	-	-	-	UP	UP	UP	UP	UP	UP	UP	UP	UP
Day Care, Limited (for existing residences only)	-	UP	-	P	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-
Department Store (see size parameters in DA-1)	UP	-	UP	-	UP	-	-	P	-	-	-	-	P	-	-	-	-	-	-	-	-
Drive-up Facility	UP	-	UP	-	UP	UP	-	UP	-	UP	-	-	UP	-	-	-	-	-	UP	UP	UP
Drugstore (Without drive-up) (see size parameters in SA-2 & DA-1)	UP AR	UP	UP AR	UP	UP P	-	-	P	-	-	UP	UP	UP	UP	-	-	UP	UP	-UP	-UP	-
Emergency Health Care	UP	-	UP	-	UP	-	-	-UP	UP	UP	-	-	UP	UP	-	-	-	-	UP	P	UP
Entertainment Activities Events (UP in I Districts if AU Overlay)	UP	UP	UP	UP	UP	-	UP	-UP	-	-	UP	UP	UP	UP	-	-	UP	-	-	-	-
Equipment Sales	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P
Farmers' Market	UP	-	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	-	-	-	-	UP	UP	UP
Fast Food Establishments (See restrictions on E14th frontage for DA-1)	UP	-	UP	-	UP	-	UP	UP	-	-	-	-	UP	-	-	-	-	-	UP	UP	UP
Fast Food Establishments, Small Scale	AR	UP	P	-AR	P	P	P	P	-	-	-	-AR	UP AR	-AR	-UP	-UP	-UP	-UP	UP AR	UP AR	UP AR
Financial Inst., Check Cashing/Personal Loans (subj to regulations in Art.6)	UP	-	UP	-	UP	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Financial Inst., Retail (e.g. banks, credit unions)	P	UP	P	P	P	-	-	P	P	P	P	P	P	P	-	-	-	P	UP P	UP P	P
Food Processing, General	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	UP	P	UP
Food Processing, Limited	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P
Fortunetelling Establishment	UP	UP	UP	-	UP	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Furniture, Electronic and Appliance Sales (see SA-2, DA-1 size parameters)	UP	UP	P	UP	P	P	-	P	-	-	P	P	P	P	-	-	-	-	UP	UP	UP



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P = PERMITTED USE UP = USE PERMIT REQUIRED AR = ADMINISTRATIVE REVIEW REQUIRED - = NOT PERMITTED	Short explanations provided in Use Classifications, but please refer to <i>Zoning Code</i> for more information.																				

USE CLASSIFICATIONS																					
Game Center	-UP	-	UP	-	UP	-	-	-AR	-	-	-	-	-UP	-	-	-	-	-AR	-UP	-UP	-
Government Office	P	AR	P	UP	UP	-	-	P	-	-	-	-	P	-	-	-	UP	UP	P	P	-
Group Housing	-UP	UP	-UP	-	-	-	-	-	UP	-	-	-	-	UP	UP	UP	-	-	-	-	-
Gun or Weapon Shop	-	-	-	-	UP	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Health and Fitness Centers	P	AR	P	UP	P	P	P	P	UP	UP	P	P	P	P	UP	UP	P	UP	P	P	P
Home Improvement and Interior Decor. (see SA-2, DA-1 size restrictions)	UP	UP	P	UP	P	P	-	P	-	-	UP	UP	P	UP	-	-	-	-	P	P	P
Hospitals	UP	-	-	-	UP	-	-	-	UP	-	-	-	-	UP	-	-	-	-	-	-	-
Hotels, Motels, and Time-Share Facilities	UP	-	UP	-	UP	-	UP	UP	-	-	-	-	UP	-	-	-	UP	UP	-	-	-
Industrial Hazardous Waste Facility (see Article 7 for add'l restrictions)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	UP	UP	UP
Industry, Custom	-	-	-	-	-	UP	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P
Industry, General	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	UP
Industry, Hazardous Material (see Article 7 for add'l restrictions)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	UP	UP	UP
Industry, Limited (for DA-4, pre-existing uses, only)	-	-	-	-	-	UP	-	-	-	-	-	-	-	-	-	UP	-	-	P	P	P
Industry, Research and Development (for DA, pre-existing only)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	UP	-	-	P	P	P
Instruction and Improvement Services	P	UP	P	UP	P	P	P	P	-	-	P	P	AR-P	P	-AR	-AR	-P	P	-AR	-AR	-AR
Laboratories	UP	-	AR	-	-	-	-	-	UP	UP	-	-	-	UP	-	-	-	-	P	P	P
Liquor Stores (1,000' from sensitive uses)	-	-	-	-	UP	-	-	-UP	-	-	-	-	-	-	-	-	-	-	-	-	-
Live-Work	AR	P	UP	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Maintenance and Repair Services	UP	UP	UP	P	P	P	-	UP	-	-	P	P	AR	-	-	-	-	-	P	P	P
Marina	-	-	-	-	-	-	UP	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Marine Sales and Services	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-	P	P	-
Massage Therapy	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	-	-	UP	UP	-	-	-	-	UP	UP	UP
Medical Supply Stores	P	UP	P	P	P	P	-	P	P	P	P	P	P	P	-	-	-	-	P	P	P
Mixed-Use Residential (see DA list in Article 6 for specific parameters)	AR	P	UP	UP	UP	-	-	UP	-	UP	UP	UP	P	P	UP	UP	P	P	-	-	-
Mobile Food Vending	-	-	-	-	AR	AR	AR	P	-	-	AR	AR	-	-	-	-	-	-	-AR	-AR	-AR
Mortuaries	-	-	-	-	-	-	-	-	UP	UP	-	-	-	UP	-	-	-	-	-	-	-
Multi-Family Residential (see SA & DA Districts)	UP	P	UP	UP	UP	-	-	UP	-	UP	UP	UP	UP	P	P	P	P	P	-	-	-
Neighborhood/Specialty Food Markets (see DA for size restrictions)	P	AR	P	P	P	-	P	-	P	P	P	P	UP	P	UP	UP	P	UP	-	-	-
Nurseries	-	-	UP	P	P	-	-	-AR	-	-	-	-	-	-	-	-	-	-	P	P	-



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LEGEND	ZONING DISTRICTS																				
	SA-1	SA-2	SA-3	CN	CC	CS	CR	C-RM	P	PHD	NA-1	NA-2	DA-1	DA-2	DA-3	DA-4	DA-5	DA-6	IL	IG	IP
	136 TH TO 148 TH , INT'L / CULTURAL / GENERAL	SYBL TO 136 TH ; MIXED USE RESIDENTIAL	148 TH TO 150 TH ; GATEWAY / GENERAL	NEIGHBORHOOD COMM IN RESIDENTIAL	MACARTHUR BLVD; HESPERIAN; WASHINGTON	MARINA BLVD - ORCHARD TO EVELETH	MARINA SHORLINE AREA; BURRELL FIELD	BAY FAIR MALL	OFFICES EAST OF DOWNTOWN	HIGH DENSITY OFFICE (ONE PARCEL??)	OAKES BLVD (ONE PARCEL??)	GEORGIA TO DURANT	DOWNTOWN CORE - RETAIL/MIXED USE DAVIS TO CASTRO	MULTI-USE INFILL (FORMER NA-1)	TRANSITION MIXED USE ADJACENT TO CORE DOWNTOWN	RESIDENTIAL MIXED-USE NEAR TRANSIT	BART AREA MIXED-USE ADJACENT TO BART	OFFICE MIXED USE DAVIS @ SLB	INDUSTRIAL, NEAR RESIDENTIAL	HEAVY INDUSTRIAL CORE	INDUSTRIAL PARKS WITHIN IG AND EDGES
P = PERMITTED USE UP = USE PERMIT REQUIRED AR = ADMINISTRATIVE REVIEW REQUIRED - = NOT PERMITTED	Short explanations provided in Use Classifications, but please refer to <i>Zoning Code</i> for more information.																				

USE CLASSIFICATIONS	SA-1	SA-2	SA-3	CN	CC	CS	CR	C-RM	P	PHD	NA-1	NA-2	DA-1	DA-2	DA-3	DA-4	DA-5	DA-6	IL	IG	IP	
Offices, Business and Professional (see Article 6 & 7 for add'l restrictions)	P	AR	P	P	P	-	-	P	P	P	P	P	P	P	AR	AR	P	P	P	P	P	
Parcel Processing and Shipping Centers (see Article 7 for add'l restrictions)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P
Park and Recreation Facility (see DA for additional parameters)	UP	UP	UP	P	UP	-	P	-	-	-	-	-	-	UP	P	P	P	P	-	-	P	
Parking Lot	UP	-	AR	AR	AR	AR	AR	AR	AR	AR	AR	AR	AR	AR	-	-	-	AR	AR	AR	AR	
Pawn Shop	-	-	-	-	UP	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Pharmacies (see SA & DA for additional size restrictions)	P	UP	P	P	P	-	-	P	P	P	P	P	P	P	-	-	-	-	-	-	-	
Public Safety Facilities	UP	UP	UP	UP	UP	UP	UP	-	UP	-	-	-	UP	-	UP	UP	-	-	UP	UP	UP	
Public Storage	-	-	-	-	-	UP	-	-	-	-	-	-	-	-	-	-	-	-	UP	UP	-	
Recycling Facilities; Bulk Reverse Vending Machine (see Article 16)	AR	AR	AR	AR	AR	AR	-	-	-	-	-AR	-AR	-	-	-	-	-	-	AR	AR	AR	
Recycling Facilities; Single-Feed Reverse Vending (see Article 16)	AR	AR	AR	AR	AR	AR	AR	AR	AR	AR	AR	AR	AR	AR	-	-	-	-	AR	AR	AR	
Recycling Facilities; Small Scale Collection (see Article 16)	AR	AR	AR	AR	AR	AR	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Recycling Facilities; Large Collection (see Article 16)	UP AR	UP AR	-	-	UP AR	UP AR	-	-	-	-	-	-	-	-	-	-	-	-	UP AR	UP AR	-AR	
Recycling Facilities; Light Processing (see Article 16)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	UP AR	UP AR	-	
Recycling Facilities; Heavy Processing (see Article 16)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	UP	
Recycling Facilities; Haz.Mat., Small Scale (see Article 16)	-	-	-	-	-	UP	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Research and Development Services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P
Residential (all pre-existing uses) (see Article 6 & 7)	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	P	P	P	
Residential Hotels	UP	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Residual Repositories for Hazardous Waste	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	UP	-	
Restaurants, Full Service (see CN & DA-4 & 5 for add'l parameters)	P	AR	P	P	P	P	P	P	P	P	P	P	P	P	UP	UP	P	P	UP AR	UP AR	UP AR	
Retail Sales (see SA & DA for size restrictions)	P	AR	P	P	P	-	P	P	-	-	P	P	P	P	UP	UP	P	P	-AR	-AR	-AR	
Retail Sales, Big Box	-	-	UP	-	UP	P	-	-UP	-	-	-	-	-	-	-	-	-	-	UP	P	P	
Retail Services (see PHD, DA-6 & IP for add'l parameters)	P	UP	P	P	P	-	-	P	P	P	P	P	P	P	UP	UP	P	P	-AR	-AR	P	
Schools, Public or Private	UP	UP	UP	-	-	-	-	-	UP	-	-	-	-	UP	UP	UP	-	UP	-	-	-	



City of San Leandro Zoning

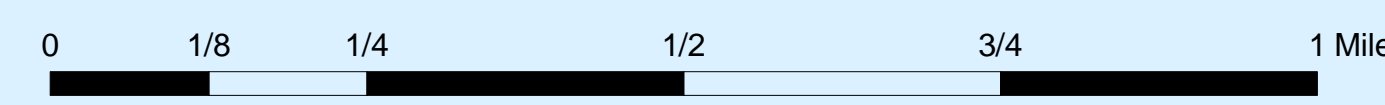
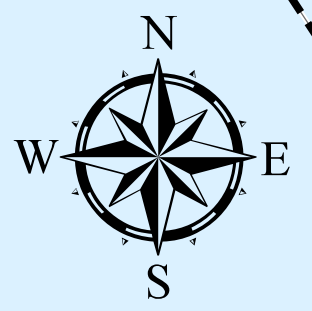
City of Oakland

Castro Valley

Ashland

San Lorenzo

- C-RM Commercial - Regional Mall District
- CC Commercial Community District
- CN Commercial Neighborhood District
- CR Commercial Recreation District
- CS Commercial Services District
- DA-1 Downtown Area 1
- DA-2 Downtown Area 2
- DA-3 Downtown Area 3
- DA-4 Downtown Area 4
- DA-5 Downtown Area 5
- DA-6 Downtown Area 6
- IG Industrial General District
- IL Industrial Limited District
- IP Industrial Park District
- NA-1 North Area 1 District
- NA-2 North Area 2 District
- OS Open Space District
- P Professional Office District
- PHD Professional High Density Office District
- PS Public and Semipublic District
- RD Residential Duplex District
- RM-1800 Residential Multi-Family District - 24 dwellings per gross acre
- RM-2000 Residential Multi-Family District - 22 dwellings per gross acre
- RM-2500 Residential Multi-Family District - 17.5 dwellings per gross acre
- RM-3000 Residential Multi-Family District - 14.5 dwellings per gross acre
- RO Residential Outer District
- RS Residential Single-Family District
- RS-40 Residential Single-Family District - 40 ft front yard setback
- RS-VP Residential Single-Family District - view preservation
- SA-1 South Area 1 District
- SA-2 South Area 2 District
- SA-3 South Area 3 District



8/23/2012

CAUTION
WHEN USING THIS MAP
 Information shown hereon is a compilation of data from sources of varying accuracy and is provided as a convenience to the user. The City of San Leandro does not guarantee its completeness or accuracy.
 It is the user's responsibility to verify all information to their own satisfaction.

Exhibit C: Excerpt of Planning Commission Meeting Minutes, April 17, 2014

Item 7A: Public Hearings

Matter of Proposed Amendments to the City of San Leandro Zoning Code related to increased flexibility in Industrial and Commercial uses, Community Gardens, Telecommunications, Hazardous Materials, Recycling, Signs, Parking, application processing and general text updates in Zoning Code Articles 3, 5, 6, 7, 8, 9, 16, 17, 18, 21, 22, 27 and 28. (Barros)

Planner Barros noted that meetings on this set of Zoning Code amendments began with the January 30, 2014 Special Joint Work Session of the Planning Commission and the Board of Zoning Adjustments, in an effort to:

- Move forward on San Leandro's Next Generation Workplace District Study recommendations to evaluate industrial districts for opportunities to increase flexibility
- Make some areas, such as Telecommunications and Recycling, more consistent internally and with other jurisdictions
- Clean up and clarify language in several sections
- Shift some application processing to Administrative Review

Planner Barros said in contrast to the January 30, 2014 Work Session, tonight she would focus on changes made in response to recommendations from that meeting as well as subsequent input BZA members provided during their April 3, 2014 meeting. She indicated that tonight's focus points are generally called out in italicized type in tonight's staff report.

Planner Barros also noted that staff is recommending changes that would:

- Clarify a temporary use in the Industrial General (IG) District: outdoor storage is currently allowed, but not outdoor facilities (such as an outdoor restaurant or sidewalk sales)
- Add more uses to the mix in the Commercial Regional Mall (C-RM) District to increase flexibility and align more closely with Commercial Community (CC) District uses and parallel those in the new development around the Kaiser project
- Increase flexibility in parking by using a higher threshold of parking deficiency before a business would require a parking exception

She indicated, too, that in response to input from BZA Members and/or Planning Commissioners:

- Accessory food sales have been added to beer and wine store uses
- Staff reviewed federal brewpub regulations (U.S. Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau [TTB]), but concerned that its annual limit of 5,000 barrels of beer could discourage larger breweries such as Drake's and 21st Amendment from establishing such facilities in San Leandro, instead recommends using the California Alcohol and Beverage Control (ABC) definition, which contains no specific limit on annual production
- University and college extension programs have been added to the business and trade schools definition
- In the community gardens definition:
 - Language referencing kitchen gardens and roof gardens has been eliminated

- New text has been added, particularly in Article 16, in terms of development regulations, site management requirements, storage of herbicides and other chemicals, posting of management contact information and other stipulations, all designed to ensure that community gardens would be well-maintained
- Maximum height of front-yard plantings has been increased from 24 to 36 inches, which is consistent with fence heights
- In dance clubs, the focus has been placed on dancing as the primary use

Planner Barros said the larger discussion of the approach to entertainment has been tabled because more time is needed to discuss it internally as well as to obtain community input, but two minor changes remain among the amendments proposed:

- The language would focus on “events” versus “activities.” Thus, Planner Barros explained, a guitarist providing background music in a restaurant wouldn’t be an “event”; but would classify as an “activity” unless admission was being charged. Patrons arriving all at once would be likely to create traffic and noise impacts
- A business could have six ancillary entertainment events per year before triggering a requirement for a Conditional Use Permit (CUP); at this time, the limit is four such events

Other changes since the January 30, 2014 Work Session that Planner Barros brought to the Planning Commission’s attention include:

- Removing fast food establishments from the South Area 2 (SA-2) District, which is in close proximity to McKinley Elementary School
- Removing bowling alleys from health and fitness centers, and expanding the definition to clarify that any facilities offering alcoholic beverages would be commercial recreation facilities rather than health and fitness centers
- Tabling the live-work issue for further study, research and evaluation of potential impacts in industrial districts
- Holding back on adding massage therapy changes to the Zoning Code at this time, pending the outcome of efforts underway to repeal State law that currently requires treating those who have California Massage Therapy Council certificates as individuals providing retail services
- Revising the mobile food vendor definition on the basis of discussions with the Alameda County Health Department
- Permitting both timed and manual shutoffs for lighting mechanisms at wireless telecommunications facilities
- Adjusting language regarding temporary political signs to align with federal law, reflecting advice from the City Attorney
- Explicitly indicating that non-applicants have the right to appeal Zoning Enforcement Official (ZEO) decisions
- Withdrawing the recommendation to eliminate posting public hearing and meeting notices on and near subject sites

- Making temporary use permits in Zoning Code Article 16 consistent with other areas of the Zoning Code, which establish a 90-day period before they expire, and also specifically allowing outdoor facility permits to be processed for IG District uses

In addition, Planner Barros noted that staff is now recommending an amendment pertaining to commercial security gates and roll-up doors in Article 6 of the Zoning Code. This is to ensure that future such installations in downtown storefronts will be inside the glass, and if a business cannot install them as prescribed, the gates/doors would be subject to review and prior approval of the Community Development Director and Planning Department staff.

Turning to proposed additions to the C-RM District uses, Planner Barros explained that the new uses all have been folded into the matrix as well. The new uses include:

- Artists' studios, brewpubs and supermarkets, which would be permitted outright
- Animal hospitals, bars, beer and wine stores, commercial recreation, dance clubs, emergency healthcare (e.g., urgent care clinic), entertainment events, liquor stores and retail sales/big box, which would be conditionally permitted
- Animal boarding, automatic teller machines (ATMs), catering services, community gardens, game centers and nurseries, which would be permitted with Administrative Review

Planner Barros reiterated that the changes she covered are those that have taken place since the BZA/Planning Commission Work Session on January 30, 2014, but Commissioners are free to discuss any others that she did not address as well. She also pointed out that the General Plan is supportive of the set of changes proposed, noting that the relevant General Plan policies are called out in the staff report. As Planner Barros indicated, although the General Plan was written in 2002 it was prescient in that it set out policies with goals aimed specifically to reshape the industrial area and to promote business diversification.

In terms of environmental review, she asked the Planning Commission to consider the changes recommended as exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15061 (b)(3). She noted that if a Zoning Code amendment allows a particular use with the CUP, environmental review would take place at that time.

She also reviewed public outreach regarding the proposed amendments. In addition to the public noticing and informing homeowners associations and the Chamber of Commerce, she said meetings and discussions related to the Next Generation Workplace District Study, which drives many of the recommendations, have taken place since September 2013, including community meetings and a City Council presentation in October 2013, formation of an Industrial Area Working Group in January 2014 and another session with the City Council in February 2014.

In addition to the changes outlined, Planner Barros said the Office of Business Development had a request that did not get into the staff report. It concerns permitting mobile food vending uses with Administrative Review in six additional zones in South Area (SA) and Downtown Area (DA) Districts: SA-1, SA-3, DA-1, DA-2, DA-5, DA-6. Due to its proximity to an elementary school, Planner Barros explained, SA-2 would be omitted while DA-3 and DA-4 would be omitted because they are primarily residential districts. In response to **Acting Chair Hernandez**, she pointed out the various SA and DA Districts on the San Leandro Zoning Map. She also noted that the Administrative Review process would enable the City to place conditions related to noise, odors, etc.

Acting Chair Hernandez invited Commissioner comments and questions.

Commissioner Rennie's initial questions concerned:

- Treating temporary political signs differently from other non-commercial signs is problematic. **Planner Barros** recalled that comments from Commissioner Rennie at the January 30, 2014 Work Session and a separate public comment prompted a review by City Attorney Rich Pio Roda, and the language now proposed resulted from that review. Planner Barros said that the City does have size restrictions on other types of signs but they differ from those that apply to temporary political signs.

Noting that language regarding removal of temporary political signs after a period of time has been stricken in the revision, Commissioner Rennie said he is not clear about what makes them temporary. Commissioner Rennie questioned whether the language captures what the City is trying to accomplish. Planner Barros said she thought the City Attorney felt that requiring removal of these signs after an election was a violation of free speech.

Commissioner Rennie said he wouldn't want this particular issue to delay moving forward with the package of Zoning Code amendments, but he did want to express his basic concern that we seem to be addressing Temporary Political Signs differently than other non-commercial signs without a supporting rationale.

- As for the dance hall definition, Commissioner Rennie said he was willing to wait for the deferred discussion on Entertainment, but is concerned about the recommended inclusion of a dance hall use in the C-RM District (Bayfair Center), and the potential for it to be a sizeable scale of use. If the dance hall definition would allow a nightclub in its traditional form, he said he can foresee problems developing quickly.

Planner Barros pointed out that the dance hall use would require a CUP, which staff considers a good way to review and enforce issues related to size, noise and other impacts. She said before the BZA considers CUP applications, staff sends proposals to the San Leandro Police Department for thorough review and would feel confident in handling that, even at Bayfair Center.

Commissioner Rennie said he remains uncomfortable with the idea. In his experience, he explained, law enforcement doesn't always make the connection between land-use planning and operational impacts, and once a profitable nightclub gets in place it can be difficult to dislodge. Commissioner Rennie said he thinks primarily of retail uses when he thinks of Bayfair Center, and doesn't see how a dance hall adds synergy to the economic activity. Dance halls don't typically generate revenue sufficient to cover the costs of services they require, he contended, so they become loss-leaders if used to attract people to particular locations. He said it might make good economic sense for the landlord, but particularly in light of the fact that Bayfair and BART already have security and patron-conduct issues, for the City to allow a nighttime use right next to the BART station doesn't seem to be the direction we're trying to take with Bayfair. He said we want it to be a safer place, not encourage more problems that need more policing.

Secretary Liao said that Bayfair Center, BART and Alameda County have been partnering with the City over the past several months in an effort to secure a planning grant from the Metropolitan Transportation Commission (MTC) for funding to explore creating a vibrant transit-oriented district (TOD) in the Bayfair/BART area. In the meantime, Bayfair was working toward maximizing flexibility of uses. If the grant money is forthcoming, he said the [planning] process would be very similar to that for the Downtown TOD Strategy development, which he described as a comprehensive process than spanned two and one-half years.

Planner Barros said the process Secretary Liao described would involve extensive community outreach and environmental review, so adding entertainment uses at Bayfair Center could be postponed until that planning bears fruit.

Commissioner Rennie said it would take more information to convince him that an entertainment use such as a dance hall or nightclub at Bayfair would be managed properly and also make economic sense.

- **Commissioner Rennie** also brought up a point he made at the January 30, 2014 Work Session when he expressed concern about proposed changes in the CC District because they don't seem appropriate along the stretch of MacArthur Boulevard between Estudillo Avenue and Dutton Avenue. He asked whether staff has given any thought to rezoning that section, which is more akin to a Commercial Neighborhood (CN) District.

Planner Barros said staff and Community Development Director Cynthia Battenberg discussed potential rezoning as the next step in Zoning Code revisions to undertake. She said some areas downtown also might be more suitably rezoned, specifically some of the Industrial Limited (IL) Districts that are adjacent to DA Districts.

Commissioner Fitzsimons inquired about some of the changes shown in the staff report under entertainment events. He asked whether "any form of recorded entertainment using amplified recorded music, such as karaoke systems" was being stricken because amplified recording music would be characteristic of an entertainment "activity" rather than an "event." Planner Barros said yes, that with karaoke or a restaurant with background music, for example, people come and go at staggered times as opposed to all arriving and/or leaving at once.

For clarification, **Commissioner Fitzsimons** posed a hypothetical situation of a church festival in a parking lot, with a disc jockey, CDs or a radio providing music, asking whether this stricken provision would not apply since the occasion wasn't a musical event per se but a church festival. Secretary Barros said that he's correct; the focus is on "events" when land-use issues come into play, with people arriving within a short window of time and noises happening around a specific time period.

Commissioner Fitzsimons also found the line, "Televised events where advertised as a stand-alone event or separate admission" vague and requested clarification about whether a restaurant that has TVs and advertises World Cup viewing is staging a stand-alone event. Planner Barros said it would be considered an event if patrons were told to come at 1:00 p.m. on Saturday for a big World Cup party. She explained that the Englander, for example, has a CUP for comedy and other events, but not just for having sports on all their TV screens. Commissioner Fitzsimons said the word "advertising" might cause the confusion since it's difficult to isolate whether the business with TVs during basketball playoffs is advertising itself or a playoff game; for a sports restaurant with TVs, advertising its TVs would be a normal part of its advertising. If TV is part of the restaurant ambience, he said it would be unfair to make the business run afoul of the law by advertising more than six events per year.

Secretary Liao said part of this stems from staff's practical experience in dealing with the community. He cited an example of a neighborhood bar with TVs promoting an event to attract more business, resulting in neighborhood concerns about parking, traffic and noisy crowds of people hanging around outside late in the evening. People can go to Chili's to watch the World Series or NBA finals, he said, but Chili's doesn't necessarily advertise that. Commissioner Fitzsimons said he understands and agrees with the intent, but believes a more complete definition of stand-alone event is needed to avoid problems.

To put the proposed change in context, **Planner Barros** referred to the broader text of Zoning Code Article 3. She said the original statement that Commissioner Fitzsimons cited read,

“Televised events or with such features as ‘big screen’ projection systems,” and the change proposed was intended to make it less restrictive, because any facility with a big-screen TV under this definition would be considered to be offering entertainment that technically requires a CUP.

Upon further discussion, Commissioner Fitzsimons recommended expanding the statement to read: *Televised events where advertised as a stand-alone events or separate admission is charged, where a set start time or end time is included in the advertisement.*

Commissioner Fitzsimons also had questions and/or comments about retail sales, temporary political signs, health and fitness centers and commercial recreation.

- He asked the rationale for expanding retail uses in industrial areas. The ability to have card shops, markets, and other convenient amenities nearby would be important to attract the “maker” communities San Leandro is seeking, Planner Barros responded. She noted that, as the Next Generation Workplace District Study concluded, lack of parking would discourage huge retailers from moving in.
- He asked whether people who post signs other than temporary political signs are required to register with the City. Planner Barros said yes. She referred to proposed Zoning Code Article 18 amendments. When he asked who’s responsible for penalties for signs that are installed in violation of either the Zoning Code or Municipal Code, she said she’d have to check with the City Clerk’s office. **Commissioner Collier** said it would be the candidate or the organization putting up the sign.
- In terms of commercial recreation in the amendments proposed for Article 3, he asked why bowling alleys, ice/roller skating rinks and the word “participant” had been stricken. Planner Barros said bowling alley was stricken in error and ice/roller skating rinks have been moved to health and fitness centers. She noted, however, that ice/roller rinks facilities selling alcohol would be considered commercial recreation.

Planner Barros explained that said “participant” was stricken to avoid conflicting with the new health and fitness center definition, but agreed to restore it per Commissioner Fitzsimons’s comments.

Commissioner Fitzsimons said he struggles with the recommendation to add mobile food vending to the SA and DA Districts at the request of the Office of Business Development. While he understands the motivation and appreciates the vibrancy food trucks can add, he said this activity is harmful to restaurants that provide more jobs and more permanent benefits and services to the City. He said it’s completely inappropriate in the Downtown Area and the South Area, posing too much competition for the restaurants that are in place and creating an uneven playing field between food trucks and brick-and-mortar restaurants in terms of oversight, licensing, taxation, etc. He said he feels strongly enough about this issue to vote against the entire proposal if this recommendation remains part of it.

Commissioner Fitzsimons agreed with the idea of striking dance hall and entertainment from recommended uses in the C-RM District. He said it’s a big enough issue to include with the overall entertainment discussion that has been tabled for the time being. He said if it takes a year or two to resolve the entertainment piece, a use might come in that we’re stuck with.

He also said the Tuesday evening “San Leandro Street Eats” events, previously held on the site now under construction for the Village Marketplace and now held at Davis and Hays Streets, seem to fall under the entertainment “event” category, which would be limited to six per year. He said the way the the language written doesn’t allow that, which means it could be every day and therefore problematic.

Acting Chair Hernandez asked whether San Leandro requires mobile food vendors to obtain permits and pay taxes. Planner Barros said the Finance Department's Business License Office issues permits to itinerant merchant, who are required to pay taxes. She added that the proposal for allowing mobile food vendors in some of the SA and DA Districts dovetails with an Office of Business Development's efforts that the City Council is expected to review. The Office of Business Development has done extensive research and does not consider competition to be a problem; she further explained that the mobile food vendors are intended to attract people that would visit other restaurants in town, and those who want a table or booth in a sit-down restaurant aren't likely to go to a food truck either. Planner Barros said she's specifically asked the Office of Business Development about the issue of competition with brick-and-mortar restaurants, and said they're confident the other uses would benefit them.

In response to **Commissioner Fitzsimons** asking how the cost of an itinerant merchant permit differs from that of a restaurant, and how Alameda County Health Department oversight compares. Planner Barros said mobile food vendor fees are calculated on a different scale, but the cost is fairly substantial considering how little they operate in San Leandro, and they complain about it. She said the Alameda County Environmental Health Department has oversight over food trucks, including inspections and licensing. She also noted that Office of Business Development staff have been meeting with the Health Department to review the definitions in the proposed amendments.

Looking to San Francisco as a "best case" example of food trucks, **Acting Chair Hernandez** asked how the issue of competition with restaurants is playing out there. Planner Barros said different communities respond in different ways to the issue of competition. Because a broader range of dining options is seen as part of San Leandro's efforts to transform its image, she said the City wants to attract both brick-and-mortar establishments and mobile food vendors. She said it's a higher priority here than it may be in Berkeley, for example, which has an abundance of established restaurants.

Secretary Liao said the Community Development Department hasn't heard any complaints from established restaurants about mobile food vending.

Commissioner Fitzsimons noted that being much denser in terms of population and restaurants, San Francisco is able to support a plethora of dining options. He said he'd liken the San Leandro situation more to that of Emeryville, where the arrival of food trucks had a definite impact on restaurants. He said he had restaurant tenants who were demonstrably hurt because food trucks were nearby, in many cases with no time limits. Although he said he appreciates what the Office of Business Development is attempting to do to bring people into San Leandro, he doesn't believe the presence of San Leandro Street Eats across the street from Pelton Center resulted in a corresponding increase in dining out. If we don't see an increase, he stated, the mobile food vendors attract people only temporarily, including people from San Leandro who choose to eat there instead of at a restaurant. Ultimately, Commissioner Fitzsimons said it's harmful to the City for existing restaurants to lose business. He also questions whether San Leandro has achieved the density of the demographic that typically eats at food trucks, and until we do, it's premature. Commissioner Fitzsimons said he doesn't object to mobile food vending in the industrial districts, where they're more likely to keep employees who live out of town in the City longer after work.

Commissioner Collier said she appreciates receiving the large San Leandro Zoning Map, complete with Assembly Use (AU) overlay indications. However, she said the map seems to be lacking definitions for the AU, IL (Industrial Limited), IG (Industrial General) and IP (Industrial Park), which all should be included in amended Article 3. Planner Barros said Assembly Uses and Temporary Assembly Uses are both defined there, but said it should have been clear in the staff report as well.

Commissioner Collier also expressed a concern about allowing brewpubs as an outright permitted use in so many districts. She said at least Administrative Review would be prudent. She said there may seem to be a big difference between brewpubs and bars, but the essential difference may be beer versus hard liquor. Planner Barros, citing Buffalo Bill's in Hayward as an example, explained that staff thought in terms of brewpubs having restaurant operations as a primary use. She also pointed out that the definition specifically attaches brewpubs to bona fide eating establishments. When Commissioner Collier asked about the Englander's CUP, Planner Barros explained that the CUP covers the restaurant's comedy nights and other entertainment events, but the Englander is a restaurant and not a brewpub.

Commissioner Leung asked about entertainment activities. He said in general an entertainment event can be either indoors or outdoors, and asked whether the language could specify outdoor events as either primary or accessory entertainment activities. Planner Barros said that at this time, we have no definition that differentiates between outdoor or indoor entertainment events and activities; another layer of discretionary review applies to outdoor events, for which outdoor facilities permits are required.

Returning to the issue of signs, Planner Barros confirmed for **Commissioner Rennie** that lawn signs put out for an election would fall into the definition of temporary political signs. When he asked whether a resident would have to get a permit to put up such a sign, she deferred to Ms. Faught, who said she didn't know.

Commissioner Collier, based on her experience, said when candidates file a statement or want to post political signs, the candidate rather than the property owner takes responsibility, and signs a legal form. The candidate also is expected to keep a list of signs to be posted. The City Clerk keeps a copy of the form, with the candidate's contact information. Planner Barros said the form is called a "declaration of intent." Commissioner Collier said the candidate indicates where signs will be posted on this form, the earliest date before the election they will be posted, and the maximum number of days after the election the signs will remain in place.

Acting Chair Hernandez asked what would happen in the case of a state or federal election. Commissioner Collier said that not all candidates do so, but they or someone from their campaigns are also supposed to complete and file this form. Commissioner Rennie said he can't imagine someone coming in to register before posting a "Vote for Barack Obama" sign on the front lawn. Noting that the language also requires coming into the City Clerk's office at least two days before posting signs, Commissioner Rennie said we need to take a hard look at these rules.

Ms. Faught said signs are tricky, which is why she asked whether the City Attorney's office had reviewed it. She had understood temporary political signs were the only sign issue to be addressed at this time. Planner Barros said parts of the ordinance that don't specifically relate to temporary political signs have been changed also; she mentioned window signs and reader boards. She also said there have been no problems with implementation of the sign ordinance at staff level, and in her recollection, the sign ordinance hasn't been challenged.

In response to a question from Ms. Faught, **Commissioner Collier** said that specific complaints trigger enforcement and Planner Barros said Code Compliance staff is not fully staffed enough for broad enforcement.

Commissioner Fitzsimons said the temporary political signs language doesn't call for removal of any signs unless they violate the Zoning Code or the Municipal Code. The problem with the original ordinance, Planner Barros said, is that these signs must be removed within 10 days, and upon the recommendation of the City Attorney, who worked with the City Clerk's office, removing that limitation would be the only change from the status quo made for many years.

With no further comments from staff or Commissioners, **Acting Chair Hernandez** opened the public hearing. No one came forward.

Motion to close public hearing
Fitzsimons/Collier: 5 Ayes, 0 No

Acting Chair Hernandez questioned the use of “recurrently needed services of a personal nature” in the retail services definition. He recommended deleting “recurrently needed,” which may apply to haircuts but not so much tattoos. Planner Barros concurred.

Noting that a number of changes that pertain to recycling, **Acting Chair Hernandez** asked whether they warrant further discussion. Planner Barros said the main change is that recycling operations that take place entirely indoors can be permitted with Administrative Review, but any outdoor operations at all would continue to require CUPs.

In terms of temporary political signs, in response to **Acting Chair Hernandez**, Ms. Faught said the 10-day window for removal such signs is being stricken because it potentially violates Constitutional rights guaranteed by the First Amendment.

In regard to **Acting Chair Hernandez’s** question about amending Zoning Code Article 17 to increase leniency on parking deficiencies before parking exceptions are required, Planner Barros said staff recommends that applicants be able to have 20 percent fewer parking spaces than required, rather than 15 percent, before they must request a parking exception. She said it’s a minor change that won’t affect many projects, but it would avoid the angst experienced in the past over one or two parking spaces. Planner Barros said she did not check for comparable standards in other communities for this particular recommendation but rather Planning staff based its recommendation on observations in San Leandro.

Commissioner Rennie asked whether the category “prohibited signs,” which includes “mobile, A-frame or portable,” applies on both private and public property. Planner Barros said it does, but she said the prohibition wouldn’t apply to carrying picket signs, which she believes are exempted in another part of the Zoning Code.

In response to **Acting Chair Hernandez**, Planner Barros said that additional study and research will be devoted to live-work uses before any relevant Zoning Code amendments would be recommended.

Commissioner Rennie, noting the considerable volume of material related to the proposed Zoning Code amendments, said the “show-stoppers” for him were the dance hall use in the C-RM District and the environmental impact review he thought it would have required. He described the approach he took was to identify specifics that could be improved or areas he found particularly problematic. Otherwise, Commissioner Rennie explained, he’s fine with making a recommendation even in cases where he isn’t completely comfortable with the underlying scope of regulation (e.g., signs). In other words, in endorsing a proposed amendment, he’s not necessarily endorsing the regulation being amended.

Motion to recommend to Council adoption of proposed Zoning Code amendments covered in the staff report of April 17, 2014, revised to:

A) Add to the Entertainment Event language text that defines a televised stand-alone event as one including a set start and/or end time in the advertising

B) Omit Dance Club from C-RM District uses

C) Restore “Bowling Alley” and the word “participant” to the Commercial Recreation definition

D) Delete “recurrently needed” from the description of “services of a personal nature” in the definition of Retail Services

Fitzsimons/Collier: 5 Aye, 0 No, 2 Absent

** The motion intentionally excluded the recommendation to approve Mobile Food Vending in some SA and DA Districts, which was presented apart from the staff report*

Acting Commissioner Hernandez confirmed that the amendment expanding districts permitting mobile food vending would exclude the SA and DA Districts recommended by the Office of Business Development.

Planner Barros thanked Commissioners for their patience and tolerance in tackling such a large package with so many changes, indicating that staff will take a more focused approach in the future, proposing fewer changes at a time.

Commissioner Rennie said an abundance of small changes packaged together wouldn't be a problem, but the more focused approach she described would be beneficial when proposed amendments involved substantial, substantive modifications.

In response to **Commissioner Fitzsimons**, Planner Barros said that it may be six or more months before staff comes back to the Planning Commission with any proposals on the Entertainment issue.

Exhibit D: Excerpt of Board of Zoning Adjustments Meeting Minutes, April 3, 2014

Item 7A: Miscellaneous

Consideration of amendments to the City of San Leandro Zoning Code related to Industrial and Commercial Uses; Telecommunications; Hazardous Materials; Recycling; Signs; Parking; Application Processing and General Text Update. (Barros)

Planner Barros said changes recommended and discussed during the January 30, 2014 joint work session with the Planning Commission have been incorporated into the text of the proposed Zoning Code, plus some changes in response to comments gathered at the work session and also some produced by staff since the work session. The proposed Zoning Code sections affected were included in Planner Barros' staff report of April 3, 2014, using the typical protocol of ~~striketrough~~ type for language deleted and **underscored boldface** type for insertions.

The proposed document:

Adds provisions related to commercial roll-up doors

- Clarifies the Temporary Use and Outdoor Facilities allowed in the Industrial General (IG) Districts
- Expands uses in the Commercial Regional Mall (C-RM) District stemming from a meeting with the Bayfair Center owners to allow Bayfair to be on footing comparable to that of the north parcel of the Kaiser project
- Raises the threshold for requiring formal parking exceptions to increase flexibility

Referring to the staff report, Planner Barros drew attention to some of the key changes:

Beer and Wine Stores: Amended to include accessory food sales

Brewpub: Added language to ensure consistency with federal as well as state law

Planner Barros pointed out that although the revision also limits brewing to 5,000 gallons annually, staff now plans to omit reference to any specific volume to avoid discouraging a larger brewery from opening a brewpub on their premises. Vice Chair Palma said other terms may be more appropriate than "brewpub" in this context, including nano-breweries, micro-distilleries; she will provide Planner Barros with a list of those terms.

Business and Trade Schools: Added university and college extension programs

Community Gardens: Removed extraneous definitions about kitchen gardens, etc., and added language to ensure that this use would be well managed

Proposed Article 16 amendments include a new section on Community Gardens (4-1690), which contains a list of requirements that range from maintaining a robust management plan to posting management contact information on the site.

Dance Clubs: Responded to recommendations to focus on dancing as the primary use

Entertainment Activities: Tabled for further study except to require conditional use permits (CUPs) only:

For planned entertainment events (e.g., a show) rather than more spontaneous activities (e.g., strumming a guitar at a restaurant)

After the sixth event in a calendar year (instead of the current maximum of three)

Fast Food Establishments: Revised to reflect recommendation that fast food establishment not be allowed in the South Area 2 (SA-2) District, which is in close proximity to McKinley Elementary School

Health and Fitness Centers: Removed bowling alleys from the definition and clarified that any facilities offering alcoholic beverages would be defined as Commercial Recreation instead

Live-Work: Tabled previous proposals for changes pending further study

Massage Therapy: Left the Massage Therapy and Retail Services definitions unchanged

The original proposal was to treat massage therapists the same as Professional Services, as required by SB731, the Massage Therapy Law. With the fate of that law being debated due to unintended and undesirable consequences (i.e., opening the door to increased human trafficking and prostitution), staff now recommends keeping the status quo in terms of the Zoning Code rather than institutionalizing provisions that are likely to change as legislators address the problems.

Mobile Food Vendor/Mobile Food Vending: Revised definition of Mobile Food Vendor to read, “The sale of food from any motorized or trailer vehicle, designed to be portable and not permanently attached to the ground, from which only food and beverages are sold, served free or sampled, displayed or offered for sale, as required by the San Leandro Municipal Code”

Retail Services: Requesting BZA feedback on options relative to language about tattoo parlors before finalizing the proposed amendment

Wireless Telecommunications Facilities: Included allowance for timed shutoff mechanisms for lighting (versus manual shutoff only)

Signs: Edited language pertaining to political signs in response to public input and upon the advice of the City Attorney’s office

Article 21 – Zoning Permits Required: Added language specifying that non-applicants be included among those who may appeal a Zoning Enforcement Official (ZEO) decision

Article 22 – Use Permits, Variances and Parking Exceptions: Withdrew recommendation to eliminate posting of public hearing notices on and within 300-foot radius of subject sites and properties, and added language to enable two one-year extensions of permits

Article 6 – re Commercial Rollup Doors: Added a section specifying that retractable security gates, window bars and mall-style rollup doors be installed inside existing windows or glass doors rather than on the outside and making the installation subject to the Community Development Director’s review and approval

Article 16 – re Temporary and Outdoor Uses in Industrial Zones: Modified to explicitly allow an Outdoor Facility in the Industrial General district and specify a 90-day timeframe for a Temporary Use Permit

Planner Barros explained that Article 16 language currently allows outdoor storage without a permit, but prohibits outdoor displays and merchandise. The proposed change would, for instance, give a restaurant the flexibility to provide outdoor seating. The 90-day timeframe language was added to be consistency with Article 22, Section 5-2222.

Article 17 – re Off-Street Parking and Loading Requirements: Improves flexibility by changing the point that triggers the requirement for a parking exception.

At this time, Planner Barros explained, a project proposing 15% fewer parking spaces than required needs a parking exception; the change would increase the trigger point to 20% deficiency.

C-RM Commercial Regional Mall Uses: Expands the list uses that would be:

- Permitted – artists’ studios, brewpubs and supermarkets
- Conditionally permitted – animal hospitals, bars, beer and wine stores, commercial recreation, dance clubs, emergency healthcare (e.g., urgent care clinic), entertainment events, liquor stores, retail sales/big box

- Permitted with Administrative Review – animal boarding, automatic teller machines (ATMs), catering services, community gardens, game centers, nurseries

Note: The Commissioner comments and questions that follow are grouped by topic.

Entertainment Activities: **Vice Chair Palma** said the decision to prohibit live entertainment in industrial areas, which she opposed since the start and believes was made in a “reactive mode,” should be completely rethought. When she was at Drake’s recently on Alameda County business, they complained about that decision because it rules out the live entertainment Drake’s provided for large numbers of patrons participating in its popular First Friday events. **Vice Chair Palma** also pointed out the irony of prohibiting live entertainment in the industrial zones at the same time that the City wants to encourage the kinds of businesses in the industrial area, such as microbreweries, which lend themselves to entertainment and live action.

Chair Mendieta agreed that nothing should be done that would impede First Fridays entertainment at Drake’s. **Member Hudson** concurred also, saying there’s no reason to punish Drake’s, which has been a very responsible company, and prohibiting entertainment there would affect the whole community.

Member Daly echoed their comments, noting that plans for the 21st Amendment Brewery that’s moving into the old Kellogg’s site at 2010 Williams Street include a restaurant and event space. He said it’s the kind of place where people would expect live entertainment, and because it’s not far from the new Kaiser development and the proposed Office/Technology Campus, it could be an important destination for those who work there.

Secretary Barros said these are among the reasons the entertainment issue has been removed from the zoning change cleanup effort. It’s a big issue that needs more time for public outreach, with the Business Development Department and with the City Attorney’s office to make sure it’s handled the best way possible.

Signs: **Member Hudson** said the language doesn’t make it clear how long candidates have to remove political signs after an election.

Later in the meeting, after checking with the City Attorney Richard Pio Roda, who worked on this during her leave of absence, Ms. Faught reported that having time limits on signs, even temporary signs, may be unconstitutional, because they represent an expression of the First Amendment right to free speech. She referred to the recent U.S. Supreme Court ruling in the *McCutcheon v. Federal Election Commission* case as affirming how important a First Amendment issue the U.S. Supreme Court considers the ability to campaign.

Planner Barros, emphasizing that Zoning Code regulations apply to private property rather than public property, clarified that in general signs are not supposed to be posted in the public right-of-way (ROW).

Member Daly said he thinks the most annoying political signs are those posted in the ROW or on private property without the owner’s permission, and there’s probably a way of getting those signs removed – when they shouldn’t even be there in the first place. He asked whether residents could call to complain if campaigns or candidates leave signs up on telephone poles or posted in shopping center parking lots. **Planner Barros** said she’d check whether complaints should go to the San Leandro Police Department’s community compliance unit or the Public Works Department.

In response to **Member Hudson**, she confirmed that sidewalks are considered part of the public ROW, and if someone leaves a sofa, for instance, on the sidewalk, one would complain to the Community Compliance Division.

C-RM Commercial Regional Mall Uses: **Member Daly** asked for more details about the additional uses recommended for Bayfair Center. **Planner Barros** said the C-RM District additions correspond to many permitted CC Commercial Community District uses, but there are exceptions. For instance, auto repair facilities are allowed with CUPs in the CC District, but are not among those staff is recommending to add

to the C-RM District. She also pointed out that the new uses fall into three groups: 1) some to be permitted outright; 2) some that may be permitted by the ZEO after Administrative Review; and 3) those subject to a BZA-approved CUP. She said the purpose of the additions is to give Bayfair the flexibility of bringing new uses to the Center.

In response to a follow-up question from **Member Daly**, Planner Barros said that the C-RM District corresponds exactly with the Bayfair Center and the King Family Trust's 3.7 acres, which is used for parking. The nearby Fairmont Square Shopping Center (location of Lucky's) and Fashion Faire Plaza (location of the new BevMo!) are both zoned CC(PD).

Retail Services: Addressing the issue of tattoo studios, **Member Houston** said she opposes the idea of confining tattoos to cosmetic services (e.g., permanent makeup).

After some discussion, members agreed that Retail Services should be defined as:

Provision of recurrently needed services of a personal nature. This classification includes barber and beauty shops, tattoo studios, seamstresses, tailors, shoe repair shops, dry cleaning businesses (excluding large-scale plants), photocopying and self-service laundries. Tattoo studios are establishments principally engaged in the business of creating indelible marks or figures fixed upon the body by insertion of pigment under the skin or by production of scars for pay. Retail Services excludes coin-operated self-service laundries and coin-operated dry cleaning businesses.

Tattoo Studios wouldn't require CUPs, but be permitted outright along with other Retail Services except in the SA-2 District due to the proximity to McKinley Elementary School).

When **Member Houston** asked how body piercings are addressed, Planner Barros said the City's code is silent on that, basically relying on state regulations applicable to those with cosmetology licenses.

Chair Mendieta asked whether someone working in a hair salon who has an appropriate license would be able to perform permanent makeup tattooing services. Planner Barros said yes, as long as it's explicit in the facility's business license as well, both artistic and cosmetic tattooing would be permissible.

Mobile Food Vending: Acknowledging that trailers aren't necessarily motorized, **Vice Chair Palma** asked whether pushcarts are included in the definition. **Member Thomas** noted that especially during baseball season, ice cream vendors come by with pushcarts, which is a valuable service for teams and their parents. In response, Planner Barros said she'd follow up to make the definition clear in regard to pushcarts, and emphasized that the intent was to be more flexible, not more restrictive. In fact, she explained that the Mobile Food Vending ordinance covers what is allowed in the public ROW, but staff was seeking a definition applicable to private property and supportive of an Administrative Review process for approving events that include Mobile Food Vending in more districts throughout the City (e.g., industrial areas and Bayfair Center). She also made it clear that pushcarts would still be allowed in the ROW.

Massage Therapy: **Chair Mendieta** said we need to do everything possible to stem or stop human trafficking and prostitution. **Member Hudson** agreed, pointing out that there's quite a problem in the North Area, and it's not being handled well. She said these facilities are not ready to be either self-regulated or state-regulated, but need city oversight.

Community Gardens: **Member Hudson** questioned part of Article 16.4-1690. She noted that B.2 reads, "If the Community Garden is enclosed by fencing, the fencing must be . . . covered by plant material or other vegetative screening within three years . . ." She asked whether that means it must be covered with vegetation within three years' time. Planner Barros said yes, that's a typical requirement designed to "soften" a fence. Member Hudson also asked about the height of the fencing. Planner Barros said in the front or side yard, it could be no more than three feet in height; outside of the required setbacks, fences could reach up to seven feet in residential districts and eight feet for commercial and industrial zones.

Member Houston suggested modifying the B.2 wording slightly to make it clear. She agreed with Planner Barros’ proposal to break the first sentence into two sentences, i.e.:

If the Community Garden is enclosed by fencing, the fencing must be wood fencing or ornamental fencing. Chain link or woven wire fencing is also permitted if over half of the fence area that borders a public right-of-way will be covered by plant material or other vegetative screening within three years of the fence installation.

When **Member Hudson** pointed out that except for trees, B.7 prohibits row crops that grow 24 inches tall in front and corner side yards and thus eliminates bush peas, tomatoes, green beans and other crops, Planner Barros said the intent was to keep crops such as corn out of that area. She suggested that a 36-inch limit might be more reasonable and also match fence height.

Member Hudson asked whether B.6 meant that soil deliveries, for example, would have to be limited to one per day. Planner Barros said yes, to minimize the impact on traffic and the neighborhood.

Member Houston noted that B.11 requires a manager to be identified for each Community Garden, with contact information posted in the event of complaints. She said the information should be posted – period – not only in the event of complaints. Planner Barros agreed.

Article 22 – Use Permits, Variances and Parking Exceptions: **Member Houston** asked how much additional work would be created by renewing permits incrementally, one year at a time, rather than a one-time approval of a two-year extension. Planner Barros explained it’s only a matter of writing a letter, and that the change to one-year increments responded to a recommendation by Member Crawford.

Other

Vice Chair Palma asked about the overall plan for the “no man’s land” south of downtown, in the Bal Theatre district and around Bayfair. She said it’s a “dead zone” from the edge of downtown to the hospital. Planner Barros said the economic downturn hampered the vision that came out of the 2004 work on the South Area Development Strategy, but noting that the Bayfair people are interested in mixed-use, transit-oriented development, said the City recently put in a grant proposal to the Metropolitan Transportation Commission (MTC) for the Bayfair vicinity, including areas around the mall. If it plays out, this would ideally dovetail with strategic vision for the area.

In response to **Chair Mendieta’s** follow-up comments on the triangle formed where East 14th Street, 150th Avenue and Hesperian Boulevard intersect, Planner Barros said the South Area Development Strategy included a plan to create an attractive gateway in that area, but no funding has been available for the landscaping and art envisioned at that time. When Chair Mendieta noted that a number of businesses in the site of the former Pring’s have not lasted long, Planner Barros pointed out that their problems may have been operational rather than location-related, because Pring’s ran very successfully there for years.

Motion to close the discussion

Houston/Daly: 6 Aye, 0 No

Exhibit E: Excerpt of Planning Commission - Board of Zoning Adjustments Worksession Meeting Minutes, January 30, 2014

Item 6A: Work Session

Consideration of Amendments to the City of San Leandro Zoning Code related to Industrial and Commercial Uses; Telecommunications; Hazardous Materials; Recycling; Signs; Parking; Application Processing; and a General Text Update.

Planning Commission Chair Abero described the process the meeting would follow, with clarification-type questions coming first, and discussion-type questions and comments later. She said time would be allowed for public comment.

Secretary Liao explained that the proposed Zoning Code changes came from staff's experience in recent years interpreting the Zoning Code. He added that the intent is to streamline the code and make it more flexible, as well as modernize it to adapt to changes resulting from the City's efforts to attract high-tech businesses such as Lit San Leandro and the Next Generation Workplace District Study.

Planner Barros noted that in addition to some "cleanups" that are needed for consistency and clarity, the proposed changes build on the energy throughout the City in terms of positive change, particularly in the industrial sector. Referring to a table of amendments for general clarification in the January 30, 2014 staff report, Planner Barros explained that each item is covered in the definitions section. She invited questions about clarification.

Mortuaries: **Planning Commission Vice Chair Hernandez** asked about the reason for excluding cremation. Planner Barros said that about five years ago, the City handled a difficult case of a mortuary that wanted to do cremations. At the time, she said a moratorium had been passed on crematoria, and it was taken out of the Zoning Code, but as staff was reviewing for cleanups, cremation remained in the definition.

Medical Marijuana: In response to **Vice Chair Palma**, Planner Barros said that medical marijuana is an informational item on the agenda for the BZA meeting on February 6, 2014 and then will go to the Planning Commission on February 20, 2014. She said the item could go to the City Council on March 17, 2014.

Substantive Changes

Planner Barros said that she used the matrix that was included in the meeting packets to show changes proposed for Articles 6 and 7, which pertain to commercial and industrial zoning. She dealt separately with proposed process-oriented changes to Articles 21, 22, 27 and 28.

Commissioner Rennie asked whether the matrix would become part of the Zoning Code. Planner Barros said no, but said it's a great tool that staff has been using at the counter for reference on a daily basis for years and distributing it as a handout.

Planner Barros reviewed the substantive changes listed in the staff report. In alphabetical order, following are items that Commissioners and/or BZA Members commented on or asked about per Planner Barros's presentation.

Beer and Wine Stores: Planner Barros explained that staff proposes tightening the definition to ensure that it doesn't morph into facilities such as package or convenience stores. **Vice Chair Palma** questioned no food sales because beer and wine stores are very likely to want to sell some type of food such as cheese with wine or pretzels with beer. She is concerned about limiting what

could be a gourmet kind of establishment. Planner Barros confirmed that the beer-wine only is the primary use, with food as a possible accessory use, and that a more upscale shop with beer, wine and food could be a Neighborhood Specialty Market. In response to **BZA Chair Mendieta**, Planner Barros said that to her knowledge San Leandro has no stores that sell beer and wine only. She noted that the definition was created in 2004 during work on the East 14th Street South Area Development Strategy.

Brewpub: In response to **Vice Chair Palma**, Planner Barros confirmed that the brewery, not the restaurant, would be producing beer. A question whether brewpubs could serve only beer produced onsite and whether the Zoning Code definition should reference the federal Alcohol and Tobacco Tax and Trade Bureau definition of a brewpub led Planner Barros to indicate further research to clarify the definition. Planner Barros explained that the definition in the proposal comes from the California Department of Alcoholic Beverage Control (ABC).

Business & Trade Schools: **Commissioner Rennie** asked about the logic behind wanting these facilities downtown. Planner Barros said they would tend to draw people and high-tech and other industries have indicated they may want technical schools nearby. **Vice Chair Palma** suggested that the definition also could include universities, extension universities, etc.

When **Commissioner Fitzsimons** asked whether this should come under the existing “Schools” definition, Planner Barros said “Schools, Public and Private” comprises K-12.

Catering Services: **Vice Chair Palma** suggested including commissaries in the definition.

Community Gardens: Planner Barros described this as a whole new concept for San Leandro, whereby community gardens (subject to Administrative Review) would provide amenities for local residents and businesses as well as employees whose jobs bring them to San Leandro. It is proposed for all zoning districts except for CS, P and PHD Districts.

She said it would be helpful to hear Commissioners’ and BZA Members’ thoughts on allowing Community Gardens in residential districts with Administrative Review.

Commissioner Fitzsimons said the reading is hard to follow. For instance, he said that the staff report section includes a sentence reading, “The use includes, but is not limited to, home, kitchen and roof gardens.” This suggests that kitchen gardens could in the future be defined as a Community Garden. Kitchen and home gardens don’t sound like Community Gardens, he said, adding that the term Community Garden implies a vacant lot where people in the community get together and grow things.

Commissioner Fitzsimons noted that Community Gardens are defined as “non-commercial,” but elsewhere in the proposed Community Garden definition says that “sales . . . of fresh food and horticultural products grown on-site are permitted” in all districts, while also allowed in residential districts “where the primary ingredients are grown and produced on-site.” In addition to noting that the definition should be consistent in both places, Commissioner Fitzsimons asked whether sales are or are not allowed, and if so, recommended clarification of the circumstances.

Other questions he raised concerned:

- Whether Administrative Review would be used to approve Community Gardens in residential districts.
- The need for clarity about responsibilities, including liability issues, dispute management, garden maintenance, etc.
- Whether a Community Garden would involve multiple people independently growing things on parts of a piece of land, or whether one person would operate it.

- Height limitations on plantings (as there are with tall weeds).
- Whether standards would be enforced, what penalties would be incurred if a Community Garden is neglected or becomes an eyesore.
- Whether livestock and beehives should be explicitly excluded.
- Whether “private farms” should be removed from the definition.
- The reason for express prohibition against growing cannabis for personal consumption

Commissioner Rennie agreed it’s important to think carefully about how Community Gardens would function, but said they would be a really good complement for multi-family residential developments, as well as a good buffer or interface between uses.

Dance Club: Planner Barros said this has been difficult to enforce, because if someone wants to dance at a bar, it suddenly becomes a Dance Hall. Commissioners and BZA Members discussed whether a monthly or annual limit on the number of dance activities should be used to establish a threshold for the Dance Club definition, but ultimately concurred that adding the word “primary” to “use” or “activity” or “purpose” in the definition might be the solution.

Entertainment Activities: Planner Barros explained that after reviewing how other communities (including San Francisco, Walnut Creek and Fremont) handle Entertainment Activities, staff is recommending moving Entertainment Activities from the City’s Zoning Code to the Municipal Code. That would add flexibility, she said, because it would allow establishment of Entertainment Activities in the City on a much broader basis.

The shift to the Municipal Code would involve creating an Entertainment Permit process that also would define Entertainment and establish performance regulations. Community Development Director Battenberg said the Zoning Code recommendations and text for the Municipal Code amendments would go to the City Council concurrently, so there would be no gap or overlap in coverage.

As an Alameda County staff member, **Vice Chair Palma** said Fremont’s approach has been a disaster, particularly with special events that include entertainment. Fremont has established numerous requirements that conflict with County regulations, she said. Commissioner Rennie asked if the proposed shift means that San Leandro would no longer regulate night clubs and similar venues from a land use perspective in terms of size, location and other factors.

There was discussion about the ABC-police relationship when it comes to dealing with problems in bars or nightclubs and the difference between use permits and operating permits.

Chair Abero told of having to go to the Police Department to obtain a permit for a church picnic, and said the Police Department is likely to have more input into the kind of businesses operating in the community. She said the entertainment issue warrants a closer look, because we don’t want to create a situation in which we have more legal issues stemming from the way we administer it.

BZA Member Crawford expressed concern about discriminating against potential business owners and operators with misdemeanors on their records.

Fast Food Restaurants: **Commissioners Fitzsimons** and **Rennie** said they oppose Fast Food Restaurants in the SA-2 District due to the proximity of elementary schools.

Health & Fitness Centers: When **Vice Chair Hernandez** asked whether bowling alleys and skating rinks aren’t more “dedicated” activities than health and fitness centers, Secretary Barros said the idea is to expand the Health & Fitness Centers definition to include such “sporty” activities that aren’t really considered entertainment. **Chair Mendieta** pointed out that bowling alleys also sell food and liquor, and perhaps should stand on their own.

Live-Work: With Administrative Review being recommended for Live-Work project proposals, **Member Crawford** advised crafting a less ambiguous definition, considering environmental hazards (e.g., asbestos and liability) of allowing residential uses alongside industrial uses. **Commissioner Fitzsimons** said he opposes Live-Work uses in industrial districts on the basis of land-use incompatibility.

Massage Therapy: **Vice Chair Hernandez** noted that these facilities are listed under Retail Services as well as Health & Fitness. Planner Barros, citing the Bay-O-Vista Swim & Tennis Club as an example, said that Massage Therapy is allowed as an accessory use in the Health and Fitness category.

Mobile Food Vending: **Vice Chair Palma** suggested that, to be consistent with the California Retail Food Code, the definition should cover offering samples and giving out free food as well as selling it, and also include the requirement for a valid Alameda County Health Department permit.

Commissioner Fitzsimons said he finds the overlap in definitions between temporary food facilities and Mobile Food Vending facilities confusing. Referring to proposed amendments to Article 3 in the Zoning Code, he cited the Temporary Use definition, which indicates that the “period of operation does not exceed 45 days at any one time.” Planner Barros said that’s a mistake; it should be 90 days as it appears in the changes proposed in Use Permits, Variances and Parking Exceptions areas covered by Article 22, Section 5-222.E, Temporary Use Permits, Effective Date, Duration, Appeals .

Planner Barros also indicated that since preparation of the staff report, staff is adding the recommendation for a Administrative Review to allow Mobile Food Vendors in the Downtown Area Districts (DA-1 through DA-6). In response to BZA Member Houston, she said performance standards relative to Mobile Food Vendors are being developed for inclusion in a new section of the Municipal Code, to address such facilities on private property as well as in the right-of-way, to establish minimum distances from restaurants that serve the same type of food and to include reference to the required health permits. This Municipal Code amendment would take effect simultaneously with the Zoning Code changes. Secretary Barros also said the Administrative Review fee for Mobile Food Vendors would be in line with Temporary Use fees or Outdoor Facilities permits.

Vice Chair Palma noted that Oakland is having a difficult time getting a handle on its ordinance, which was intended to drastically limit food trucks. She invited staff to come to upcoming meetings to learn what the County is doing about Mobile Food Vendors. She said she likes the way San Leandro has been more fluid in terms of accommodating Mobile Food Vendors than most other communities in the County.

Commissioner Fitzsimons asked how hiring a caterer at an event differs from bringing in several Mobile Food Vendors to serve food instead. Planner Barros said that would be a private use versus an established use on private property. **Vice Chair Palma** added that two or more Mobile Food Trucks constitute an event and thus requires a Health Department permit.

Commissioner Leichner said “established” multi-vendor setups sound like mobile food courts, similar to Portland’s dedicated blocks of communal dining on fare served from trucks and carts. In response to **Vice Chair Hernandez**, Planner Barros suggested that the food pods illustrated in the City’s Next Generation Workplace District Study were more likely to be defined as restaurants and fast food establishments rather than mobile vendors.

Parking: **Chair Mendieta** said that in general, he favors parking standards that encourage use of public transportation and wants San Leandro to be even more aggressive in allowing higher densities, especially around BART. **Vice Chair Palma** agreed, adding that the Senior Parking

definition be expanded to Senior and Mixed Use Development Parking, at the minimum. **BZA Member Daly**, noting that the Downtown Transit Oriented District (TOD) Strategy already addressed minimized parking requirements for higher-density development downtown, warned against creating parking nightmares. **Commissioner Fitzsimons** agreed that senior facilities may have lower parking needs, but he also cautioned against too much relaxation of parking standards because cars are not going away unless the City receives benefits in return.

Paving in Front Yards: **Vice Chair Palma** asked whether paving in front yards, which was included under the “Parking” umbrella in the staff report, should specify use of pervious materials. Although it’s more expensive, she said, it’s much better for the environment. Planner Barros said this would be a great thing to examine more closely in the future, but that this proposal is to clarify the existing policy to limit impervious paving to fifty percent of a front yard. In response to **Member Daly’s** asking whether something like a red lava rock yard would be considered paving, Planner Barros said that red lava rock would be “pervious,” and staff also is proposing adding the definition of pervious to the Zoning Code (Article 30).

Recycling Facilities: In response to **Commissioner Fitzsimons** question about how the recycling center on the Safeway parking lot on Bancroft Avenue is categorized, Planner Barros said it would fit in the “small collection” category (Article 16, Section 1646-B). She said as she understands state law, recycling facilities are required within a certain radius of grocery stores.

Signs: In response to **Chair Mendieta**, Secretary Barros said the Municipal Code covers the issue of awning maintenance. Although no language change was proposed in the Zoning Code text about temporary political signs, **Commissioner Rennie** said he believes it needs to be updated to align with current law.

Tattoo Parlors: Although Planner Barros indicated that this definition would be removed and “tattoo studios” added to Retail Services, there was a question whether tattoo artists require licenses or certification, along the lines of the California Massage Therapy Council (CAMTC).

Wireless Telecommunications Facilities: **Commissioner Fitzsimons** raised several issues:

- Who in the City would be the one to determine an acceptable neutral paint color for freestanding towers and ground-mounted facilities if they don’t have a galvanized steel finish? The Zoning Enforcement Official, according to Planner Barros.
- The proposal includes a requirement that any exterior lighting must be manually operated; he would like freestanding wireless facilities able to use time-clock controls for any lighting that is allowed.
- Could the table summarizing the individual zoning district process for reviewing telecommunication facility applications be included in the matrix? Planner Barros said it would be in the matrix as well as in the Zoning Code.

Chair Mendieta expressed concern that the City does not require a certain distance between a wireless telecommunications facility and elementary schools. Planner Barros said staff would ensure that the City’s regulations align with federal regulations.

Article 21: Planner Barros said staff is proposing placing conditions of approval on the development application for Administrative Review. Further, staff proposes adding a paragraph stating that notices may be mailed to owners of adjacent properties when the ZEO determines that granting a permit via Administrative Review could generate significant public concerns. At this time, she added that the Administrative Review process requires no public outreach.

In regard to Section 5-2106 Effective Date; Lapse of Permit; Appeals, **Commissioner Fitzsimons** noted that the language addresses applicant appeals, but has no indication of the

process for *non-applicants* to appeal if they object to a ZEO decision. Planner Barros said the non-applicant process is covered in Article 28, but should also be made explicit in this context.

Vice Chair Hernandez asked who the City's ZEO is. City staff indicated that the Community Development Director Battenberg is filling that role. Mr. Pio Roda explained that the Municipal Code provides that the City Manager or a designee can name the ZEO.

Article 22: Staff proposes deleting a paragraph from Section 5-2208.B that calls for posting notices on or within 300 feet of a property for which a public hearing on a proposal is scheduled. **Vice Chair Palma, Commissioner Rennie, Members Daly and Hudson** were among those who want to retain posted notices. **Commissioner Fitzsimons** said he would like the notices to also include a rendering or simulated photo to make proposals easier to visualize.

Planner Barros said that staff proposes amending Section 5-2218.E to extend the renewal period for use permits, variances, height exceptions or parking exceptions from one to two years if the findings required by Section 5-2212 remain valid. Discussion led to agreement that the extension would be granted for one year at a time, as **Member Crawford** suggested, and up to two years past the original year's expiration date.

Article 28: In regard to Section 5-2808, **Commissioner Fitzsimons** asked whether the fact that a hearing is not held within the specified timeframe constitutes a "failure to act." Planner Barros confirmed that it does, that failure to act affirms the original decision, and that's why staff has proposed extending the deadline to schedule a hearing on an appeal from 45 to 60 days from the City's receipt of an appeal.

Explaining the process going forward, Planner Barros said that when the time comes, staff will go back to the BZA for an informational review of items on which work will continue from tonight's meeting. Following the BZA review and comments, the package would go to the Planning Commission for a public hearing and its recommendation, and then on to the City Council. **Vice Chair Palma** asked why the BZA doesn't get to vote on zoning amendments. Planner Barros said the BZA votes on CUPs and variances, whereas the Planning Commission votes on policy matters and planned developments. Commissioner Rennie clarified that per State law, zone text amendments go to a planning commission for a recommendation to the legislative body (e.g., city council). As Vice Chair Palma acknowledged, not all jurisdictions have a separate BZA.

Chair Abero opened the session for public comment, giving each speaker up to three minutes.

Chris Crow, Sylvia Way, said this process needs to slow down. It's too rushed and some things are being circumvented and not necessarily streamlined. Mr. Crow said that most cities use zoning codes to regulate entertainment activities, not police departments. The Bal Theatre situation was resolved because it was covered by the Zoning Code, he noted, pointing out that the City has lost in court on land-use decisions related to entertainment, assembly and wind turbines.

Dan Dillman, Williams Street, owns the BAL Theatre, said that taking power from the people, from the boards and giving it to staff is not worthy of consideration. He said the Police Department needs to focus on crime. He said you might get exercise from bowling, but bowling is entertainment. Mr. Dillman also objected to anyone with even a misdemeanor on his or her record not being allowed to apply for a permit. He also said it's inappropriate to have the Community Development Director serve as the ZEO.

David Johnson, San Leandro Chamber of Commerce CEO, said that he serves on the Board of the Paramount Theatre of the Arts, which he said operates in an entertainment district that's geographically defined. He said the Paramount works in partnership with the Oakland Police Department to ensure that activities and entertainment are safe for patrons, and he trusts that whatever goes forward in San Leandro would respect that.

Mr. Johnson also said allowing more uses in San Leandro's industrial districts is an important shift, and many of the changes proposed for the Zoning Code complement those efforts. Referencing the Live-Work category, he said a Work-Live category also would be advisable. It would enable anyone who buys or leases property in a live-work environment to clearly understand that he/she lives in an industrial area. He recommended the City contact Tom Dolan, an Oakland architect who has done this kind of work throughout the U.S. for years.

Dave Ehrlich, Lewelling Boulevard, said he's part of a broad coalition that includes all nine Bay Area Counties, fighting the Plan Bay Area regionalization that would phase out local governments. He said it's been a hard sell, because local officials have trouble grasping the idea of flipping governance into a social-engineering phase with transit-oriented and live-work/work-live developments. He said SB1 proposes transforming the former redevelopment agencies into sustainable community development funds, which Mr. Ehrlich states would take away private-property rights, change the meaning of blight, and usher in inappropriate land uses.

Derick Lee asked for more information about San Leandro's strategy for attracting more creative people and businesses geared toward technology and innovation, beyond the interest in creating more work-live/live-work opportunities.

With no other speakers coming forward, **Chair Abero** brought the discussion back to the Commissioners and BZA members.

BZA Member Hudson said she wanted to be on record as objecting to two proposals. She strongly opposes any changes in terms of Entertainment Activities because the topic went through considerable contemplation and discussion. To put it under the auspices of the Police Department would be the wrong way to go, she said. She also said she wanted posted hearing notices to continue.

BZA Member Thomas also expressed concerns about Entertainment Activities falling under the auspices of the Police Department. Among the reasons he cited were the potential for banning involvement by anyone with a record and the additional burden on the police when officers have so many pressing issues to deal with already.

Vice Chair Palma said Entertainment Activities under police auspices would be "flat-out wrong." She also expressed favoring continued posting of hearing notices as a public benefit that should not be taken away. As for Mobile Food Vendors, Vice Chair Palma said they encounter extraordinary barriers in Oakland, but every city has its own idiosyncrasies about food trucks.

If people perceive that San Leandro is setting up barriers to Entertainment Activities, **BZA Member Houston** said it would undermine the extensive work and progress we've made in the entertainment arena, the efforts to attract more wine bars, microbreweries and other activities the City wants to encourage, and to draw increasing numbers of young people coming to town and spending their money. She said she doesn't want to put up roadblocks that would preclude continuing the positive, progressive moves we (the City) have made to more strategically place ourselves in a position from make this a community that draws young people to live and work.

Chair Mendieta said he agrees with his colleagues about keeping Entertainment Activities in the Zoning Code and with the BZA. In terms of Parking requirements, he said some residential structures within a certain distance of BART stations could do with less than one space per unit. He said the definition of Community Gardens should spell out responsibilities and address liability issues. The groundwork for San Leandro's transformation has been laid with the construction of the Kaiser facility and the installation of the fiber-optic network, Chair Mendieta noted, but it's disappointing that the Village Marketplace is just a strip mall downtown and not a mixed-use development. He favors San Leandro becoming more aggressive in terms of height and density.

Member Daly said he wants the City to keep posting notices because he reads them and believes a lot of other people do too. As for Entertainment Activities, he said if the system's not broken, don't fix it. It should stay in the Zoning Code, and if some problem emerges, maybe we can figure out how to address it within the existing framework. He would be cautious about eliminating downtown parking in high-density residential developments because some of those people would have cars and it would affect parking in the surrounding neighborhoods. He said while our long-range goal may be for everyone to ride a bike or take the bus, we have to understand the reality that not everyone's personal habits will change.

BZA Member Crawford commented that in his years working with former Mayor Jerry Brown on Live-Work facilities in Oakland, he said it became problematic in the Embarcadero corridor where tenants began suing the city because of the asbestos in their units. He agreed with Mr. Johnson that San Leandro should consult with Tom Dolan to ensure that the language in our Zoning Code is not vague and ambiguous and possibly leading to lawsuits. As for Entertainment Activities, Member Crawford said we've come too far now to add more restrictions and guidelines. If we want to be inviting to businesses, it makes no sense to set up more hoops for them to jump through. If there are problems, call the police, but don't give the police the responsibility for entertainment. He said, too, that we must make sure that when we establish rules and regulations, they aren't in conflict with those issued by the County, State or federal government. According to Member Crawford, it's also important to keep posting hearing Notices, in part because they contribute to transparency on the part of the City.

Commissioner Collier said she's concerned that Administrative Review cuts out the possibility of BZA Members or Planning Commissioners discussing issues and projects, and also that applicants would prefer learning what needs to be changed about a proposal from their peers rather than from a single staff member. She described an Administrative Review experience in Oakland in which she – the property owner – was not even invited to the hearing and no notices were posted. She added that being cheaper and faster doesn't make Administrative Review better. She also noted that while San Leandro has an excellent staff, we don't know what that staff will be like 10 years from now.

Commissioner Fitzsimons pointed out that San Leandro, for example, has a very good BZA, but one need not go far to the north to find one that does not work very well. In that case, Administrative Review is the better option, and such decisions can always be appealed. He said one element missing from the staff's Administrative Review proposal regards noticing for projects undergoing Administrative Review, and recommended developing a liberal noticing policy, including renderings when appropriate. Commissioner Fitzsimons also commented on:

- **Floor Area Ratio**: He wants to allow variances for FAR where appropriate and wants multiple parcels to be considered as part of equation to encourage more of the "campus-like" projects that tech companies favor. He noted that the Berkeley Municipal Code has language that addresses such parcel combinations.
- **Live-Work**: He opposes Live-Work development in industrial districts, because residential and industrial uses are incompatible. Over time, residents prevail because they vote.
- **Community Gardens**: This piece needs to be thought out more, particularly in terms of rules and regulations.
- **Mobile Food Vendors**: We should require the same of Mobile Food Vendors that we do of restaurants. He said he doesn't want to see the City's restaurant stock fail.

- Entertainment: There's a lot of emotion around this issue, but not a lot of facts yet. He suggested taking the Entertainment piece out of the proposals for the time being to give it more thought.

Commissioner Rennie said he'd like to see the definition of dwelling unit expanded, but suggested removing the reference to "interconnected interior space" because some residences may not meet that criterion. Noting that he saw Beer and Wine Stores limited to 10:00 p.m. in one district, he said that should be the limit in all districts. He also expressed a concern about proposed changes in the CC Community Commercial District because they don't seem appropriate in the area along MacArthur Boulevard between Estudillo Avenue and Dutton Avenue. He said that section should perhaps be re-zoned because it's more like a Neighborhood Retail District with successful operations including coffee shops, bagel shops, ballet and martial arts studios and a restaurant, which are all neighborhood-serving retail uses. He said other permitted CC District uses such as auto parts retail and recycling don't fit in that character and the direction MacArthur Boulevard has taken since the streetscape improvement.

Commissioner Rennie agreed that posted paper notices should stay, in part because they provide some relief to the "cacophony of digital noise." Noting that Mobile Food Vendors can be detractors as well as catalysts, he also agreed with Commissioner Fitzsimons that we have to be careful about where we allow them.

In regard to Entertainment Activities, Commissioner Rennie said he's spent most of his 18 years as a public lawyer dealing with rogue establishments and has not found zoning to be the best way to deal with problems that arise from "secondary effects" such as patron conduct or a poorly operated business. With land use, rights become vested, he said, and they run with the land and can be difficult to reverse. He noted that police focus on crime; they aren't interested in or trained to write administrative reports. On the other hand, planners don't have the same information police get when they respond to calls.

Commissioner Rennie suggested that the metrics that warrant attention when thinking about how to regulate on an operational basis might involve serving alcohol, dancing, amplified sound and the nature of the live entertainment provided. Land use has a role in terms of location, size of the business, concentration and number of patrons assembled, he said, but you can't deal with a 500-person nightclub the same way you deal with a 49-person bar. He said we need to see a better plan, yet be open to how it addresses problems of secondary impacts without overtaxing police resources and without over-regulating to the point that businesses can't flourish if they operate responsibly.

In terms of Administrative Review, Commissioner Rennie said the noticing for an Administrative Review may not need to be as robust as it is for a public hearing, but it may be worth considering written hearings.



City of San Leandro

Meeting Date: June 2, 2014

Ordinance

File Number: 14-208

Agenda Section: PUBLIC HEARINGS

Agenda Number:

TO: City Council

FROM: Chris Zapata
City Manager

BY: Cynthia Battenberg
Community Development Director

FINANCE REVIEW: Not Applicable

TITLE: ORDINANCE Amending the Zoning Code Article 3 Definitions; Article 5 Residential Districts; Article 6 Commercial and Professional Districts; Article 7 Industrial Districts; Article 8 Open Space District; Article 9 Public and Semipublic District; Article 16 Development Regulations; Article 17 Off-Street Parking and Loading Spaces Regulations; Article 18 Signs; Article 21 Zoning Permits Required; Article 22 Use Permits, Variances, and Parking Exceptions; Article 27 Amendments; and Article 28 Appeals Related to Increased Flexibility in Industrial and Commercial Uses; Adding Community Gardens Use and Regulations; Revising Regulations for Telecommunications, Hazardous Materials, Recycling, Signs, and Parking; Clarifying and Revising Planning Entitlement Application Processing; and Conducting General Text Updates (amends Zoning Code to increase flexibility in industrial and commercial uses; adds Community Gardens; revises regulations for Telecommunications, Hazardous Materials, Recycling, Signs, and Parking; clarifies planning application processes; and provides general text updates)

The City Council of the City of San Leandro does **ORDAIN** as follows:

SECTION 1. PURPOSE.

WHEREAS, in 2002, the City of San Leandro adopted a new General Plan, which states that “the San Leandro General Plan aspires to reshape the industrial areas of West and Central San Leandro to meet the demands of the new economy.” Furthermore, the General Plan states that “the guiding objectives in the City’s large business districts are to promote business retention and diversification”; and

WHEREAS, the City of San Leandro Planning Division has been tasked with periodic updates to the Zoning Code; and

WHEREAS, on January 30, 2014 the City of San Leandro Planning Commission and Board of Zoning Adjustments met in a joint worksession to review and provide recommendations on draft proposals to amend the Zoning Code; and

WHEREAS, on April 3, 2014 the City of San Leandro Board of Zoning Adjustments met, reviewed, and commented upon the proposed amendments to the Zoning Code, and such comments were provided to the Planning Commission; and

WHEREAS, the proposed amendments to the Zoning Code increase flexibility in industrial and commercial uses; add Community Gardens use and regulations thereof; revise regulations for Telecommunications, Hazardous Materials, Recycling, Signs, and Parking; clarify and revise planning entitlement application processing; and conduct general text updates; and

WHEREAS, the Planning Commission reviewed the staff report and the findings that the proposed amendments to the Zoning Code are exempt from environmental review under subsections (b)(3) of Section 15061 of the CEQA Guidelines because the General Rule exemption states that where it can be seen with certainty that there is no possibility that the activity in question may have significant effect on the environment that the activity is not subject to CEQA. In addition, CEQA defines "project" as an activity that may result in a direct physical change in the environment. Updating the City of San Leandro Zoning Code in the manner described herein does not alter the existing zoning regulations in any substantive manner such that there is a possibility for the amendments to result in any direct or indirect physical change in the environment or cause any significant environmental effects; and

WHEREAS, the final General Plan and the Zoning Code are incorporated herein by reference, and are available for review at City Hall during normal business hours.

SECTION 2. AMENDMENT OF CODE. San Leandro Zoning Code Article 3, Definitions; Article 5 Residential Districts; Article 6 Commercial and Professional Districts; Article 7 Industrial Districts; Article 8 Open Space District; Article 9 Public and Semipublic District; Article 16 Development Regulations; Article 17 Off-Street Parking and Loading Spaces Regulations; Article 18 Signs; Article 21 Zoning Permits Required; Article 22 Use Permits, Variances, and Parking Exceptions; Article 27 Amendments; and Article 28 Appeals are hereby amended as shown in Exhibits A through M.

SECTION 3. Findings for the Zoning Code Amendment. As required under state law, the City Council finds as follows:

a. The amendments to San Leandro Zoning Code Article 3 Definitions; Article 5 Residential Districts; Article 6 Commercial and Professional Districts; Article 7 Industrial Districts; Article 8 Open Space District; Article 9 Public and Semipublic District; Article 16 Development Regulations; Article 17 Off-Street Parking and Loading Spaces Regulations; Article 18 Signs; Article 21 Zoning Permits Required; Article 22 Use Permits, Variances, and Parking Exceptions; Article 27 Amendments; and Article 28 Appeals are in general agreement with General Plan Policies 6.02, 7.02, 7.03, 7.04, 7.06, 8.02, 8.07, 10.01, 11.03, and 12.03, 33.01, 43.08, and 58.01 as further explained in the staff report associated with this ordinance.

b. The proposed Zoning Code amendments are internally consistent with the City's Zoning Ordinance. The amendments meet the requirements and standards of the Zoning Ordinance and the procedural requirements of Government Code sections 65856 and 65867, and Article 27, "Amendments," as required by sections 5-2708 and 5-2712 of the Zoning Code.

Section 4. Adoption of the Zoning Code Amendments. Based on the entirety of the record, as described above, San Leandro Zoning Code Article 3 Definitions; Article 5 Residential Districts; Article 6 Commercial and Professional Districts; Article 7 Industrial Districts; Article 8 Open Space District; Article 9 Public and Semipublic District; Article 16, Development Regulations; Article 17 Off-Street Parking and Loading Spaces Requirements; Article 18 Signs; Article 21 Zoning Permits Required; Article 22 Use Permits, Variances, and Parking Exceptions; Article 27 Amendments; and Article 28 Appeals are hereby amended as set forth in Exhibits A through M, attached hereto and incorporated into this Ordinance by this reference.

SECTION 5. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of San Leandro hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof is declared invalid or unenforceable.

SECTION 6. EFFECTIVE DATE AND PUBLICATION. This ordinance shall take effect thirty (30) days after adoption. The City Clerk is directed to publish the title once and post a complete copy thereof on the City Council Chamber bulletin board for five (5) days prior to adoption.

Exhibit A: Proposed Amended Article 3

Note: underline and bolded text represents new text; ~~strike-through~~ text represents text to be eliminated

Article 3 Definitions

Sections:

- 1-300** **Purpose and Applicability**
- 1-302** **Rules for Construction of Language**
- 1-304** **Definitions**
- 1-306** **Responsibilities**

1-300 **Purpose and Applicability**

The purpose of this article is to ensure precision in interpretation of the zoning regulations. The meaning and construction of words and phrases defined in this article shall apply throughout the zoning regulations, except where the context clearly indicates a different meaning or construction. (Ord. 2001-015 § 1)

1-302 **Rules for Construction of Language**

In addition to the general provisions of the Municipal Code, the following rules of construction shall apply:

- A. The particular shall control the general.
- B. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:
 - 1. “And” indicates that all connected words or provisions shall apply.
 - 2. “Or” indicates that the connected words or provisions may apply singly or in any combination.
 - 3. “Either... or” indicates that the connected words or provisions shall apply singly, but not in combination.
- C. In case of conflict between the text and a diagram, the text shall control.
- D. All references to departments, commissions, boards, or other public agencies are to those of the City of San Leandro, unless otherwise indicated.
- E. All references to public officials are to those of the City of San Leandro, and include designated deputies of such officials, unless otherwise indicated.

- F. All references to days are to calendar days unless otherwise indicated. If a deadline falls on a weekend or holiday, it shall be extended to the next working day.
- G. Article and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of any section hereof.
- H. Unless the context clearly indicates the contrary:
 - 1. The present tense includes the future, and the future the present.
 - 2. The singular number includes the plural, and the plural the singular.
 - 3. References in the masculine and feminine genders are interchangeable.
 - 4. The words “activities” and “facilities” include any part thereof. (Ord. 2001-015 § 1)

1-304 Definitions

Abate. To bring into conformity with the provisions of this code, either by reconstruction or modification pursuant to a valid permit, or by removal or obliteration as directed by the Chief Building Official or Zoning Enforcement Official.

Abutting or Adjoining. Having district boundaries or lot lines in common.

Accessory Dwelling Unit. See “Secondary Dwelling Unit.”

Accessory Uses and Structures. Uses and structures that are incidental to the principal permitted or conditionally permitted use or structure on a site and are customarily found on the same site. This classification includes, for example, home occupations, and caretaker’s quarters as defined in this Code.

Acre, Gross. A measure of land area prior to division or dedication for streets, public improvements, or other purposes.

Acre, Net. A measure of developable land area, after excluding existing dedicated rights-of-way and flood control and drainage easements.

Activity. The performance of a function or operation.

Activity type. A type of activity which is specially described as such by the use classifications in various sections of the Code on the basis of common functional characteristics and similar effects on other uses, and which is designated throughout the zoning regulations by a special name each word of which starts with a capital letter.

Administrative Review. An administrative use permit approval that is granted by the Zoning Enforcement Official, if it meets certain criteria and that does not require a public hearing.

Adult-Oriented Business. “Adult-Oriented Business” means any of the following:

- A. **Adult Arcade.** An establishment where, for any form of consideration, one or more still or motion picture projectors or similar machines, for viewing by five (5) or fewer persons each, are used to show films, computer-generated images, motion pictures, video cassettes, slides, or other photographic reproductions, a substantial portion of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
- B. **Adult Bookstore.** An establishment that has a substantial portion of its stock in books, magazines, periodicals, or other printed matter or of photographs, films, motion pictures, video cassettes, slides, tapes, records, or other forms of visual or audio representations which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities and/or specified anatomical areas. Items sold over the Internet are included for the purposes of determining a substantial portion.
- C. **Adult Cabaret.** A nightclub, restaurant, or similar business establishment which:
 - (1) regularly features live performances which are distinguished or characterized by an emphasis upon the display of specified anatomical areas or specified sexual activities; and/or
 - (2) which regularly features persons who appear semi-nude; and/or
 - (3) shows films, computer-generated images, motion pictures, video cassettes, slides, or other photographic reproductions, a substantial portion of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
- D. **Adult Hotel/Motel.** A hotel, motel or similar commercial establishment which:
 - 1. Offers accommodations to the public for any form of consideration; provides patrons with closed circuit television transmission, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions;
 - 2. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
 - 3. Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten (10) hours.

- E. **Adult Motion Picture Theater.** A business establishment where, for any form of consideration, films, computer generated images, motion pictures, video cassettes, slides or similar photographic reproductions are shown, a substantial portion of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
- F. **Adult Theater.** A theater, concert hall, auditorium, or similar establishment which, for any form of consideration, regularly features live performances which are distinguished or characterized by an emphasis upon the depiction or description of specified anatomical areas or specified sexual activities.
- G. **Modeling Studio.** A business which provides, for pecuniary compensation, monetary or other consideration, hire or reward, figure models who, for the purposes of sexual stimulation of patrons, display “specified anatomical areas” to be observed, sketched, photographed, painted, sculpted, or otherwise depicted by persons paying such consideration. “Modeling studio” does not include schools maintained pursuant to standards set by the State Board of Education. “Modeling studio” further does not include a studio or similar facility owned, operated, or maintained by an individual artist or group of artists, and which does not provide, permit, or make available “specified sexual activities.”

Air Cargo Processing Centers. See “Parcel Processing and Shipping Centers” and “Truck Terminals.”

Airport Safety Zone. A planning boundary near the ends of airport runways, adopted by the Alameda County Airport Land Use Commission (ALUC) within which land uses are limited in density, building height and type due to accident potential.

Alley. A public way having a width of not more than twenty (20) feet permanently reserved primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.

Alter. To make a change in the exterior appearance or the supporting members of a structure, such as bearing walls, columns, beams, or girders, that will prolong the life of the structure.

Ambulance Services, Emergency. Provision of emergency medical care or transportation for critically injured or ill patients, including incidental storage and maintenance of vehicles and residential quarters for employees.

Ambulance Services, Non-Emergency. Provisions of non-emergency ambulance services to transport residents home from the hospital or to meet routine medical needs, including incidental storage and maintenance of vehicles. Siren use is not practiced.

Amendment. A change in the wording, context or substance of this chapter, or a change in the district boundaries on the zoning map.

Animal, Domestic. Small animals of the type generally accepted as pets, including dogs, cats, rabbits, birds, fish, and the like, but not including roosters, ducks, geese, pea fowl, goats, sheep, hogs or the like.

Animal, Exotic. Any wild animal not customarily confined or cultivated by man for domestic or commercial purposes but kept as a pet or for display.

Animal, Large. An animal larger than the largest breed of dogs. This term includes horses, cows, and other mammals customarily kept in corrals or stables.

Animal Boarding. Provision of shelter and care for small animals on a commercial basis. This classification includes activities such as feeding, exercising, training, grooming, and incidental medical care.

Animal Grooming. Provision of bathing and trimming services for small animals on a commercial basis. This classification includes boarding of domestic animals for a maximum period of forty-eight (48) hours.

Animal Hospitals. Establishments where small animals receive medical and surgical treatment. This classification includes only facilities that are entirely enclosed, sound-proofed, and air-conditioned. Grooming and temporary (30 days) boarding of animals is included if incidental to the hospital use.

Animal Sales. Retail sales and boarding of small animals, provided such activities take place entirely within an enclosed building. This classification includes grooming if incidental to the retail use, and boarding for a maximum period of forty-eight (48) hours of animals not offered for sale.

Animal Shows. Exhibitions of domestic or large animals for a maximum of seven (7) days.

Animal, Small. An animal no larger than the largest breed of dogs. This term includes fish, birds, and mammals customarily kept in kennels or within a dwelling unit.

Antenna. Any system of wires, poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of radio frequency waves including, but not limited to, wireless telecommunications facilities used for transmitting or receiving television, radio, citizen's band or cellular phone communication. (See also "Wireless Telecommunications Facility".)

Arcade. See "Game Center."

~~**Arcade Games.** Any machine or device which may be operated for use as a game, contest, or amusement upon the insertion of a coin, slug, or token in any slot or receptacle attached to such machine or connected therewith, which does not contain a payoff device for the return of slugs, money, coins, checks, tokens, or merchandise.~~

Area, Lot, Parcel, or Site. The horizontal area within the property lines excluding public-access corridors, public vehicular easements, and areas to be included in future street rights-of-way as established by easement, dedication, or ordinance.

Artists' Studios. Work space for artists and artisans, including individuals practicing one of the fine arts or performing arts, or skilled in an applied art or craft, but not including residential use.

Assembly Uses (AU). Meeting, recreational, social facilities of a private or non-profit organization primarily for use by member or guests, or facilities for religious worship and incidental religious education (but not including schools as defined in this section). This classification includes union halls, social clubs, fraternal organizations, and youth centers.

Assembly Uses, Temporary. Meeting, recreational, social facilities of a private or non-profit organization primarily for use by member or guests, or facilities for religious worship and incidental religious education (but not including schools as defined in this section) on a site that is not permanently occupied by an assembly use, for a period of not more than thirty (30) days.

Attached. For purposes of determining the requirement for minimum separation between structures, any two structures shall be considered attached and not required to maintain a minimum separation if they are connected by a continuous roofline which conforms to the architectural style of the structures.

Attached structure. A structure joined by a common wall or floor/ceiling assembly to another structure with a door or stairs providing interior access from the one to the other.

Attic. For planning and zoning purposes, an attic is the space between the underside of the roof framing (rafters or beams that directly support the roof sheathing) and the upperside of the ceiling framing. Attics are not considered a story. If any part of an attic is seven feet six inches or higher, then all areas greater than five feet zero inches in height shall count as area for FAR calculations.

Automatic Teller Machine. Automatic banking terminals directly accessible to the public outside of an enclosed building.

Automobile Parts Sales. The retail sale of new automotive parts and accessories (excluding service and installation).

Automobile Rentals. See “Vehicle/Heavy Equipment Rental.”

~~**Automobile Washing.** Washing, waxing, or cleaning of automobiles or similar light vehicles.~~

Automobile Washing, Attended. **A place for washing trucks or automobiles that has an attendant on site while open to the public.**

Automobile Washing, Unattended. **A place for washing trucks or automobiles that has machinery designed to do the washing without allowing access to the bay during the process.**

Awning. A temporary shelter supported entirely from the exterior wall of a building and composed of rigid material or non-rigid material with a supporting framework.

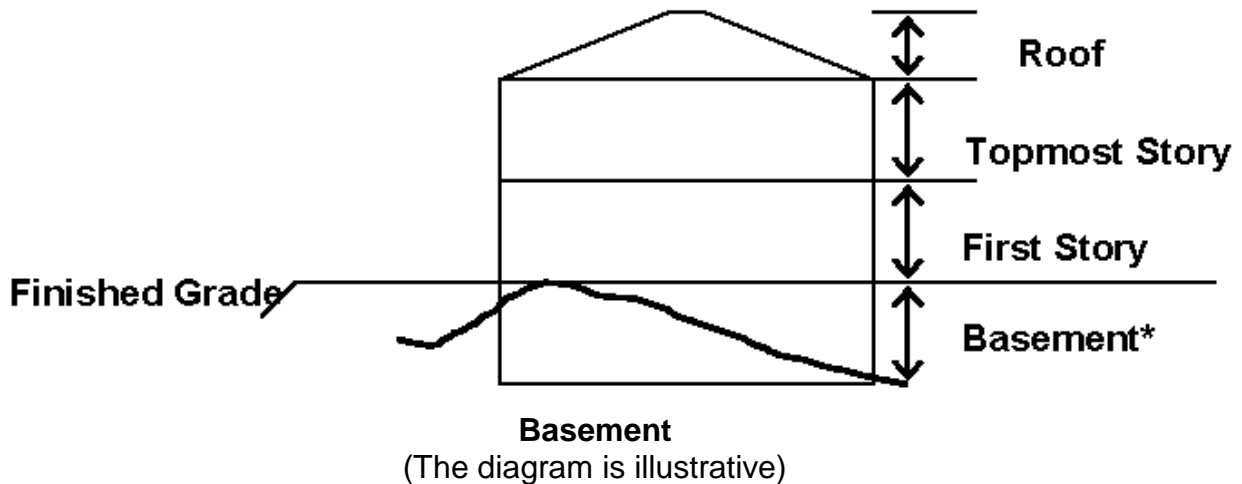
Balcony. A platform that projects from the wall of a building, typically above the first level, and is surrounded by a rail balustrade or parapet.

Banks. See “Financial Institutions, Retail.”

Barbed Wire. See “Razor/Barbed Wire.”

Bars. Establishments that provide on-site alcoholic beverage sales for drinking on the premises and do not admit persons under the age of twenty-one (21). This classification includes businesses with Alcoholic Beverage Control (ABC) licenses of 40, 42, 48, 49 or 61.

Basement. ~~Any floor level below the first story in a building.~~ **For zoning purposes, a basement is the space below the bottom of the floor framing (joists or girders that directly support the floor sheathing) and the basement floor. To qualify as a basement, more than 50 percent of the basement exterior perimeter wall area must be below grade and no more than 20 percent of the perimeter exterior wall may exceed five feet six inches above the exterior grade. If any part of a basement is seven feet six inches or higher, then all areas greater than five feet zero inches in height shall count as area for FAR calculations. Basements are not considered as a story.** ~~In addition, the floor level of a building only having one (1) level shall be classified as a basement if that floor level is either more than four (4) feet below grade for more than fifty percent (50%) of the total perimeter, or more than eight (8) feet below grade at any point (also refer to definition of “Story, First”).~~



* If this floor level is less than six (6) feet from finished grade for fifty percent (50%) of the perimeter or less than twelve (12) feet from finished grade at all points, the floor below is considered a basement.

Bedroom. A room used for sleeping, living, or dining purposes, excluding enclosed places (e.g., closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, unfinished attics, foyers, storage spaces, cellars, utility rooms and similar spaces).

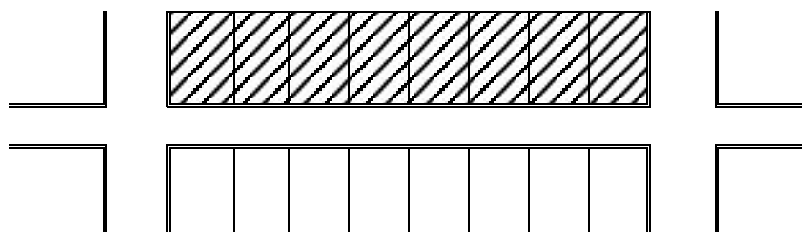
Bed and Breakfast Inns. Establishments with no more than six (6) guest rooms, offering lodging on a **short-term rental not to exceed 30 days** less than weekly basis, typically in a converted single-family or multi-family dwelling, with incidental eating and drinking service for lodgers only provided from a single kitchen and which have a resident manager or owner.

Beer and Wine Stores. A retail store principally involved in the business of selling alcoholic beverages, excluding **sales of "hard liquor," "fortified wine", or distilled spirits** for the consumption off the premises where sold. **Stores shall be managed by a certified wine expert (sommelier or oenologist) or a certified beer expert (cicerone.)** This classification includes **beer- or wine-only** shops or facilities that are covered by a State license for "beer and wine" (Class 20 ABC license). **This classification includes beer or wine tasting as an accessory use, only, but does not allow for the establishment of a bar. This classification allows for accessory food sales, but does not include retail sales of food and other items as defined as a Convenience Store in this Code.**

Billiard Parlors. A business establishment where one (1) or more billiard, pool, or snooker tables or combination thereof, are maintained for hire including, but not limited to, a "family billiard parlor," as defined in the San Leandro Municipal Code Section 4-21-100.

Bingo Parlors. A business or non-profit establishment where bingo is played. Bingo means a game of chance in which prizes are awarded on the basis of designated numbers or symbols on a card that conforms to numbers or symbols selected at random.

Blockface. The properties abutting on one (1) side of a street and lying between the two (2) nearest intersecting or intercepting streets, or nearest intersecting or intercepting street and railroad right-of-way, un-subdivided land, watercourse, city boundary, or other similar substantial boundary. Please refer to the Blockface illustration below.



BLOCKFACE
(This diagram is illustrative)

Boarding House. A building with not more than four (4) guest rooms where lodging and meals are provided for not more than ten (10) persons, but shall not include rest homes or convalescent homes. Guest rooms numbering five (5) or over shall be considered a hotel. This definition includes rooming houses and lodging houses.

Brewpub. A small brewery attached to a restaurant and producing beer that is sold for consumption at a bona fide eating place, plus a limited amount of brewing of beer for consumption on the premises. Additionally, the sale of beer for consumption off the premises where sold is also allowed.

Building. Any structure used or intended for supporting or sheltering any use or occupancy.

Building, Accessory. A building which is subordinate to, and the use of which is incidental to and related to that of the main building or use on the same lot.

Building Materials and Services. Retailing, wholesaling, or rental of building supplies or equipment. This classification includes lumber yards, tool and equipment sales or rental establishments, and building contractors' yards, but excludes establishments devoted exclusively to retail sales of paint, hardware, wall coverings, furniture, decorations, electronics, appliances, and home improvement sales, and activities classified under Vehicle/Equipment Repair and Sales classifications, including vehicle towing services.

Business and Trade Schools. Schools providing specialized instructional services in the business and trade fields, **including university and college extension programs.**

Business Services. Establishments providing support services to professional offices and industry, typically limited to graphic arts, graphic reproduction and delivery services, and including such services as drafting, typesetting, printing, copying and duplicating, and mail receipt, but excluding parcel processing centers and professional services, such as accounting and personnel management.

Cafés. Retail uses that primarily provide beverages and/or desserts for either on- or off-site consumption, including, but not limited to coffee and tea-houses, juice bars, donut shops and ice cream/frozen yogurt parlors.

Canopy. A permanent roof-like shelter extending from part or all of a building face and constructed of some durable material, which may or may not project over a public right-of-way.

Card Room. A space, room or enclosure, furnished or equipped with one (1) or more tables used for the playing of cards or similar games, the use of which is available to the public or any portion of the public.

Caretaker's Quarters. A dwelling unit on the site of, and accessory to, a commercial, industrial, public, or semipublic use, occupied by a guard or caretaker.

Catering Services. Preparation and delivery of food and beverages for off-site consumption without provision for on-site pickup or consumption. (See also "Restaurants".)

Cellar. See "Basement."

Cemeteries. Establishments where the remains of the dead may be kept indefinitely, whether underground or aboveground. This classification includes mausoleums and columbaria.

Cessation of Use. The discontinuance or abandonment of a use, as determined by the Zoning Enforcement Official.

Check-Cashing Business. See "Financial Institutions, Check Cashing and Personal Loan Services."

Christmas Tree and Pumpkin Sales. Outdoor retail sales of Christmas trees between Thanksgiving week and December 26, and pumpkins during the month of October.

Circuses and Carnivals. Provision of games, eating and drinking facilities, live entertainment, animal exhibitions, or similar activities in a tent or other temporary structure for a maximum of seven (7) days. This classification excludes events conducted in a permanent entertainment facility.

City. The City of San Leandro.

Coin-Operated Laundry and Coin-Operated Dry Cleaning Businesses. Any dry cleaning or laundry establishment that provides self-service machines or is not attended.

Commercial Filming. Commercial motion picture or video photography.

Commercial Parking Facility. Lots offering short-term or long-term parking to the public for a fee.

Commercial Recreation. Provision of participant or spectator recreation or entertainment. This classification includes amusement parks, bowling alleys **and** ice/roller skating rinks **with spectator stands**, golf courses, miniature golf courses, and scale-model courses.

Communications Facilities. Broadcasting, recording, and other communication services accomplished through electronic or telephonic mechanisms, but excluding Utilities (Major) and Telecommunication antennas and towers as defined in this Code, [Section 4-1686: Wireless Telecommunications Facilities {as per Ordinance No. 98-009}]. This classification includes radio, television, or recording studios; telephone switching centers; and telegraph offices.

Community Gardens. A site that occupies less than 1 acre for non-commercial raising for family or community use of vegetables, berries, trees, fruits, vines, flowers, ornamental trees or shrubs. Crops from community gardens are limited to personal or group consumption, or for donation, only. Community Garden uses may include communally-managed gardens. Community Gardens may be the principal or accessory use. Community Gardens may not grow cannabis or any other federally-controlled substances. Such use may not keep bees or any other animals unless allowed by Chapter 4-11 of the San Leandro Municipal Code.

Concertina Wire. See “Razor/Barbed Wire.”

Conditional Use Permit. A use that may locate in certain zoning districts provided it will not be detrimental to the public health, safety, and welfare and will not impair the integrity and character of the zoned district. The Board of Zoning Adjustments either approves subject to conditions or denies such uses. Each application is considered on its individual merits.

Conditionally Permitted. Permitted subject to approval of a conditional use permit or temporary conditional use permit.

Condominium. An estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential, industrial, or commercial building on the real property, such as an apartment, office, or store. A condominium may include, in addition, a separate interest in other portions of the real property.

Conforming Building. A building that conforms to all property-development regulations and requirements prescribed for the district in which it is located, except as otherwise provided in this code.

Convalescent Facilities. Establishments providing care on a twenty-four (24) hour basis for persons requiring regular medical attention, including the aged, ambulatory or nonambulatory persons, the mentally ill and the addicted, but excludes general hospitals and facilities providing surgical or emergency medical services. This classification includes skilled nursing facilities and nursing homes and means only those services and facilities licensed by the State of California.

Convenience Stores. Retail sales of food, beverage and small convenience items primarily for off-premises consumption and typically found in establishments with long or late hours of operation and a building with a floor area less than ten thousand (10,000) square feet. This classification excludes tobacco stores, liquor stores, delicatessens, confectioneries, and specialty food markets, or grocery stores having a sizeable assortment of fresh fruits and vegetables, and fresh-cut meat, fish or poultry. Also see “Tobacconist/Cigarette Store,” “Liquor, Beer and Wine Store,” and “Neighborhood/Specialty Food Markets.”

Conversion. The creation of separate ownership of existing real property together with a separate interest in space of residential, industrial, or commercial buildings.

Corner Lot. See “Lot, Corner.”

Corporation Yards. Facilities providing maintenance and repair services for vehicles and equipment, and materials storage areas. This classification includes equipment maintenance and service centers and similar facilities.

Cottage Food Operation. A home-based food enterprise that is operated by a resident, and that has not more than one full-time equivalent cottage food employee, not including an immediate family member or household member of the cottage food operator, within the registered or permitted area of a private home where the cottage food operator resides and where cottage food products are prepared or packaged for direct and/or indirect sale to consumers. The term “cottage food operation” shall have the same meaning as provided in ~~Section 413758~~ of the California Health and Safety Code, as that section may be amended. Cottage food operations are regulated under Section 4-1688 of the San Leandro Zoning Code.

Court. A space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three (3) or more sides by walls of a building.

Coverage, Lot or Site. In calculating the percentage of lot coverage for the purpose of applying the regulations of this Zoning Code, the features of a structure as hereafter set forth shall not be included as coverage:

- A. Cornices, canopies, eaves or other projections which do not increase the volume of space enclosed by the building provided that any portion of such projections extending more than **two (2)** ~~three (3)~~ feet from the building shall be included as coverage;
- B. Fire escapes **up to three and one half (3 ½) feet;**
- C. An uncovered stair and landing which does not extend above a ground floor entrance except for the railing; or
- D. Bay windows, balconies or chimneys which project from the wall not more than two (2) feet provided that such features do not in the aggregate occupy more than one-third of the length of a wall which faces an interior side lot line, or more than two-thirds of the length of a wall which faces a street or a rear lot line.

Covered porch. The covered, unenclosed portion over porches, balconies, decks, terraces and patios. A trellis or arbor does not count as a covered porch. The first 140 square feet of covered porch area is not counted. The porch area beyond the 140 square foot allowance shall be counted at a 1/2:1 ratio for floor area calculations.

Credit Union. See “Financial Institutions, Retail.

Cross-Dock. An industrial shipping facility with truck loading docks and/or doors located on opposing sides of an enclosed or unenclosed platform. Shallow depth cross-docks (such as those with less than seventy-five (75) feet between the opposing docks and/or doors, and with minimal area for storage) are typically associated with the “Truck Terminals” use classification.

Cultural Institutions. Non-profit institutions displaying or preserving objects of interest in one (1) or more of the arts or sciences. This classification includes libraries, museums, and art galleries.

Dance Club Hall. Any establishment where **the primary use is** a person or persons dance and where either: ~~(i) such persons pay admission to each dance except where admission charges are to be used for charitable, eleemosynary, educational, religious, or social groups which do not include the distribution of profits to the sponsors or members thereof; or (ii) such place is connected to a place where alcoholic beverages are sold. This definition includes, but is not limited to, any business establishment identified in San Leandro Municipal Code Section 4-4-100. See “Entertainment” for dancing at establishments other than dance halls.~~

Day Care, Child or Adult. General. A state-licensed facility ~~Commercial business and institutions that provides~~ care for **adult clients or minor children** ~~persons on a for~~ **periods of** less than twenty-four (24) hours ~~basis~~ **per day for any client.** ~~This classification is exclusive to those facilities licensed by the State of California, and~~ **These facili-**

ties include the following, all of which are classified and required to be licensed by the California State Department of Social Services. This does not include employer-run day care services that are provided as an accessory use to an established business. includes nursery schools, preschools, and day-care centers for children or adults, but excludes smaller facilities that conform to the definitions for the “Day Care, Large Family” and “Day Care, Limited” use classifications. **For San Leandro zoning purposes, the categories are defined as follows:**

Day Care, General. As defined by California Health and Safety Code, any child or adult day care facility other than a family day care, and includes infant centers, preschools, extended day care facilities, and school age child care centers.

Day Care, Large Family. A day care facility in a single residence where an occupant of the residence provides family day care for seven to fourteen (14) clients, inclusive, including adult clients and children under the age of ten (10) years who reside in the home.

Day Care, Limited. A day care facility in a single residence where an occupant of the residence provides family day care for six (6) adults; or six (6) children, and up to eight (8) children, without an additional adult attendant, if all the following conditions are met: a) at least one (1) child is enrolled in and attending kindergarten or elementary school and a second child is at least 6 years of age; b) No more than two (2) infants are cared for during any time when more than six (6) children are being cared for; c) The licensee notifies each parent that the facility is caring for two (2) additional school-age children at the time there may be up to seven (7) or eight (8) children in the home at one time; d) The licensee obtains written consent of the property owner when the family day care home is operated on the property that is leased or rented. These limits are inclusive of children under the age of ten (10) years who reside at the home.

Day Care, Large Family. Non-medical care and supervision of more than six (6) but less than fifteen (15) children in a provider’s own home, on a less-than-twenty-four (24) hour basis and includes only those facilities licensed by the State of California. , butThis excludes smaller facilities that conform to the definitions for the “Day Care, Limited” use classification (which may provide care for up to eight (8) children, if certain conditions are met). Large family day care homes are mid-scale operations, intended to provide service for a limited number of persons in a residential setting, as prescribed by the State of California, and as regulated by Section 2-516: “Large Family Day Care Homes.” Such limits are as follows, or as prescribed by changes to State code subsequent to July 16, 2001: A “Large family day care home” H&SC 1596.78(b) provides family day care for twelve (12) children, and up to fourteen (14) children, if all following conditions are met (H&SC 1597.465): a) at least two (2) of the children are at least six (6) years of age; b) No more than three (3) infants are cared for during any time when more than twelve (12) children are being cared for; c) The licensee notifies each parent that the

~~facility is caring for two (2) additional school-age children at the time there may be up to thirteen (13) or fourteen (14) children in the home at one (1) time; d) The licensee obtains written consent of the property owner when the family day care home is operated on the property that is leased or rented. These limits are inclusive of children under the age of ten (10) years who reside at the home.~~

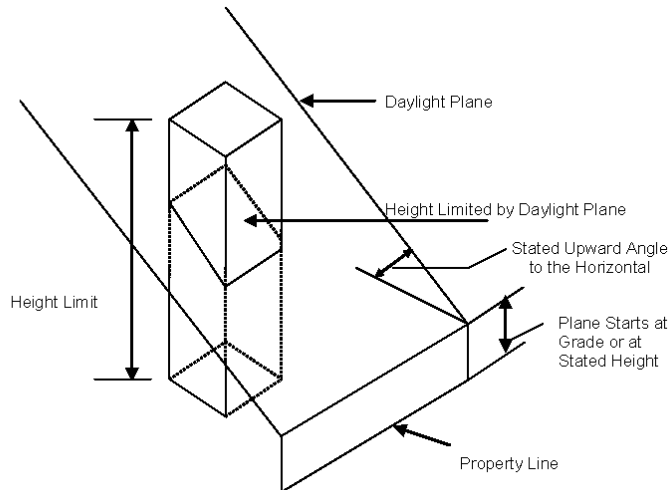
Day Care, Limited. ~~Non-medical care and supervision of persons, in the provider's own home, on a less than twenty-four (24) hour basis. This classification is exclusive to those facilities licensed by the State of California, and includes nursery schools, pre-schools, and day-care centers for children or adults. These are small-scale operations, intended to provide service for a limited number of persons in a residential setting, as prescribed by the State of California. Such limits are as follows, or as prescribed by changes to State code subsequent to August 15, 2001:~~

~~A. Adult care is limited to SIX (6) individuals.~~

~~B. Child care ("small family day care home" H&SC 1596.78(c)) is limited to SIX (6) children, and up to eight (8) children, without an additional adult attendant, if all the following conditions are met (H&SC 1596.44): a) at least two (2) of the children are at least six (6) years of age; b) No more than two (2) infants are cared for during any time when more than six (6) children are being cared for; c) The licensee notifies each parent that the facility is caring for two (2) additional school-age children at the time there may be up to seven (7) or eight (8) children in the home at one time; d) The licensee obtains written consent of the property owner when the family day care home is operated on the property that is leased or rented. These limits are inclusive of children under the age of ten (10) years who reside at the home.~~

~~This classification excludes larger facilities that conform to the definitions for the "Day Care, Large Family" and "Day Care, General" use classifications.~~

Daylight Plane. An inclined plane, beginning at grade or a stated height above grade at a side or rear property line, and extending into the site at a stated upward angle to the horizontal, which may limit the height or horizontal extent of structures at any specific point on the site where the daylight plane is more restrictive than the height limit applicable at such point on the site. Please refer to the Daylight Plane illustration below.



DAYLIGHT PLANE
(This diagram is illustrative)

Deck. A platform, either freestanding or attached to a building that is supported by pillars or posts (see also, “Balcony”).

Department Store. A retail sales use occupying at least sixty thousand (60,000) square feet of gross leasable area, that is operated subject to the overall management of a single entity or appears as such to the general public, and that sells a range of goods and services including men’s and women’s clothing, clothing accessories, and house wares and home furnishings. Department stores may also sell or provide a range of other goods or services such as appliances, electronic items, toys, giftware, specialty foods, financial or insurance services, travel services, coffee shops, etc., typically included or frequently found in businesses identified in the United States, as “department stores.”

Depth. See “Lot Depth.”

Detention Facilities. Publicly owned and operated facilities providing housing, care, and supervision for persons confined by law.

Distribution Line. An electric power line bringing power from a distribution substation to consumers.

District. A portion of the City within which the use of land and structures and the location, height, and bulk of structures are governed by this code.

Distinguished or Characterized by an Emphasis upon. The dominant or essential theme of the object described by such phrase. For instance, when the phrase refers to films “which are distinguished or characterized by an emphasis upon” the depiction or description of specified sexual activities or specified anatomical areas, the films so described are those whose dominant or predominant character and theme are the depiction or description of such activities or areas.

tion of the enumerated sexual activities or anatomical areas. See Pringle v. City of Corvina, 115 Cal.App.3d 151 (1981).

Domestic Violence Safe House. A single housekeeping unit that exclusively houses survivors of domestic abuse and their children. The adult house members are to be within a program that counteracts the impacts of domestic violence and may receives federal, state or City funding. House members agree to a program that maintains strict confidentiality of the safe houses' location, with unpublished phone and address numbers, a prohibition on mail deliveries, and limitations or prohibition of visits from friends or family.

Drive-up Facility. Service of food, goods or services from a building to persons in vehicles.

Drugstore. Establishments which have the primary use devoted to the sale of miscellaneous household items, including hair products, various toiletries, food items, housekeeping supplies, stationery supplies, etc. and which include the sale of prescription and non-prescription drugs as an accessory use.

Dwelling, Duplex. A building containing two (2) dwelling units.

Dwelling, Multi-Family. A building containing three (3) or more dwelling units.

Dwelling, Secondary Unit. See "Secondary Dwelling Unit."

Dwelling, Single-Family. A building containing one (1) dwelling unit

Dwelling Unit. One (1) room, or a series of rooms, ~~that are interconnected via habitable interior spaces,~~ that provides not more than one (1) kitchen and one (1) or more bathrooms, and is intended for occupancy by a single housekeeping unit. An individual dwelling unit is characterized by a single main pedestrian entry, with all other points of entry being visually subordinate, and an interior stairway provided between all stories.

Electronic Cigarette-Related Products. Any electronic device that can provide an inhalable dose of nicotine by delivering a vaporized solution, as defined by California Health and Safety Code Section 119405(b), or any electronic device designed to vaporize a liquid solution that releases flavored vapor and the use or inhalation of such device simulates smoking. This definition shall include any substance containing nicotine or a flavored liquid solution for vaporization through an electronic cigarette, including any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body, but does not include any cessation product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence.

Emergency Health Care. Facilities providing emergency medical service with no provision for continuing care on an inpatient basis.

Entertainment Events Activities. Regulations pertaining to Entertainment **Events** Activities, defined as a use classification by this Code, apply to the following **events** activities where they occur on a scheduled basis **more than six (6)** ~~three (3)~~ or more days during a calendar year on the site of any permitted or conditionally permitted use, excluding **events** activities for the non-profit, charitable or educational purposes of public or private institutional uses. **Entertainment events are further defined as events advertised as a stand-alone event with a set start or end time, or where separate admission is charged.**

- A. A musical, theatrical, wrestling, ~~dance recital~~, cabaret, or comedy act performed by one (1) or more persons, regardless of whether performers are compensated;
- ~~B. Any form of dancing by patrons or guests at a business establishment not otherwise regulated as either a "Dance Hall" or an "Instruction and Improvement Services" use classification;~~
- ~~B.C. A fashion show, except when conducted within an enclosed building used primarily for the manufacture or sale of clothing;~~
- ~~D. Any form of recorded entertainment using amplified recorded music, such as karaoke systems;~~
- ~~D.E. Televised events, or with such features as "big screen" projection systems.~~

Equipment Sales. The sale of large products for commercial and industrial use, e.g. X-ray machines, photocopy machines, etc.

Establishment of an Adult-Oriented Business. As used herein, to establish an adult-oriented business shall mean and include any of the following:

- A. The opening or commencement of any Adult-Oriented Business as a new business;
- B. The conversion of an existing business, whether or not an Adult-Oriented Business, to any Adult-Oriented Business defined herein;
- C. The addition of any of the Adult-Oriented Businesses defined herein to any other existing Adult-Oriented Business;
- D. The relocation of any such Adult-Oriented Business; or
- E. The expansion of the floor area of an existing Adult-Oriented Business by twenty-five percent (25%), or more.

Family. A person or a group of persons living together and maintaining a common household. (See “Single Housekeeping Unit”.)

Farmers’ Market. The outdoor sale of products, including but not limited to fresh fruits, nuts, vegetables, baked goods, meats and seasonal decorative items such as flowers and Christmas wreaths made from natural materials grown by the vendor, with sales taking place between the consumer and the farmer at tables, booths or similar temporary stands.

Fast Food Establishments, Large Scale. Establishments that primarily offer quick, take-out food service, with a menu of items that are either already prepared and held for service, or can be assembled, prepared, fried, or griddled quickly. This classification differs from “Restaurants, Full-Service” in that, generally, orders are not taken at the customer’s table; food is served in disposable wrapping or containers with disposable utensils; and limited or no table service is provided. Seating, if provided, typically consists of fixed chairs or benches. This classification excludes coffee and tea-houses, ice cream/frozen yogurt parlors and other food/beverage retailers within the “Cafés” classification. This classification applies to establishments with two thousand (2,000) square feet or more in gross floor area, and greater than one thousand (1,000) square feet of public dining area. Also see “Fast Food Establishments, Small Scale.”

Fast Food Establishments, Small Scale. Establishments conforming to the “Fast Food Establishments, Large Scale” classification, but with less than two thousand (2,000) square feet in gross floor area, or less than one thousand (1,000) square feet of public dining area.

Fence. An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

Financial Institutions, Check Cashing and Personal Loan Services. Businesses whose primary purpose is to provide limited financial services to individuals, such as check cashing, deferred deposit loans and loans on vehicle titles. This includes, but is not limited to, check cashers, payday advance businesses and other businesses regulated by the State of California’s Check Cashier Permit Program, per the California Civil Code, Section 1789. A financial institution, check cashing, or personal loan services use in conjunction with another use will be considered accessory to the use if said use is not advertised outside the business premises or by signs visible from the outside of the building.

Financial Institutions, Retail. Financial institutions that provide retail banking services to individuals and businesses. These institutions include banks, savings and loans, credit unions, security brokers and real property lending institutions. It does not include check cashing or payday advance (see “Financial Institutions, Check Cashing, and Personal Loan Services”).

First Story. See “Story, First.”

Exhibit A: Proposed Amended Article 3

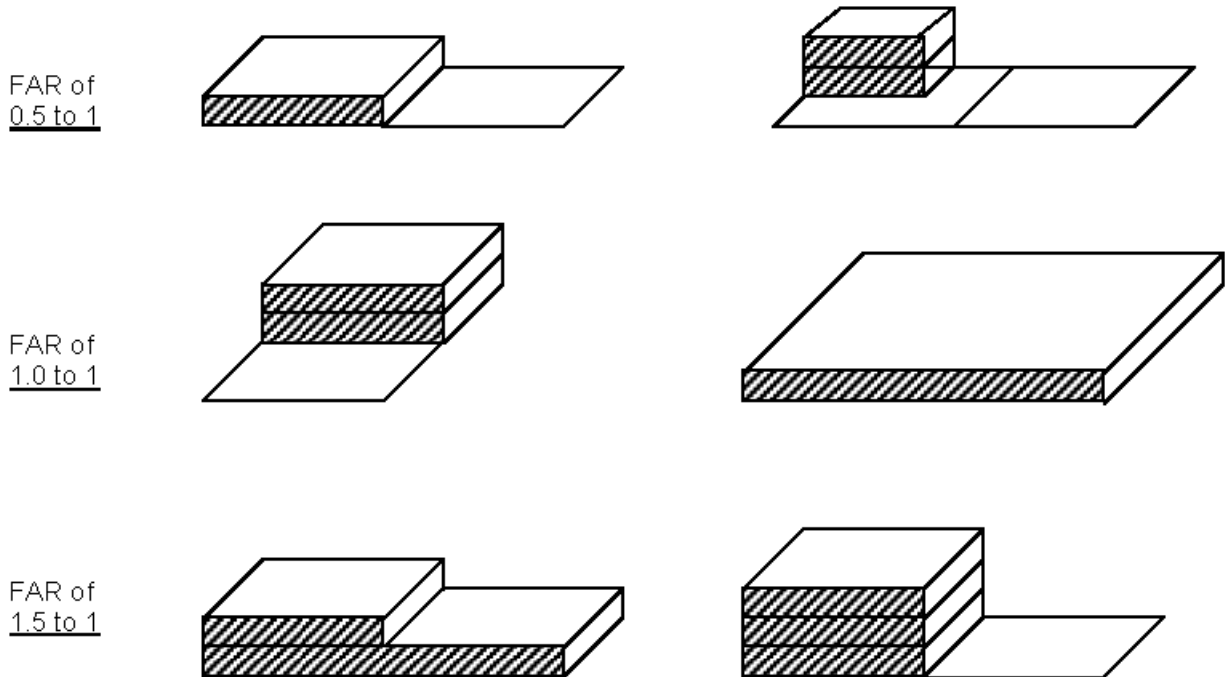
Page 19

Note: **underline and bolded** text represents new text; ~~strike-through~~ text represents text to be eliminated

Floor Area, Gross. The total enclosed area of all floors of a building, other than a single-family home in a RO or RS District, measured to the outside face of the structural members in exterior walls, and including halls, stairways, mezzanines, elevator shafts at each floor level, service and mechanical equipment rooms, and basement or attic areas having a height of more than seven (7) feet. For measure of floor area in a single-family home, refer to Section 2-578: Residential Site Plan Review - Measure of Floor Area and General Requirements.

Floor Area, Residential. The measure of floor area in a single-family home in an RO or RS District. Refer to Section 2-578: Residential Site Plan Review - Measure of Floor Area and General Requirements.

Floor Area Ratio (FAR). The gross floor area of a building, excluding the area used exclusively for vehicle parking and loading divided by the total lot area of the parcel on which the building is situated. Please refer to the Floor Area Ratio illustration below.



FLOOR AREA RATIO
(The diagram is illustrative)

Food Processing, General. Establishments engaged in the manufacturing or processing of food or beverages for consumption and wholesale distribution where the processing of food is primarily from raw materials or involves complex food packaging. This classification includes **breweries and** establishments where the food processing may involve noxious or unpleasant odors.

Food Processing, Limited. Establishments engaged in the manufacturing or processing of food or beverages for consumption and wholesale distribution where the processing of food is primarily from previously prepared foodstuffs or is limited in nature. This classification excludes establishments where the food processing involves noxious or unpleasant odors.

Footprint. The ground area covered by a building excluding projections beyond the exterior walls, such as eaves, balconies and bay windows, that do not extend to grade.

Fortune-Telling Establishment. Any business establishment where a person purports to predict or influence future events through any magic, mystical, supernatural, occult, psychic, extrasensory, or metaphysical techniques. ~~the telling of fortunes, forecasting of futures, or furnishing of any information not otherwise obtainable by the ordinary process of knowledge, by means of any occult, psychic power, faculty, force, clairvoyance, clairaudience, cartomancy, psychology, psychometry, phrenology, spirits, tea leaves, or other such reading, mediumship, seership, prophecy, augury, astrology, palmistry, necromancy, mind reading, telepathy, or other craft art, science, cards, talisman, charm, potion, magnetism, magnetized article or substance, gypsy cunning or foresight, crystal gazing, oriental mysteries of magic, of any kind or nature is performed for compensation of any kind.~~

Freight Forwarding Services. See “Parcel Processing and Shipping Centers” and “Truck Terminals.”

Frontage. The linear length of a building or lot facing a public way that contains a public entrance.

Furniture, Electronic, and Appliance Sales. Establishments retailing the following goods as their primary business: furniture, electronic equipment, and appliances. This classification excludes retailers who sell furniture, electronics and appliances as a part of a Department Store or Retail Sales services, Big Box classification.

Game Center. A commercial establishment, which contains more than four (4) pin-ball machines, computer games, electronic video games, or any other similar games or devices, for the use of which fees are paid directly into the machines or to an operator regardless of whether the devices constitute the primary use or accessory or incidental use of the premises. This does not include games of chance, internet sweepstakes, or any gambling activities, which are not permitted in any zoning district in the City. ~~arcade games. This includes activities or establishments that provide a simulated war or battle experience.~~

Garage, private. A building for the private use of the owner or occupant of a principal building with a permanent roof, situated on the same lot as the principal building and designed for the storage of motor vehicles, with no facilities for mechanical service or repair of a commercial or public nature; see also the definition of “carport.”

Garage, storage. A structure or part thereof used for the storage, parking or servicing of motor vehicles, but not the repair thereof.

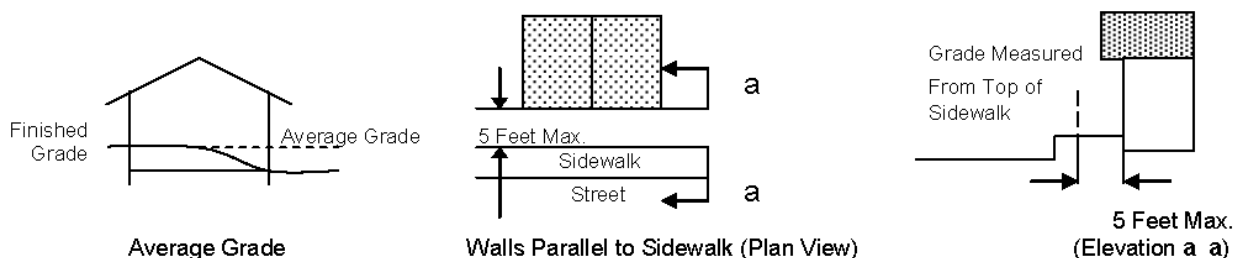
Garage and Yard Sales. Sales in an R district of personal property on an occasional basis, not exceeding two (2) times per year and on the premises of the property owner or the premises of a residential property in the immediate vicinity.

General Plan. The City of San Leandro General Plan, as amended.

Government Offices. Administrative, clerical, or public contact offices of a government agency, including postal facilities, together with incidental parking, storage and maintenance of vehicles.

Grade, Existing. The surface of the ground or pavement at a stated location as it exists prior to disturbance in preparation for a project regulated by this ordinance.

Grade, Finished Ground Level. The lowest point of elevation of finished ground level within the area between a building and the property line or where the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building. In cases where walls are parallel to and within five (5) feet of a sidewalk, the finished ground level shall be measured at the sidewalk. Please refer to the Grade Standards illustration below.



GRADE STANDARDS
(The diagram is illustrative)

Grade, Street. The top of the curb, or the top of the edge of the pavement or traveled way where no curb exists.

Group Housing. Shared living quarters, with a congregate arrangement, where meals are provided in a common dining area, and either no or limited cooking facilities are provided within the individual rooms or units. This classification includes rooming or boarding houses, private residential clubs, congregate and/or assisted care facilities for the elderly or handicapped, shelters for the homeless, and housing or individuals requiring court ordered supervision, but excludes “residential hotels,” “motels,” “convalescent facilities,” and “residential congregate care facilities” use classifications.

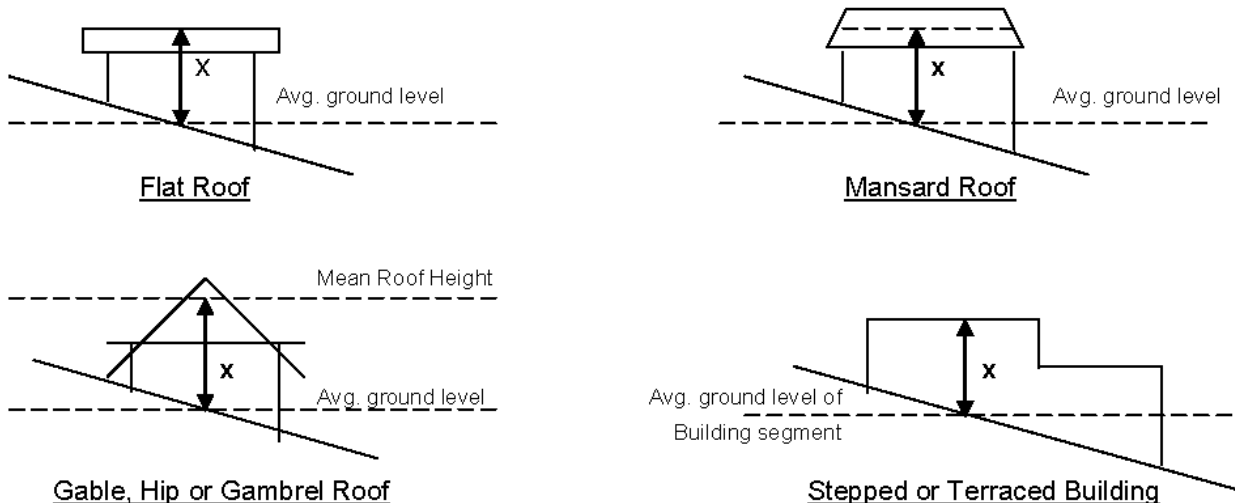
Gun or Weapon Shop. A business establishment principally engaged in the business of selling firearms, ammunition or other “deadly weapon” as defined in Part 4, Title 2 of California Penal Code (commencing with section 12000).

Habitable accessory structure. A detached, 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 and contains some or all of the required amenities and some or all of the allowed amenities.

Health and Fitness Centers. Establishments with equipment for exercise and physical conditioning. This classification includes spas, gyms, tennis clubs, racquet ball clubs, pools, **sports courts and fields, climbing walls, skating rinks, batting cages,** diet centers, reducing salons, fitness studios, health studios, and massage therapy as an accessory use to another health and fitness center use. **Any such facilities that offer alcoholic beverage service shall be defined as Commercial Recreation.**

Hedge. Any arrangement of plants or trees forming a barrier or erected to enclose or screen areas of land and obstructing the clear view.

Height. A vertical dimension measured from finished ground level of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The height of a stepped or terraced building is the maximum height of any segment of the building, unless otherwise specified, to the highest point. Please refer to the Building Height illustration below. (For a definition of “height” in relation to Telecommunication antennas and towers, see Section 4-1686: Wireless Telecommunications Facilities {as per Ordinance No. 98-009}; and for definition of height restrictions in the RS-VP sub-district, refer to Section 2-536.C).



BUILDING HEIGHT
(The diagram is illustrative)

Home Improvement and Interior Decoration. Establishments retailing the following goods: paint, wallpaper, carpeting, tile, floor coverings, plumbing fixtures, lighting fixtures, cabinets, countertops and other kitchen fixtures, window coverings, windows, and doors.

Homeless Shelters. Facility limited to twenty-five (25) beds and subject to the following requirements: the facility has an adopted management plan that includes hours and staffing; the facility provides sufficient waiting room, parking and loading facilities; and that twenty-four (24) hour male and female toilets, showers and private lockers are provided.

Home Occupation. Occupations conducted in a dwelling unit, portions of the garage not required for parking, or accessory building in a residential district that are incidental to the principal residential use of a lot or site and which meet the conditions of Section 2-514. **This definition does not include “cottage food operations” defined separately herein.**

Horticulture, Limited. The raising of vegetables, flowers, ornamental trees, and shrubs as a commercial enterprise, provided that no nursery equipment or materials shall be stored and no structures erected. Commercial horticulture accessory to a dwelling unit shall be regulated as a home occupation **in the RO District, only, per Section 2-504.**

Hospitals. Facilities providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons, primarily on an inpatient basis. This classification includes incidental facilities for outpatient treatment, as well as training, research, and administrative services for patients and employees.

Hotels, Motels, and Time-Share Facilities. Establishments offering lodging on a less than weekly basis, ~~and having kitchens in no more than sixty percent (60%) of guest units.~~ This classification includes eating, drinking, and banquet service as accessory uses if under the direct control of the primary use.

Industrial Transfer/Storage/Treatment Facilities for Hazardous Waste: Any hazardous waste management facility, which is not a small-scale transfer and storage facility or a residuals repository. This facility category includes but is not limited to:

- A. Manifested waste transfer station
- B. Recycling facility
- C. Aqueous treatment facility
- D. Stabilization and solidification facility
- E. Bioremediation facility

Industry, Custom. Establishments primarily engaged in on-site production of goods by hand manufacturing involving the use of hand tools and small-scale equipment.

Industry, General. Manufacturing of products, primarily from extracted or raw materials, or bulk storage and handling of such products and materials. Uses in this classification typically involve a high incidence of truck or rail traffic, and/or outdoor storage of products, materials, equipment, or bulk fuel. This classification includes chemical manufacture or processing, laundry and dry cleaning plants, auto dismantling within an enclosed building, ~~oil and gas refining,~~ **and** stonework and concrete products manufacture, ~~and power generation.~~ This classification excludes the processing of recycled materials as a facility regulated by Section 4-1646: Recycling Facilities.

Industry, Hazardous Materials or Hazardous Waste. Any use which involves the storage, transfer, processing, recycling, or long term disposal (residuals repository) of substantial quantities of hazardous or toxic materials or wastes.

Industry, Limited. Manufacturing of finished parts or products, primarily from previously prepared materials; and provision of industrial services; both within an enclosed building. This classification includes processing, fabrication, assembly, treatment, and packaging, but excludes basic industrial processing from raw materials, vehicle/equipment repair services, and the processing of recycled materials as a facility regulated by Section 4-1646: Recycling Facilities.

Industry, Research and Development. Establishments primarily engaged in the research, development, and controlled production of high-technology electronic, industrial or scientific products or commodities for sale, but excludes uses that may be objectionable **as determined by** ~~in the opinion of~~ the Zoning Enforcement Official, by reason of production of offensive odor, dust, noise, vibration, or storage of or risk associated with hazardous materials. Uses include biotechnology firms, metallurgy, optical, pharmaceutical and X-ray research, data processing, and non-toxic computer component manufacturers.

In-law Unit. See "Secondary Dwelling Unit."

Instruction and Improvement Services. Provision of instructional services or facilities, including photography, fine arts, crafts, dance or music studios, martial arts studios, and driving schools.

Internet Sweepstakes Center. A commercial establishment which sells a service -- such as the ability to browse the world wide web or Internet, create and print documents, shop online, play games, watch video and video-related media, fax documents, use telephone services -- and also provides customers with promotional sweepstake entries to obtain a prize through predetermined odds via simulated casino-style games on a computer or other electronic device or via immediate disclosure on a computer or other electronic device or via immediate disclosure from an employee.

Junk Yard. An outdoor space where waste, discarded or salvaged materials in excess of the normal accumulation from the use of the premises are stored or handled.

Exhibit A: Proposed Amended Article 3

Page 25

Note: **underline and bolded** text represents new text; ~~strike-through~~ text represents text to be eliminated

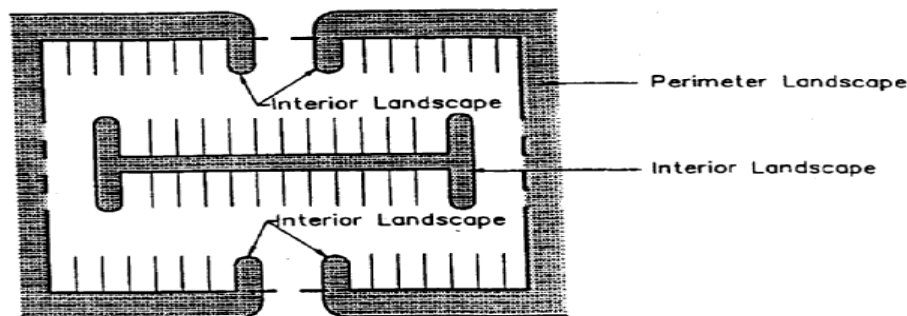
Kitchen. An area designed, intended or used for the preparation of food or a combination of facilities and appliances designed, intended or used for the preparation of food. The kitchen of a dwelling unit is typically that area inside the unit that serves as its primary food preparation area, and is characterized by the provision of both a refrigerator and range requiring either a 220-volt electrical connection, or is fueled by gas (e.g. LP gas, natural gas, white gas).

Laboratories. Establishments providing medical or dental laboratory services; or establishments with less than two thousand (2,000) square feet providing photographic, analytical, or testing services. Other laboratories are classified as Limited Industry.

Landscaping. An area devoted to or developed and maintained with native or exotic plantings, lawn, ground cover, gardens, trees, shrubs, and other plant materials, decorative outdoor landscape elements, pools, fountains, water features, paved or decorated surfaces of rock, stone, brick, block, or similar material (excluding driveways, parking, loading, or storage areas), and sculptural elements. Plants on rooftops or porches or in boxes attached to buildings are not considered landscaping.

Landscaping, Interior. The shortest circumference of a landscaped area or areas defining the perimeter or exterior boundary of the parking or loading area, or similar paved area, excluding driveways or walkways providing access to the facility (as applied to parking and load facilities or to similar paved areas). Please refer to the Landscaping: Perimeter/Interior illustration.

Landscaping, Perimeter. A landscaped area adjoining and outside the shortest circumferential line defining the exterior boundary of a parking or loading area, or similar paved area, excluding driveways or walkways providing access to the facility (as applied to parking and loading facilities or to similar paved areas). Please refer to the Landscaping: Perimeter/Interior illustration.



Landscaping: Perimeter/Interior
(The diagram is illustrative)

Liquor Stores. A retail store principally involved in the business of selling alcoholic beverages, including “hard liquor,” for the consumption off the premises where sold. This classification includes stores or facilities that are covered by a State license for “general alcohol sales” (Class 21 ABC license).

Live-Work. A structure or complex of structures that integrates space for both residential and nonresidential uses within individual units. Nonresidential uses shall operate to allow the “quiet enjoyment” expectations of neighbors. Such uses should operate with limited noise, odor and other similar impacts, consistent with applicable city ordinances. Ratios between the residential and nonresidential uses may be established as part of staff review.

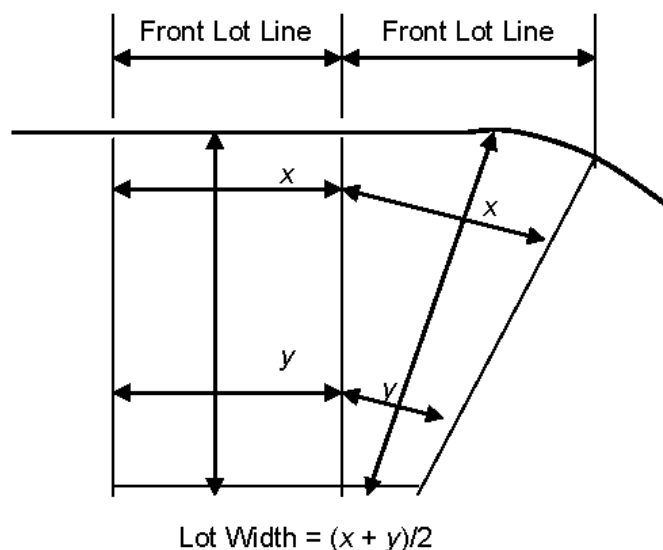
~~**Live/Work Unit.** A unit with both residential and nonresidential uses and where neither use is subordinate to the other.~~

Lot. A site or parcel of land under one (1) ownership that has been legally subdivided, re-subdivided, or combined.

Lot, Corner. A site bounded by two (2) or more adjacent street lines that have an angle of intersection of not more than 135 degrees. For corner lots, the owner may select either street frontage line as the front lot line, subject to approval of the Zoning Enforcement Official.

Lot Coverage. See “Coverage, Lot or Site”.

Lot Depth. The horizontal distance from the midpoint of the front-lot line to the midpoint of the rear-lot line, or to the most distant point on any other lot line where there is no rear-lot line. Please refer to the Lot Depth and Lot Width illustration.



LOT DEPTH AND LOT WIDTH

(The diagram is illustrative)

Lot, Double-Frontage. An interior lot having frontage on more than one (1) street. Each frontage from which access is permitted shall be deemed a front lot line.

Lot or Property Line, Interior. A lot line not abutting a street.

Lot or Property Line, Rear. A lot line, not a front lot line, that is parallel or approximately parallel to the front lot line. Where no lot line is within forty-five degrees (45°) of being parallel to the front lot line, a line ten (10) feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, shall be deemed the rear lot line for the purpose of measuring rear yard depth.

Lot or Property Line, Side. Any lot line that is not a front lot line or a rear lot line.

Lot or Property Line, Street. A lot line abutting a street.

Lot Width. The mean of the horizontal distance between the side lot lines measured at right angles to the lot depth at points twenty (20) feet from the front lot line and twenty (20) feet from the rear lot line, or from the rearmost point of the lot depth in cases where there is no rear lot line. Please refer to the Lot Depth and Lot Width illustration.

Maintenance and Repair Services. Establishments providing appliance repair, office machine repair, or building maintenance services. This classification excludes maintenance and repair of vehicles (see Vehicle/Equipment Repair); or boats or ships (see Marine Sales and Services).

Manufactured Home. A dwelling unit manufactured elsewhere and placed on a building site as regulated in Section 2-568 and constructed in accord with State of California standards for manufactured homes and with the National Manufactured Housing Home Construction and Safety Standards Act of 1974, (42 U.S.C., Section 5401, et seq.), as amended. This definition is intended to include mobile homes and modular homes, which meet federal and state standards for manufactured homes.

Marinas. Water basins with docks, mooring facilities, supplies and equipment for boats.

Marine Sales and Services. Establishments providing supplies and equipment for pleasure boating. Typical uses include chandlery, yacht brokerage and sales, boat rentals, and boat yards.

Marquee. See "Canopy."

Massage Therapy. Establishments providing massage service which comply with all local and state regulations (~~See San Leandro Municipal Code Sections 4-23-100 through 4-23-605~~)

Medical Supply Stores. Establishments that sell medical supplies and equipment.

Mini-Warehouse. See “Public Storage.”

Mixed-Use Residential. One (1) or more dwelling units in a building with another principal use. This classification includes housing above retail establishments in a commercial area.

Mobile Food Vending. ~~A person engaged in the sale of food from a handcart or other small, self-propelled, or tow-able cart.~~ any motorized or trailer vehicle, designed to be portable and not permanently attached to the ground, from which only food and beverages are sold, served free or sampled, displayed or offered for sale, as regulated by the San Leandro Municipal Code.

Mortuaries. Establishments where dead bodies are kept until burial. This classification includes funeral homes, but excludes cremation.

Multi-Family Residential. Three (3) or more dwelling units in a single building on a site.

Municipal Code. The Municipal Code of the City of San Leandro, as amended.

Neighborhood/Specialty Food Markets. Neighborhood grocery stores, and stores specializing in particular or distinctive food items, including but not limited to retailers whose primary business maintains a wide inventory of gourmet, health, or ethnic food items not commonly found in area Supermarkets or Convenience Stores. This classification also includes delicatessens, confectioneries, full service bakeries, butcher, fish and poultry shops, and produce markets, and may also include a sandwich shop as an accessory use. Also see “Convenience Stores.”

Nonconforming Structure. A structure, which was lawfully erected but that does not conform to the development standards for lot coverage, setbacks, height, number of stories, distance between structures, or floor area ratio prescribed in the regulations for the district in which the structure is located by reason of adoption or amendment of this code or by reason of annexation of territory to the City.

Nonconforming Use. A use of a structure or land, which was lawfully established and maintained, but that does not conform with the use regulations for the district in which it is located by reason of adoption or amendment of this code or by reason of annexation of territory to the City. A use that does not conform to the parking or loading regulations applicable to the district in which it is located shall not be considered a nonconforming use solely because of one (1) or more of these nonconformities.

Nonhabitable accessory structure. A detached 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.

Nurseries. Establishments in which all merchandise other than plants is kept within an enclosed building or a fully screened enclosure, and fertilizer of any type is stored and sold in package form only.

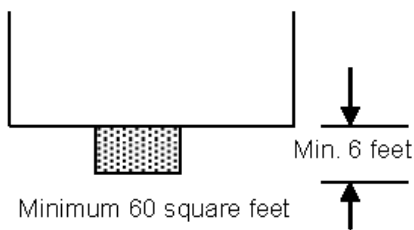
Offices, Business and Professional. Offices of firms or organizations providing professional, executive, management, or administrative services, such as architectural, engineering, real estate, insurance, investment, legal, dental laboratories, and medical/dental offices. This classification includes firms developing software or providing Internet-based services, and medical/dental laboratories incidental to an office use, but excludes financial institutions.

Off-Street Loading Facilities. A site or portion of a site devoted to the loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives, and landscaped areas.

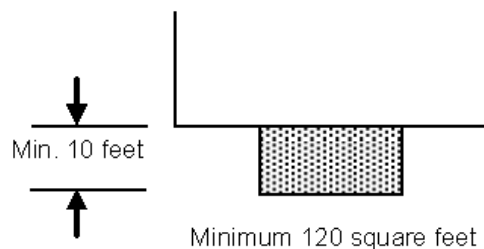
Open Space, Common. Usable open space with a minimum dimension of ten (10) feet in any direction and a minimum area of three hundred (300) square feet. (Also, see Section 2-558: RM District—Multi-Family Dwellings, Requirements for Open Space.)

Open Space, Private. A usable open space adjoining and directly accessible to a dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests and which is any of the following (Also see Section 2-558: RM District—Multi-Family Dwellings, Requirements for Open Space.)

- A. A private balcony attached to a dwelling unit with a minimum area of sixty (60) square feet and a minimum horizontal dimension of six (6) feet.
- B. A private porch, deck, patio, or court with a minimum horizontal dimension of ten (10) feet and a minimum area of one hundred twenty (120) square feet.



PRIVATE BALCONY (A)



PRIVATE DECK, PATIO, PORCH OR COURT (B)

OPEN SPACE, PRIVATE
(The diagram is illustrative)

Open Space, Total. The sum of private open space and common open space.

Open Space, Usable. Outdoor or unenclosed area on the ground, or on a balcony, deck, porch or terrace designed and accessible for outdoor living, recreation, pedestrian access or landscaping, but excluding parking facilities, driveways, utility or service areas, or any required front or street side yard and excluding any land area with a slope in excess of twenty percent (20%).

Opposite. Walls, windows, signs, districts, or property lines shall be deemed opposite if a line perpendicular to the widest horizontal dimension would intersect the facing feature or boundary.

Outdoor Sales. ~~Sales conducted other than entirely within an enclosed building.~~

Parcel Processing and Shipping Facilities. Establishments for the processing and/or re-distribution of parcels or products, including but not limited to air and ground cargo receiving and distribution centers. This classification includes “Parcel Processing and Shipping Facilities” that provide incidental warehousing, but excludes “Truck Terminals” and parcel processing that is accessory to industrial, manufacturing or warehousing uses.

Park and Recreation Facilities. Noncommercial parks, playgrounds, recreation facilities, and open spaces.

Parking Lot. A site or portion of a site, that is accessible to the public, devoted to the off-street parking of employees’ and/or customers’ passenger vehicles and light trucks, including areas for parking spaces, aisles, access drives, and landscaped areas, and screening walls, fences, or hedges.

Parking Structure. An enclosed or semi-enclosed area containing a ceiling or roof, used primarily for the short-term or temporary parking of motor vehicles, constructed either above or below grade, freestanding, or as part of a commercial or residential building.

Pawn Shop. A business establishment engaged in the buying and selling of new or secondhand merchandise and offering loans secured by merchandise. ~~A pawn shop includes, but is not limited to any establishment identified in San Leandro Municipal Code Sections 4-9-100 through 4-9-505.~~

Pervious Surfaces. **Pervious surfaces are those that allow stormwater to infiltrate the underlying soils. Pervious surfaces shall include, but not be limited to, vegetative planting beds, porous asphalt, porous concrete, single-sized aggregate, open-jointed blocks, stone, pavers or brick that are loose-set and without mortar. Pervious surfaces are required to be contained so neither sediment nor the pervious surface discharges off the site.**

Permitted. Allowed without a requirement for approval of a use permit, temporary use permit, or other discretionary use approval under this code.

Pharmacies. Establishments that primarily sell prescription drugs.

Porch. A covered platform, usually having a separate roof, at an entrance to a dwelling, or an open or enclosed gallery or room, which is not heated or cooled, that is attached to the outside of a building.

Pre-existing. In existence prior to the effective date of this code.

Project. Any proposal for new or changed use, or for new construction, alteration, or enlargement of any structure that is subject to the provisions of this code.

Public Safety Facilities. Facilities for public safety and emergency services, including police and fire protection.

Public Storage. Storage in small individual spaces exclusively and directly accessible to a specific tenant and offered on a monthly or other limited basis. This classification includes mini-warehouses.

Public Transit Seating Sign. A replaceable panel for non-accessory advertising copy installed upon a fixed or movable bench intended for use by patrons of public transit systems.

Razor/Barbed Wire. A flat metal strip or band with regularly spaced sharp points or barbs and placed in continuous coils or strips on fences, buildings or other structures.

Real Estate Offices, Temporary. An office for the marketing, sales, or rental of real property.

Recycling facility. A center for the collection and/or processing of recyclable materials, and includes facilities for the drop-off, buyback, deposit, or return for redemption, of recyclable material. Recyclable material is reusable material including but not limited to aluminum, glass, plastic and paper which is intended for remanufacture or reconstitution for the purpose of using the altered form. A recycling facility consists of a reverse vending machine, collection facility, or processing facility, as defined in Section 4-1646 "Recycling Facilities". A recycling collection facility may also consist of a facility for the collection of reusable household goods or clothes by a charitable organization.

Recycling Centers. A facility for the recycling of waste paper, bottles, cans, or other materials, including small collection facilities and reverse vending machines. Also see Section 4-1646: Recycling Facilities.

A. **Certified.** A center certified by the State of California for redemption of waste materials having uniform redemption value or for any other recycling program.

- B. **Small Scale Hazardous Waste.** A center for the collection, short-term storage, transfer, or limited processing of hazardous waste from households, small businesses or other small-scale generators.

Recyclable materials. Residential, commercial and industrial materials or by-products, which are set aside, handled, packaged or offered for collection separate from garbage for the purpose of being processed and then returned to the economic mainstream in the form of commodities or products.

Recycling Facilities. A facility for the large scale collection and processing of recycled materials, as regulated by Section 4-1646: Recycling Facilities.

Regional Mall. A regional mall is defined as a complex of retail uses and related activity having a total gross leasable floor area of at least seven hundred thousand (700,000) square feet, plus associated parking and enclosed common space accessible to the public; having a wide range of retail uses including at least two (2) department stores; and selling or providing a wide range of related goods and services such as restaurants or food courts, banks or financial services, entertainment or recreation facilities, child care services, and the like.

Regularly Features. The term “regularly features” with respect to an adult theater or adult cabaret means a regular and substantial course of conduct. The fact that live performances which are distinguished or characterized by an emphasis upon the display of specified anatomical areas or specified sexual activities occurs on two (2) or more occasions within a 30-day period; three (3) or more occasions within a 60-day period; or four (4) or more occasions within a 180-day period, shall to the extent permitted by law be deemed to be a regular and substantial course of conduct.

~~**Research and Development Services.** Establishments primarily engaged in industrial or scientific research, including limited product testing. This classification includes electronics research firms or pharmaceutical or biological research laboratories, but excludes manufacturing, except of prototypes, or medical testing and analysis.~~

Residential Congregate Care Facilities. Use of a residence for the purpose of providing, for a fee, adult day care and/or twenty-four (24) hour-a-day, non-medical residential living accommodations, **day treatment, or foster agency services** FOR SEVEN (7) OR MORE INDIVIDUALS, and where the duration of stay is determined, in whole or in part, by the individual residents’ participation in group or individual activities, such as counseling, recovery planning, and medical or therapeutic assistance. **This classification includes facilities licensed by the State of California.** ~~This classification includes, but is not limited to, the following facilities as licensed by the State of California: “Health Facility” (H&SC1250 et.seq.), “Community Care Facility” (H&SC 1500 et.seq.), “Residential Care Facilities for the Elderly” (H&SC Section 1569 et.seq.), and “Alcohol/Drug Abuse Treatment Recovery or Treatment Facility” (H&SC Section 11384.11). Also see Section 2-518: Residential Congregate Care Facilities.~~

Residential Congregate Care Facilities, Limited. Use of a residence for the purpose of providing, for a fee, adult day care and/or twenty-four (24) hour-a-day, non-medical residential living accommodations, **day treatment, or foster agency services** FOR UP TO SIX (6) INDIVIDUALS, and where the duration of stay is determined, in whole or in part, by the individual residents' participation in group or individual activities, such as counseling, recovery planning, and medical or therapeutic assistance. **This classification includes facilities licensed by the State of California.** ~~This classification includes, but is not limited to, the following facilities as licensed by the State of California: "Health Facility" (H&SC1250 et.seq.), "Community Care Facility" (H&SC 1500 et.seq.), "Residential Care Facilities for the Elderly" (H&SC Section 1569 et.seq.), and "Alcohol/Drug Abuse Treatment Recovery or Treatment Facility" (H&SC Section 11384.11). Also see Section 2-518: Residential Congregate Care Facilities.~~

Residential Hotels. Buildings with six (6) or more guest rooms without kitchen facilities in individual rooms, or kitchen facilities for the exclusive use of guests, and which are also the primary residences of the hotel guests.

Residuals Repositories for Hazardous Waste: A hazardous waste disposal facility for collection of residual wastes, defined as the residues from hazardous waste treatment facilities after treatment, and other irreducible stabilized or detoxified hazardous wastes.

Restaurants, Full-Service. An establishment which serves food or beverages for consumption primarily on the premises. Food is cooked or prepared on the premises on a customer-demand basis. Generally, seating and tables for on-premises customer dining is provided, with table service (waiters or waitresses) and non-disposable tableware. This classification does not include Bars, Fast Food Establishments, or Cafés (see "Bars", "Fast Food Establishments, Large Scale" and "Fast Food Establishments, Small Scale" and "Cafés").

Retail Sales. The retail sale of merchandise not specifically listed under another use classification. This classification includes, but is not limited to **clothing stores, quality re-sale consignment stores,** and businesses retailing the following goods: toys, hobby supplies, handcrafted items, gift items, jewelry, books, cameras, photographic supplies, **music media** records, videos, ~~compact discs, laser discs, cassettes,~~ sporting goods (excluding uses where gun and ammunition sale are the primary use - see Gun or Weapon Shop definition), kitchen utensils, hardware, antiques **and vintage clothing stores,** art supplies and services, musical instruments, supplies, and services, office supplies, and bicycles.

Retail Sales, Big Box. Large-scale discount or wholesale stores that primarily serve a regional market.

Retail Sales, Outdoor. Retail sales of new merchandise on the site of a legally established retail business.

Retail Services. Provision of ~~recurrently needed~~ services of a personal nature. This classification includes barber and beauty shops, tattoo studios, seamstresses, tailors, shoe repair shops, dry cleaning businesses (excluding large-scale plants), photocopying, and self-service laundries. Retail Services excludes coin-operated self-service laundries and coin-operated dry cleaning businesses.

Roof Line. The top of the parapet or the midpoint between the eave line and the top of the roof. Where a building has several roof lines, the roof line for purposes of regulating the installation of a sign shall be the one belonging to that portion of the building on which or nearest to which the sign is located. For purposes of establishing sign height, where no building is located on the property, the roofline shall be twelve (12) feet above grade.

Roof Top. The covered surface of the uppermost story of a building.

Room, Habitable. A room meeting the requirements of the Uniform Housing Code for sleeping, living, cooking, or dining purposes, excluding such enclosed places as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, unfinished attics, foyers, storage spaces, cellars, utility rooms, garages, and similar spaces.

Rooming House. See “Boarding House.”

Schools, Public or Private. Educational institutions having a curriculum comparable to that required in the public schools of the State of California and meeting the requirements of the State compulsory education laws.

Secondary Dwelling Unit. An accessory dwelling unit attached or unattached to a single-family residence, as regulated by Section 2-576: Secondary Dwelling Units.

Secondhand Sales. The retail sale of used items, for example, used appliances and used clothing, by secondhand dealers. This classification excludes antique shops primarily engaged in the sale of used furniture and accessories other than appliances, as well as vintage clothing or consignment stores.

Semi-Nude. A state of dress in which clothing covers no more than the genitals, pubic region, areola of the female breasts, as well as portions of the body covered by supporting straps or devices.

Service Stations. Establishments engaged in the retail sale of gasoline or other motor fuels, lubricants, parts, and accessories for automobiles and light trucks. This classification includes incidental maintenance and repair of automobiles and light trucks, but excludes body and fender work or repair of heavy trucks or vehicles.

Setback Line. A line within a lot parallel to a corresponding lot line, which is the boundary of any specified front, side or rear yard, or the boundary of any public right-of-way (whether acquired in fee, easement, established as a future right-of-way line, or other-

wise) or a line otherwise established to govern the location of buildings, structures, or uses.

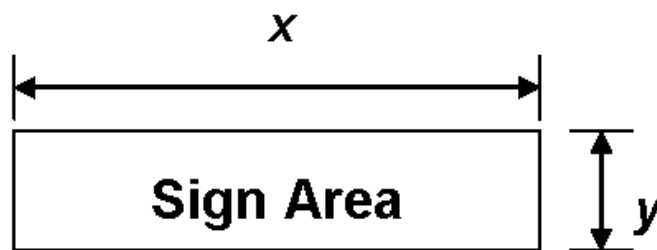
Sign. A visual communications device used to convey a message to its viewers. A sign shall mean and include every advertising message, announcement, declaration, insignia, surface or space erected or maintained for identification, advertisement or promotion of the interests of any person, entity, product or service. This shall include any sign located inside the store that is reasonably visible from the street.

Sign, Abandoned. A sign on a site or a structure which becomes vacant for a period of three (3) months or more; a sign erected for a previous occupant or business unrelated to the present occupant or business; a sign which pertains to a date, event or purpose, which no longer exists; structural supports to which no sign is attached.

Sign, Accessory. A sign which indicates the name of the property, the name or trademark of the person in possession and control of the property, or the business conducted, services rendered, goods produced, distributed or sold, entertainment offered or event to occur upon the property upon which the sign is installed.

Sign, Animated. Any sign which is designed to give a message through a sequence of progressive changes of parts or lights or degree of lighting, including, but not limited to reader board signs.

Sign Area. The area of each individual sign surface upon, against, or through which the message is displayed or illustrated. The area of a sign surface composed of characters, illustrations, backgrounds, or words attached directly to a wall or vertical surface of a building or structure shall be the area of the smallest rectangle, or series of contiguous rectangles that enclose such characters, illustrations or words.



Sign Area = x by y

SIGN AREA

(The diagram is illustrative)

Sign, Banner. A temporary sign composed of lightweight material either enclosed or not enclosed in a rigid frame.

Sign, Changeable Copy. A sign of which copy is changed manually or electrically.

Sign, Construction. A temporary sign identifying the persons, firms, or businesses directly connected with a construction or development project.

Sign, Directional. An on-premise incidental sign designed to guide or direct pedestrian or vehicular traffic.

Sign, Directly Illuminated. A sign, which is illuminated by means of light that travels directly from its source to the viewer's eye.

Sign, Flag. See "Sign, Freestanding."

Sign, Flashing. An illuminated sign, which exhibits changing light or color effect by blinking or any other such means, so as to provide a non-constant illumination.

Sign, Freestanding. A sign erected with a freestanding frame or support, mast or pole and not attached to any building. This includes "ground signs," "detached signs," "flag signs," "pole signs," and "monument signs."

Sign, Ground. See "Sign, Freestanding."

Sign, Incidental. A small sign intended primarily for the convenience of the public, pertaining to goods, products, services, or facilities, which are available on the premises where the sign occurs.

Sign, Indirectly Illuminated. A sign, which is illuminated by means only of light cast upon an opaque surface from a concealed source.

Sign, Interior-illuminated. A sign illuminated by a non-visible light source located within the sign.

Sign, Monument. A freestanding sign with a solid base with approximately the same length and width dimension on the sign.

Sign, Moving. Any sign or device that has any visible moving part, visible revolving part, or visible mechanical movement.

Sign, Nameplate. A sign designating (A) the name of a building; (B) the address of property; (C) the name of an occupant; or (D) the profession of an occupant.

Sign, Nonconforming. A sign that does not conform to the provisions of this code.

Sign, Off-Site Advertising. Any sign, which advertises goods, products, services, or facilities not necessarily sold on the premises on which the sign is located. These signs are also known as off-site signs, billboards, and poster panels.

Sign, Pedestrian Advertising Panel. A freestanding, fixed or movable structure incorporating two (2) or more replaceable panels for non-accessory advertising copy, located and designed primarily for viewing by pedestrians and not substantially legible from a public street.

Sign, Pole. See “Sign, Freestanding.”

Sign, Political. A sign designed for the purpose of soliciting support of, or opposition to, a candidate or proposition at a public election.

Sign, Portable. Any movable sign not permanently attached to the ground or a building, including but not limited to stick signs, A-frame signs, or pennant signs.

Sign, Projecting. A sign which is attached to and projects from the structure or building face and is not parallel to the structure to which it is attached.

Sign, Public Service Information. Any sign intended primarily to promote items of general interest to the community such as time, temperature, date, atmospheric conditions, news or traffic control, including warning signs.

Sign, Real Estate. Any temporary sign pertaining to the sale, exchange, lease, or rental of land or buildings.

Sign, Roof. Any sign erected upon, against, or directly above a roof or above the parapet of a building.

Sign, Rotating. Any sign or portion thereof, which physically revolves about an axis.

Sign, Special Events. A temporary sign advertising or pertaining to any civic, patriotic, or special event of general public interest taking place within the City.

Sign, Temporary. A sign, which is installed for a limited time.

Sign, Temporary Window. A sign painted or constructed of paper or other lightweight material and affixed to the interior or exterior side of a window or glass area on a building for a limited time.

Sign, Under-Canopy. A sign installed under a canopy, awning, or marquee.

Sign, Wall. Any sign posted or painted or suspended from or otherwise affixed to the wall of any building or structure in an essentially flat position, or with the exposed face of the sign in a plane approximately parallel to the plane of such wall. Any sign suspended from and placed approximately parallel to the front of a canopy, porch or similar covering structure shall be deemed to be a wall sign.

Sign, Wind. Flags, banners, pennants, or other similar devices, which consist of any material made in any shape that are fastened together in such manner as to move by wind pressure.

Sign, Window. A sign painted or constructed of paper or other lightweight material and affixed to the interior or exterior side of a window or glass area on a building.

Single-Family Residential. Buildings containing one (1) dwelling unit located on a single lot. This classification includes mobile home and factory-built housing.

Single Housekeeping Unit. An individual, family, or two (2) or more ~~unrelated~~ persons living together in a dwelling unit, in compliance with the provisions of the California Uniform Housing Code, and in which responsibilities for rent/mortgage, housekeeping, cooking, and other household maintenance chores are shared among the adult non-transient occupants. The definition of a “Single Housekeeping Unit” includes a “Domestic Violence Safe House,” but excludes Residential Congregate Care Facilities and Group Housing use classifications (e.g. homeless shelters and assisted living facilities). A single housekeeping unit is allowed to occupy any legal dwelling unit subject to the requirements of Section 2-520: Maximum Dwelling Unit Occupancy (i.e. occupancy by more than ten (10) adults requires a zoning permit).

Single Ownership. Holding record title, possession under a contract to purchase, or possession under a lease, by a person, firm, corporation, or partnership, individually, jointly, in common, or in any other manner where the property is or will be under unitary or unified control.

Site. A lot, or group of contiguous lots not divided by an alley, street, or other right-of-way that is proposed for development in accord with the provisions of this ordinance, and is in a single ownership or has multiple owners, all of which join in an application for development.

Site Coverage. See “Coverage, Lot or Site.”

Small Scale Transfer and Storage Facilities for Hazardous Waste. Facilities with waste streams small enough to be exempt from manifest requirements as described in California Health and Safety Code, Division 20, Chapter 6.5, Article 6. Wastes from any given generator must not exceed a total volume of five (5) gallons or a total weight of fifty (50) pounds. This definition includes household hazardous waste collection facilities.

Social Services Facility. A use that is operated by an organization that provides a variety of free services or goods to the community on a drop-in basis. Uses usually consist of “walk-in” clientele that utilize the facilities on a limited basis during a 24-hour period.

Specific Plan. A plan for a defined area that is consistent with the General Plan and with the provisions of the California Government Code pertaining to Specific Plans (Section 65450 et seq.).

Specified Anatomical Areas. As used herein, specified anatomical areas shall mean and include the following:

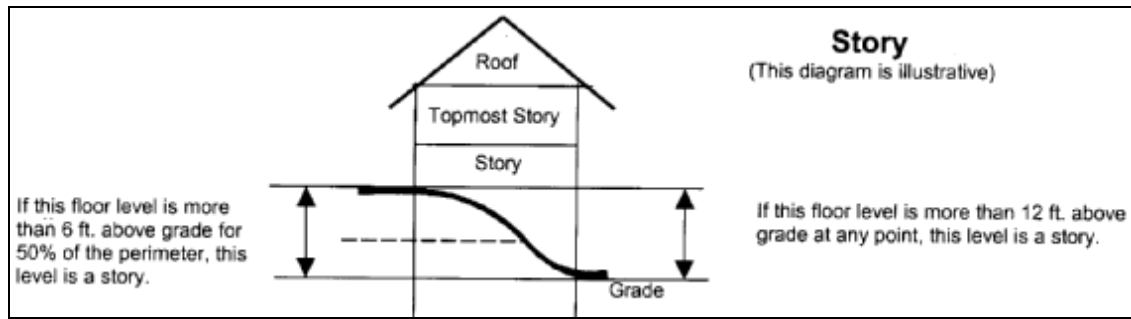
- A. Less than completely and opaquely covered human (i) genitals or pubic region; (ii) buttocks; and (iii) female breasts below a point immediately above the top of the areola;
- B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered; and
- C. Any device, costume, or covering that simulates any of the body parts included in subdivisions (A) or (B) above.

Specified Sexual Activities. As used herein, “specified sexual activities” shall mean and include any of the following, whether performed directly or indirectly through clothing or other covering:

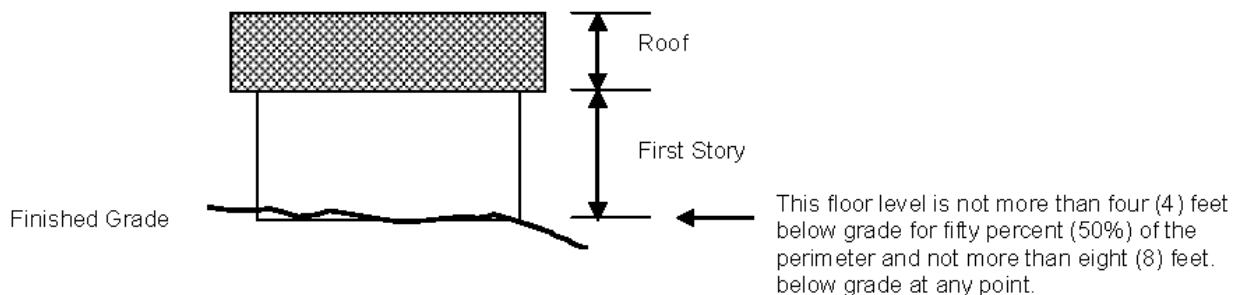
- A. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast;
- B. Sex acts, actual or simulated, including intercourse, oral copulation, or sodomy;
- C. Masturbation, actual or simulated; and
- D. Excretory functions as part of or in connection with any of the other activities described in subdivisions (A) through (C) of this subsection.

Stadia and Sports Arenas. Outdoor or enclosed areas devoted to commercial spectator sports or entertainment.

Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above it. If there is no floor above the uppermost floor, the space between such floor and the ceiling next above it shall be considered a story. If the finished floor level directly above a usable or unused floor space is more than six (6) feet above grade (for more than fifty percent (50%) of the perimeter, or is more than twelve (12) feet above grade at any point, such usable or unused under-floor space) shall be considered a story.



Story, First. The lowest story in a building. The lowest level of a building having two (2) or more levels is considered the “first story” when the floor level above is more than six (6) feet above grade for at least fifty percent (50%) of the total perimeter, or is more than twelve (12) feet above the exterior grade at any point. [If the floor level above the lowest level in NOT more than six (6) feet above grade for at least fifty percent (50%) of the total perimeter, or is NOT more than twelve (12) feet above the exterior grade at any point, the lowest level is considered a “basement” rather than the “first story” - also refer to definition of “basement”.]



STORY, FIRST
(This diagram is illustrative)

Story, Second. The story above a first story, as defined above. An addition to the upper level(s) of a multilevel hillside building is NOT considered a second story addition when the proposed addition is not directly above a “first story” (e.g., an addition built above a basement, crawlspace or at grade).

Street. A right-of-way permanently dedicated to common and general use by the public, including any avenue, drive, boulevard, or similar way, but not including any freeway or highway without a general right of access for abutting properties.

Street or Neighborhood Fairs. Provision of games, eating and drinking facilities, live entertainment, or similar activities conducted by a sponsor no more than once per year.

Structure. Anything constructed or erected that requires a location on the ground, including a building or a swimming pool, but not including signs, access drives, walks, a fence, or a wall used as a fence if the height does not exceed six (6) feet.

Supermarkets. Stores selling a wide variety of food and household items with a community-wide market area.

Swap Meets, Non-Recurring. Retail sale or exchange of handcrafted, or secondhand merchandise for a maximum period of forty-eight (48) hours, conducted by a sponsor no more than twice in any year.

Swap Meets, Recurring. Retail sale or exchange of handcrafted or secondhand merchandise for a maximum period of forty-eight (48) hours, conducted by a sponsor on a more than twice yearly basis.

Swim and Tennis Clubs. Establishments that have swimming and tennis facilities for members.

Swimming Pools and Hot Tubs. Water-filled enclosures having a depth of eighteen (18) inches or more used for swimming, recreation, or therapy.

Tattoo Studios Parlors. A business establishment principally engaged in the business of creating indelible marks or figures fixed upon the body by insertion of pigment under the skin or by production of scars for pay.

~~**Telecommunications Antennas and Towers.** Refer to Section 4-1686: Wireless Telecommunications Facilities (as per Ordinance No. 98-009).~~

Temporary Storage Containers. An enclosed container intended for the storage of goods for a short and specified period of time not to exceed ninety (90) days.

Temporary Use. An intermittent (not more than four times per year) commercial activity, the period of operation of which does not exceed ninety (90) days at any one time. A temporary use permit shall be obtained, per Article 22, Section 5-2222 Temporary Use Permits.

Theaters. An enclosed area for the presentation of motion pictures and entertainment activities.

Theaters, Small Scale. Theaters of less than one hundred (100) seats primarily used for community theater and motion pictures.

Theaters, Outdoor. An outdoor area for the presentation of motion pictures, performing arts, or lectures. This classification includes drive-in theaters and amphitheaters.

Tobacco-related products. Any substance containing tobacco including but not limited to cigarettes, cigars, chewing tobacco and dipping tobacco; cigarette papers; vaporizers; or any other instrument or paraphernalia for the smoking or ingestion of tobacco and products prepared from tobacco.

Tobacconist/Cigarette Stores. Businesses devoted primarily to the sale of tobacco-related and e-cigarettes, and e-cigarette-related products, as defined by 1) devoting twenty percent (20%) or more of total floor area or display area to or 2) deriving seventy-five percent (75%) or more of gross sale receipts from, the sale or exchange of tobacco-related products.

Trade Fairs. Display and sale of goods or equipment related to a specific trade or industry for a maximum period of seven (7) days.

Transfer Station. A transfer or processing station or stations which includes those facilities utilized to receive solid waste, recyclable or reusable materials, to temporary store, separate, convert or otherwise process such materials, or to transfer such materials directly from smaller to larger vehicles for transport, and those facilities utilized for such transformation.

Transmission Line. An electric power line bringing power to a receiving or distribution substation.

Travel Services. Establishments providing travel information and reservations to individuals and businesses. This classification excludes car rental agencies.

Tree, Mature. Any tree with a diameter of eighteen (18) inches or more, measured twenty-four (24) inches above existing grade.

Truck Terminals. Establishments whose sole purpose is to provide for the consolidation, division and/or distribution of bulk goods through the use of large trucks and trailers. This classification includes cross-dock trucking uses, which have only minimal warehousing facilities, and establishments that provide services to truck operators, including but not limited to re-fuelling and dispatching. Also, refer to definition of "Cross-Dock." (This classification excludes trucking activities accessory to industrial, manufacturing or warehousing uses, or to the "Parcel Processing and Shipping Facilities" use classification.)

Two-Family Residential. A building containing two (2) dwelling units on a single lot.

Use. The purpose for which land or a structure, or both, are designed, constructed, arranged or intended, or for which they are occupied or maintained, let or leased.

Use, Accessory. See "Accessory Uses and Structures."

Use, allowed. Any use which may take place in a particular zone district.

Used. This term includes the following meanings: arranged, designed, constructed, altered, rented, leased, sold, occupied, and intended to be occupied.

Utilities, Major. Generating plants, electrical substations, above-ground electrical transmission lines, switching buildings, data centers, ~~refuse collection, transfer, recycling or disposal facilities~~, flood control or drainage facilities, water or wastewater treatment plants, transportation or communications utilities, and similar facilities of public agencies or public utilities, but excluding wireless telecommunication facilities ~~antennas and towers~~, see Section 4-1686 ~~{as per Ordinance No. 98-009}~~. A structure that may have a significant effect on surrounding uses shall be regulated under this classification.

Utilities, Minor. Utility facilities that are necessary to support legally established uses and involve only minor structures such as electrical distribution lines, underground water and sewer lines, and recycling centers within convenience zones, as defined by the California Beverage Container Recycling and Litter Reduction Act.

Utility Rights-of-Way. Property substantially controlled by, and primarily used by, a public or private utility for high voltage transmission lines, flood control, railroad or similar purposes.

Vehicle/Equipment Repair, General. Repair of large commercial trucks [over six (6) wheels or over ten thousand (10,000) pounds], mobile homes, recreational vehicles or boats, including the sale, installation, and servicing of related equipment and parts.

Vehicle/Equipment Repair, Limited. Repair of automobiles, small trucks (e.g., pick-up trucks), or motorcycles, including the sale, installation, and servicing of related equipment and parts. This classification includes auto repair shops, body and fender shops, wheel and brake shops, stereo installation, and tire sales and installations, but excludes vehicle dismantling or salvage and tire re-treading or recapping.

Vehicle/Heavy Equipment Dealers, New. Sale or leasing of new automobiles, motorcycles, boats, trucks, tractors, construction or agricultural equipment, mobile homes, and similar equipment, including storage and incidental maintenance. This includes used car sales in connection with new car sales.

Vehicle/Heavy Equipment Dealers, Used. Sale or leasing of used automobiles of numerous model types, motorcycle, boats, trucks, tractors, construction or agricultural equipment, mobile homes, and similar equipment, including storage and incidental maintenance.

Vehicle /Heavy Equipment Dealers Limited, Used. Sale or leasing of used automobiles of numerous model types, motorcycles, boats, trucks, tractors, construction or agricultural equipment, mobile homes, and similar equipment, including storage and incidental maintenance, where no more than two (2) parking spaces are devoted for such use and where the purpose is to satisfy the requirements of the California Department of Motor Vehicles to provide an office location where customers can complete required paperwork and take possession of a vehicle purchased primarily via Internet activities or fleet sales. Display of vehicles "For Sale" is prohibited.

Vehicle/Heavy Equipment Rental. Rental of automobiles, trucks, trailers, and heavy equipment, including storage and incidental maintenance, but excluding maintenance requiring pneumatic lifts.

Vehicle Storage. Storage of operative or inoperative vehicles. This classification includes storage of parking tow-aways, impound yards, storage lots for automobiles, trucks, buses, recreational vehicles, and boats, including re-occurring storage of trucks as an “off-site” annex facility, but does not include “parking lots” or vehicle dismantling.

Visible. Likely to be noticed by a person of average height walking on a street or sidewalk. When related to screening or vegetation, it shall refer to conditions two (2) years after installation of any planting intended to screen a view.

War Games Establishment. Any business that collects money, for profit or non-profit purposes, to provide a simulated war experience.

Warehousing - Wholesale/Retail Distribution Facilities. Distribution and warehousing facilities, such as order-processing fulfillment centers, logistics business, and other facilities that provide for the shipment of an on-site inventory of goods and products directly to retail/wholesale customers or retail stores. This classification includes facilities for the repackaging of consumer goods for shipment to retail stores. (This classification excludes warehousing activity accessory to an industrial and/or manufacturing use, and also excludes “Truck Terminals” and “Parcel Processing and Shipping Centers” with incidental warehousing.)

Warehousing - Storage Facilities. Warehousing facilities primarily used for the storage and/or consolidating of items such as raw materials, private goods, and the intermediary storage of bulk goods intended for further distribution. This classification includes moving and furniture storage companies. (This classification excludes warehousing activity accessory to an industrial and/or manufacturing use and, also, excludes “Truck Terminals” and “Parcel Processing and Shipping Centers” with incidental warehousing.)

Wind Turbines. Devices that convert kinetic energy from the wind into electrical power.

Wind Farms. Utility-scale wind turbines larger than 100 kilowatts and developed with electricity delivered to the power grid and distributed to the end user by electric utilities or power system operators. Small wind turbines 100 kilowatts or smaller that directly power a home or small business and are considered an accessory use subject to height regulations.

Window, Required. An exterior opening in a habitable room meeting the area requirements of the Uniform Housing Code (Title VII, Chapter 5, Article 3 of the Municipal Code).

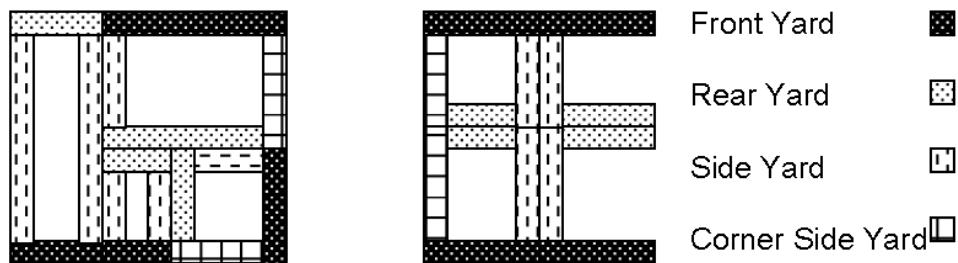
Wireless Telecommunication Facility. **An unstaffed communications facility containing communication towers and/or antennas and any related equipment for the purpose of transmitting or receiving electromagnetic radio frequency waves, including antennas and all ancillary equipment. It does not include radio and television towers, antennas or related equipment for commercial broadcast or amateur use; citizens band and any other miscellaneous telemetric and control communications systems.**

Yard. An open space on the same site as a structure, unoccupied and unobstructed by structures from the ground upward except as otherwise provided in this code, including a front yard, side yard, or rear yard.

Yard, Front. A yard extending across the full width of a site, the depth of which is the minimum horizontal distance between the front property line and the front setback line. (See illustrative diagram below.)

Yard, Rear. A yard extending across the full width of a site, the depth of which is the minimum horizontal distance between the rear property line and the rear setback line except that on a corner lot the rear yard shall extend only to the side yard abutting the street. (See illustrative diagram below.)

Yard, Side. A yard extending from the rear line of the required front yard, or the front property line of the site where no front yard is required, to the front line of the required rear yard, or the rear property line of the site where no rear yard is required, the width of which is the horizontal distance between the side property line and the side setback line except that the side yard on the street side of a corner lot shall extend to the rear lot line. (See illustrative diagram below.)



YARD TYPES
(This diagram is illustrative)

Zoning Enforcement Official. That person designated by the City Manager as responsible for determining compliance with the Zoning Code. (Ord. 2011-004 § 1; Ord. 2011-003 § 1; Ord. 2008-002 § 1; Ord. 2007-005 § 1; Ord. 2004-007 § 1; Ord. 2004-004 § 2; Ord. 2001-015 § 1)

1-306 Responsibilities

Title I of the Municipal Code defines responsibilities of the Board of Zoning Adjustments, the Planning Commission, and the City Council for administration of the Zoning Code. Responsibilities of the Zoning Enforcement Official and the Site Development Sub-Commission shall be as follows:

A. Zoning Enforcement Official. The Zoning Enforcement Official's responsibilities shall include interpreting and enforcing all regulations and standards of this code, and has the following duties, as specified below:

1. Duties of the Zoning Enforcement Official:

- a. Approval of Administrative Permits. Specifically, the Zoning Enforcement Official shall be responsible for approving administrative permits, including **administrative reviews**, administrative exceptions, certificates of compatibility, game center permits, home occupation permits, outdoor facility permits, satellite and microwave antenna permits, sign permits (including sign exceptions), site plan approvals, temporary use permits, and zoning permits, landscape plans, and, in consultation with the Traffic Engineer, parking requirements for certain uses, collective provision of parking, off-site parking, and specific parking area design.
- b. Approval of minor modifications to previously approved use permit, variance, parking exception and planned development approvals.
- c. Inventory and Enforcement. The Zoning Enforcement Official also shall be responsible for inventorying illegal or abandoned signs and nonconforming uses and structures and enforcement of the regulations and standards of this code.

The Zoning Enforcement Official may refer matters involving major development issues to the Site Development Sub-Commission, Planning Commission, or the Board of Zoning Adjustments for action and may consult with the City Attorney on questions of interpretation.

B. Site Development Sub-Commission. The Site Development Sub-Commission, created pursuant to Title I, Chapter 1-3, Article 12, of the Municipal Code, has the following organization and duties, as specified:

1. Membership. The Site Development Sub-Commission shall consist of three (3) members. Notwithstanding the appointment procedure outlined in Section 1-3-105 of the Municipal Code, each of the three (3) members shall be appointed so that: a) one is either a member of the Planning Commission or the Board of Zoning Adjustment, and is to be appointed to the Sub-Commission by the mayor, b) one is a member of the Planning Commission and is to be appointed to the Sub-Commission by the Chair of the Planning Commission, and c) one is a member of the Board of Zoning Adjustments and is to be appointed to the Sub-Commission by the Chair of the Board of Zoning Adjustments.

2. Duties of the Site Development Sub-Commission.
 - a. Site Plan Approval. The Sub-Commission shall review requests for Site Plan, Residential Site Plan, and View Preservation/Site Plan approval that have been referred by the Zoning Enforcement Official.

 - b. Signs. The Sub-Commission shall review requests for approval of signs as required by Article 18 and others that have been referred by the Zoning Enforcement Official.

 - c. Industrial Shipping and Loading Performance Standards. As referred by the Zoning Enforcement Official, the Sub-Commission shall review claims made of a business' noncompliance with the performance standards of Section 2-741: Parcels Adjoining Residential Districts—Additional Performance Standards, and may propose a resolution between the business and the complaining party. (Ord. 2001-015 § 1)

Exhibit B: Proposed Amended Article 5 (excerpt)

Note: underline and bolded text represents new text; ~~strike-through~~ text represents text to be eliminated

Division 1. Use Regulations

2-504 RO District—Use Regulations

A. RO District—Permitted Uses.

The following uses are allowed in the RO District, and a conditional use permit is not required. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses when in conjunction with a permitted use.
2. Animal Husbandry. (Subject to the regulations of Section 2-522: RO District—Animal Husbandry)
3. Day Care, Large Family. (Subject to the regulations of Section 2-516: Large Family Day Care Home.)
4. Day Care, Limited.
5. Garage and Yard Sales. (Limited to two (2) times per year on the premises of the property owner or a residential property in the immediate vicinity.)
6. Horticulture, Limited.
7. Park and Recreation Facilities, Public.
8. Residential Congregate Care Facilities. (Subject to the regulations of Section 2-518: Residential Congregate Care Facilities.)
9. Residential Congregate Care Facilities, Limited.
10. Single-Family Residential.
11. Additional Residential Dwelling Units. (Subject to the regulations of Section 2-554: RO District—Additional Dwelling Units.)
12. Utilities, Minor.

B. RO District—Conditionally Permitted Uses.

The following uses are allowed in the RO District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classifications.)

1. Accessory uses when in conjunction with a conditionally permitted use.
2. Assembly Uses.
3. Day Care, General.
4. Park and Recreation Facilities, Private Noncommercial.

5. Public Safety Facilities.
6. Schools, Public or Private.
7. Telecommunications Antennae and/or Alternative Tower Structures [see Section 4-1686: Wireless Telecommunication Facilities {as per Ordinance No. 98-009}].
8. Utilities, Major.

C. RO District—Uses Requiring Administrative Review.

The following uses are allowed in the RO District, subject to the approval of an Administrative Review by the Zoning Enforcement Official, as per the requirements of Article 21.

- 1. Community Gardens (Subject to the regulations of Section 4-1690: Community Gardens.)**

D.C. RO District—Temporary Uses Requiring Administrative Review.

The following temporary uses are allowed in the RO District, subject to the regulations of Section 5-2222: Temporary Use Permits.

1. Assembly Uses, Temporary.
2. Commercial Filming, Limited.
3. Street and Neighborhood Fairs. (Ord. 2007-005 § 2; Ord. 2001-015 § 1)

2-506 RS District—Use Regulations

A. RS District—Permitted Uses.

The following uses are allowed in the RS District, and a conditional use permit is not required. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses when in conjunction with a permitted use.
2. Day Care, Large Family. (Subject to the regulations of Section 2-516: Large Family Day Care Homes.)
3. Day Care, Limited.
4. Garage and Yard Sales. (Limited to two (2) times per year on the premises of the property owner or a residential property in the immediate vicinity.)
5. Park and Recreation Facilities, Public.
6. Residential Congregate Care Facilities. (Subject to the regulations of Section 2-518: Residential Congregate Care Facilities.)

7. Residential Congregate Care Facilities, Limited.
8. Single-Family Residential.
9. Two-Family Residential, Pre-Existing. (These pre-existing two-family residential uses shall be allowed to remain and shall not be considered nonconforming, but no new uses shall be established.)
10. Utilities, Minor.

B. RS District—Conditionally Permitted Uses.

The following uses are allowed in the RS District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses when in conjunction with a conditionally permitted use.
2. Assembly Uses.
3. Day Care, General.
4. Park and Recreation Facilities, Private Noncommercial.
5. Public Safety Facilities.
6. Schools, Public or Private.
7. Secondary Dwelling Units. (Subject to the regulations of Section 2-576: Secondary Dwelling Units.)
8. Swim and Tennis Clubs.
9. Telecommunications Antennae and/or Alternative Tower Structures [see Section 4-1686: Wireless Telecommunication Facilities {as per Ordinance No. 98-009}].
10. Utilities, Major.

C. RS District—Uses Requiring Administrative Review.

The following uses are allowed in the RS District, subject to the approval of an Administrative Review by the Zoning Enforcement Official, as per the requirements of Article 21.

1. **Community Gardens (Subject to the regulations of Section 4-1690: Community Gardens.)**

~~D.~~ RS District—Temporary Uses Requiring Administrative Review.

The following temporary uses are allowed in the RS District, subject to the regulations of Section 5-2222: Temporary Use Permits.

1. Assembly Uses, Temporary.
2. Commercial Filming, Limited.

3. Street and Neighborhood Fairs. (Ord. 2007-005 § 2; Ord. 2001-015 § 1)

2-508 RD District—Use Regulations

A. RD District—Permitted Uses.

The following uses are allowed in the RD District, and a conditional use permit is not required. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses when in conjunction with a permitted use.
2. Day Care, Large Family. (Subject to the regulations of Section 2-516: Large Family Day Care Homes.)
3. Day Care, Limited.
4. Garage and Yard Sales. (Limited to two (2) times per year on the premises of the property owner or a residential property in the immediate vicinity.)
5. Park and Recreation Facilities, Public.
6. Residential Congregate Care Facilities. (Subject to the regulations of Section 2-518: Residential Congregate Care Facilities.)
7. Residential Congregate Care Facilities, Limited.
8. Single-Family Residential.
9. Two-Family Residential.
10. Utilities, Minor.

B. RD District—Conditionally Permitted Uses.

The following uses are allowed in the RD District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses when in conjunction with a conditionally permitted use.
2. Assembly Uses.
3. Day Care, General.
4. Park and Recreation Facilities, Private Noncommercial.
5. Public Safety Facilities.
6. Schools, Public or Private.
7. Swim and Tennis Clubs.
8. Telecommunications Antennae and/or Alternative Tower Structures [see Section 4-1686: Wireless Telecommunication Facilities {as per Ordinance No. 98-009}].
9. Utilities, Major.

C. RD District—Uses Requiring Administrative Review.

Exhibit B: Proposed Amended Article 5 (excerpt)

Page 4

Note: **underline and bolded** text represents new text; ~~strike-through~~ text represents text to be eliminated

The following uses are allowed in the RD District, subject to the approval of an Administrative Review by the Zoning Enforcement Official, as per the requirements of Article 21.

1. **Community Gardens (Subject to the regulations of Section 4-1690: Community Gardens.)**

D.C. RD District—Temporary Uses Requiring Administrative Review.

The following temporary uses are allowed in the RD District, subject to the regulations of Section 5-2222: Temporary Use Permits.

1. Assembly Uses, Temporary.
2. Commercial Filming, Limited.
3. Street and Neighborhood Fairs. (Ord. 2007-005 § 2; Ord. 2001-015 § 1)

2-510 RM District—Use Regulations

A. **RM District—Permitted Uses.**

The following uses are allowed in the RM District, and a conditional use permit is not required. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses when in conjunction with a permitted use.
2. Day Care, Large Family. (Subject to the regulations of Section 2-516: Large Family Day Care Homes.)
3. Day Care, Limited.
4. Garage and Yard Sales. (Limited to two (2) times per year on the premises of the property owner or a residential property in the immediate vicinity.)
5. Multi-Family Residential.
6. Park and Recreation Facilities, Public.
7. Residential Congregate Care Facilities. (Subject to the regulations of Section 2-518: Residential Congregate Care Facilities.)
8. Residential Congregate Care Facilities, Limited.
9. Single-Family Residential.
10. Two-Family Residential.
11. Utilities, Minor.

B. RM District—Conditionally Permitted Uses.

The following uses are allowed in the RM District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses when in conjunction with a conditionally permitted use.
2. Assembly Uses.
3. Bed and Breakfast Inns.
4. Day Care, General.
5. Group Housing.
6. Manufactured Home Parks.
7. Park and Recreation Facilities, Private Noncommercial.
8. Public Safety Facilities.
9. Schools, Public or Private.
10. Swim and Tennis Clubs.
11. Telecommunications Alternative Tower Structures [see Section 4-1686: Wireless Telecommunication Facilities {as per Ordinance No. 98-009}].
12. Utilities, Major.

C. RM District—Uses Requiring Administrative Review.

The following uses are allowed in the RM District, subject to the approval of a Zoning Permit by the Zoning Enforcement Official, as per the requirements of Article 21.

1. Telecommunications Antennae [see Section 4-1686: Wireless Telecommunication Facilities {as per Ordinance No. 98-009}].
- 2. Community Gardens (Subject to the regulations of Section 4-1690: Community Gardens.)**

D. RM District—Temporary Uses Requiring Administrative Review.

The following temporary uses are allowed in the RM District, subject to the regulations of Section 5-2222: Temporary Use Permits.

1. Assembly Uses, Temporary.
2. Commercial Filming, Limited.
3. Street and Neighborhood Fairs. (Ord. 2007-005 § 2; Ord. 2004-023 § 1; Ord. 2001-015 § 1)

Exhibit C: Proposed Amended Article 6

Note: underline and bolded text represents new text; ~~strike-through~~ text represents text to be eliminated

Article 6 Commercial and Professional Districts

Sections:

- 2-600** **Specific Purposes**
- 2-602** **Reserved**

Division 1. Use Regulations

- 2-604** **CN District—Use Regulations**
- 2-606** **CC District—Use Regulations**
- 2-608** **Reserved**
- 2-610** **Reserved**
- 2-612** **CS District—Use Regulations**
- 2-614** **CR District—Use Regulations**
- 2-616** **C-RM District—Use Regulations**
- 2-618** **P District—Use Regulations**
- 2-620** **PHD District—Use Regulations**
- 2-622** **NA-1 District—Use Regulations**
- 2-624** **NA-2 District—Use Regulations**
- 2-626** **SA Districts—Application of South Area Zoning Regulations to the East 14th Street South Area**
- 2-628** **SA-1 District—Use Regulations**
- 2-630** **SA-2 District—Use Regulations**
- 2-632** **SA-3 District—Use Regulations**
- 2-634** **DA Districts—Application of DA Zoning Districts to the Downtown Area**
- 2-636** **DA-1—Use Regulations**
- 2-638** **DA-2—Use Regulations**
- 2-640** **DA-3—Use Regulations**
- 2-642** **DA-4—Use Regulations**
- 2-644** **DA-5—Use Regulations**
- 2-646** **DA-6—Use Regulations**
- 2-648** **Reserved**
- 2-650** **Reserved**
- 2-652** **Reserved**
- 2-654** **Reserved**
- 2-656** **Reserved**
- 2-658** **Reserved**
- 2-660** **Reserved**
- 2-662** **Reserved**
- 2-664** **Reserved**
- 2-666** **Reserved**
- 2-668** **Reserved**

- 2-670 Reserved
- 2-672 Reserved
- 2-674 Additional Use Restrictions: CN, CC, CS, CR, C-RM, P, PHD, NA-1, NA-2, SA-1, SA-2, SA-3, DA-1, DA-2, DA-3, DA-4, DA-5, and DA-6 Districts

Division 2. Development Regulations

- 2-676 Property Development Regulations: CN, CC, CS, CR, C-RM, P, PHD, NA-1, NA-2, SA-1, SA-2, SA-3, DA-1, DA-2, DA-3, DA-4, DA-5, and DA-6 Districts
- 2-678 Minimum Lot Area and Minimum Lot Width
- 2-680 Minimum Yards
- 2-682 Maximum Height of Structures
- 2-684 Maximum Lot Coverage
- 2-686 Maximum Base FAR and Maximum FAR Bonus
- 2-688 Minimum Site Landscaping
- 2-690 Wall Setback or Offsets
- 2-692 Reserved
- 2-694 Required Building Lines—PHD Districts
- 2-696 Additional Property Development Regulations: CN, CC, CS, CR, C-RM, P, PHD, NA-1, NA-2, SA-1, SA-2, SA-3, DA-1, DA-2, DA-3, DA-4, DA-5, and DA-6 Districts
- 2-698 Review of Plans

2-600 Specific Purposes

In addition to the general purposes listed in Article 1, the specific purposes of commercial district regulations are to:

- A. Provide appropriately located areas consistent with the General Plan for a full range of office, retail commercial, and service commercial uses needed by residents, businesses, and visitors in the City and region.
- B. Strengthen the City’s economic base, and provide employment opportunities close to home for residents of the City and surrounding communities.
- C. Create suitable environments for various types of commercial uses, and protect them from the adverse effects of inharmonious uses.
- D. Minimize the impact of commercial development on adjacent residential districts.
- E. Ensure that the appearance and effects of commercial buildings and uses are harmonious with the character of the area or with planned changes in the character of the area in which they are located and that the quality of site and building design enhances the community.

- F. Ensure the provision of adequate off-street parking and loading facilities.
- G. Provide sites for public and semipublic uses needed to complement commercial development or compatible with a commercial environment.

The additional purposes of each C, P, NA, DA, and SA districts are as follows:

CC Commercial Community District. To provide sites for commercial centers containing a wide variety of commercial establishments, including banking and financial establishments and businesses selling home furnishings, apparel, durable goods, and specialty items and generally having a citywide market area. Facilities, such as entertainment, eating-and-drinking establishments, hotels and motels are permitted, subject to certain limitations to avoid adverse effects on adjacent uses.

CN Commercial Neighborhood District. To provide sites for businesses serving the daily needs of nearby residential areas, subject to development standards that prevent significant adverse effects on adjoining neighborhoods. In addition to uses serving nearby residential areas, business and professional offices and residential uses are permitted above the ground floor.

CR Commercial Recreation District. To provide sites for recreation-oriented uses and commercial activities, such as hotels, and restaurants that are compatible with waterfront recreation and open space uses, conveniently located near the marina.

C-RM Commercial-Regional Mall District. To provide for development and operation of large regional shopping malls to encourage the economic stability and viability of regional malls, to recognize the unique characteristics of regional malls with regard to such factors as mix of uses, scale and design, parking, traffic and transit, signage, and other factors, and to promote the economic and fiscal prosperity of the City in accordance with the General Plan.

CS Commercial Services District. To provide sites for commercial services, including automobile sales and services, building materials, contractors' yards, warehousing, storage and similar uses; offices not accessory to a permitted use are excluded.

DA-1 (Downtown Area 1). To implement specific provisions of the Downtown San Leandro Transit-Oriented Development Strategy for the Downtown retail core area centered on East 14th Street between Davis Street and Castro Street. Ground floor retail is required on parcels fronting on East 14th Street and Washington Avenue and encouraged on all other parcels in this District. Residential mixed use development is allowed and single use residential development is permitted on parcels not fronting on the East 14th Street or Washington Avenue corridors.

DA-2 (Downtown Area 2). To implement specific provisions of the Downtown San Leandro Transit-Oriented Development Strategy by providing for designated areas on the periphery of the Downtown core where new development shall be sensitive to and

of a scale consistent with adjacent Residential Districts and where mixed use developments are allowed and encouraged but not required.

DA-3 (Downtown Area 3). To implement specific provisions of the Downtown San Leandro Transit-Oriented Development Strategy in areas immediately adjacent to the Downtown retail core. Infill development shall respect the scale and fabric of the neighborhood while increased building height and higher residential densities are allowed.

DA-4 (Downtown Area 4). To implement specific provisions of the Downtown San Leandro Transit-Oriented Development Strategy on land located near transit facilities or where sensitivity to increased height and density is not significant. Residential use is required and limited ground-floor retail and office uses are permitted.

DA-5 (Downtown Area 5). To implement specific provisions of the Downtown San Leandro Transit-Oriented Development Strategy in areas immediately adjacent to the Bay Area Rapid Transit (BART) station where there are opportunities to maximize transit ridership by developing at the maximum feasible densities with minimal impact on neighboring parcels. Residential use is required and limited ground-floor retail and office uses are permitted.

DA-6 (Downtown Area 6). To implement specific provisions of the Downtown San Leandro Transit-Oriented Development Strategy by clustering office uses in the vicinity of Davis Street and San Leandro Boulevard that will benefit from visibility from these streets and the nearby BART station. Off-site and shared parking is encouraged.

NA-1 North Area-1. To provide opportunities for small scale, pedestrian-oriented retail and service uses which serve the neighborhood, encourage mixed use development, especially multi-story mixed developments, minimize auto traffic, and promote new development consistent with existing neighborhood quality. The NA-1 Zoning District will serve to implement the North Area Specific Plan.

NA-2 North Area-2. To provide opportunities for and encourage mixed use development, especially multi-story residential, commercial retail and service-oriented uses, and promote new development consistent with existing neighborhood quality. The NA-2 Zoning District will also serve to implement the North Area Specific Plan.

P Professional Office District. To provide opportunities for offices at appropriate locations, subject to development standards and landscaping requirements that prevent significant adverse effects on adjacent uses. Retail activity is not appropriate.

PHD Professional High Density Office Districts. To provide opportunities for high density office development adjacent to downtown to support downtown retail activity. Ground-floor retail, personal services, and restaurant uses may be permitted at ap-

propriate locations, subject to limitations to prevent significant adverse effects on the downtown area.

SA-1 (South Area-1). To promote quality mixed-use developments, especially multi-story developments, with neighborhood-oriented commercial uses. A primary intent is to ensure that new development will be quality in-fill projects. Provisions for reduced parking are included. The SA-1 Zoning District will serve to implement the East 14th Street South Area Development Strategy, particularly, policies and design guidelines for the Palma District and International and Cultural District.

SA-2 (South Area-2). To promote in-fill residential uses that would be sensitive to the adjoining neighborhoods. Residential, commercial and community-oriented uses would also be encouraged in mixed use multi-story buildings. Provisions for reduced parking are included. The SA-2 Zoning District will serve to implement the East 14th Street South Area Development Strategy, particularly, policies and design guidelines for the McKinley Residential District.

SA-3 (South Area-3). To provide opportunities for larger commercial and office developments, and to promote additional commercial opportunities that would exhibit quality design. Provisions for reduced parking are included. The SA-3 Zoning District will serve to implement the East 14th Street South Area Development Strategy, particularly, policies and design guidelines in the Gateway District. (Ord. 2007-020 § 2; Ord. 2004-007 § 2; Ord. 2001-015 § 1)

2-602 **Reserved** (Ord. 2001-015 § 1)

Division 1. Use Regulations

2-604 **CN District—Use Regulations**

A. CN District—Permitted Uses.

The following uses are allowed in the CN District, and a conditional use permit is not required, provided that the use does not operate between the hours of 10 p.m. and 7 a.m. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses, other than Entertainment **Events** ~~Activities~~, when in conjunction with a permitted use.
2. Animal Grooming.
3. Animal Sales.
- 4. Brewpubs.**
- ~~5. 4. Business Services.~~

- ~~6.~~ ~~5.~~ Cafés. (If the proposed use has either a gross floor area of two thousand (2,000) square feet, or larger, or a dining area of one thousand (1,000) square feet, or larger, Administrative Review is required per Subsection D.2, below.)
- ~~7.~~ ~~6.~~ Catering Services.
- ~~8.~~ ~~7.~~ Day Care , Limited.
- ~~9.~~ ~~8.~~ Financial Institutions, Retail.
- ~~10.~~ ~~9.~~ Maintenance and Repair Services.
- ~~11.~~ ~~10.~~ Medical Supply Stores.
- ~~12.~~ ~~11.~~ Neighborhood/Specialty Food Markets.
- ~~13.~~ ~~12.~~ Nurseries.
- ~~14.~~ ~~13.~~ Offices, Business and Professional.
- ~~15.~~ ~~14.~~ Park and Recreation Facilities.
- ~~16.~~ ~~15.~~ Pharmacies.
- ~~17.~~ ~~16.~~ Restaurants, Full-Service. (If the proposed use has either a gross floor area of two thousand (2,000) square feet, or larger, or a dining area of one thousand (1,000) square feet, or larger, Administrative Review is required per Subsection D.2, below.)
- ~~18.~~ ~~17.~~ Retail Sales.
- ~~19.~~ ~~18.~~ Retail Services.
- ~~20.~~ ~~19.~~ Utilities, Minor.

B. CN District—Conditionally Permitted Hours of Operation.

The operation of a permitted use in the CN District, as identified in Section 2-604.A, between the hours of 10:00 p.m. and 7:00 a.m., is subject to the approval of a conditional use permit.

C. CN District—Conditionally Permitted Uses.

The following uses are allowed in the CN District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

- 1. Accessory Uses in conjunction with a conditionally permitted use.
- 2. Animal Hospitals.
- 3. Artists' Studios.
- 4. Bed and Breakfast Inns.
- 5. Cultural Institutions.
- 6. Day Care, General.
- 7. Drugstores.
- 8. Entertainment **Events** Activities. (Entertainment **Events** Activities, when provided either as a primary use or as an accessory use to permitted and conditionally permitted uses, require use permit approval.)
- 9. Farmers' Market.
- 10. Furniture, Electronics, and Appliance Sales.

- 11. Government Offices.
- ~~12.~~ ~~Health and Fitness Centers.~~
- ~~12.~~~~13.~~ Home Improvement and Interior Decoration.
- ~~14.~~ ~~Instruction and Improvement Services.~~
- ~~13.~~~~15.~~ Massage Therapy.
- ~~14.~~~~16.~~ Mixed-Use Residential.
- ~~15.~~~~17.~~ Multi-Family Residential.
- ~~16.~~~~18.~~ Public Safety Facilities.
- ~~17.~~~~19.~~ Service Stations.
- ~~18.~~~~20.~~ Supermarkets.
- ~~19.~~~~21.~~ Telecommunications, **New Monopoles and Towers (Subject to the regulations of [see Section 4-1686: Wireless Telecommunication Facilities.] [as per Ordinance No. 98-009]]**.
- ~~20.~~~~22.~~ Theaters.
- ~~21.~~~~23.~~ Theaters, Small Scale.
- ~~22.~~~~24.~~ Two-Family Residential.
- ~~23.~~~~25.~~ Utilities, Major.

D. CN District—Uses Requiring Administrative Review.

The following uses are allowed in the CN District, subject to the approval of an **Administrative Review** Zoning Permit by the Zoning Enforcement Official, as per the requirements of Article 21.

- 1. Automatic Teller Machines.
- ~~2. Cafés. (Administrative Review is required to establish or to enlarge a Restaurant or Café that would have either a gross floor area of two thousand (2,000) square feet, or larger, or a dining area of one thousand (1,000) square feet, or larger. (Standards for review are specified in Section 2-674.G.)~~
- 2. Community Gardens.**
- 3. Fast Food Establishments, Small Scale.**
- 4. Health and Fitness Centers.**
- 5. Instruction and Improvement Services.**
- ~~6.~~~~3.~~ Parking Lot.
- ~~7.~~~~4.~~ Recycling Facilities, Bulk Reverse Vending Machines. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- ~~8.~~~~5.~~ Recycling Facilities, Single-Feed Reverse Vending Machines. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- ~~9.~~~~6.~~ Recycling Facilities, Small Collection. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- ~~7. Restaurants, Full-Service. (Administrative Review is required to establish or to enlarge a Restaurant or Café that would have either a gross floor area of two thousand (2,000) square feet, or larger, or a dining area of one thousand (1,000) square feet, or larger. (Standards for review are specified in Section 2-674.G.)~~

~~12.8.~~ Telecommunications, **Architecturally-Integrated Antennae** and/or **Alternative Co-locations on Existing** Tower Structures ~~[(Subject to the regulations of see Section 4-1686: Wireless Telecommunication Facilities.) (as per Ordinance No. 98-009)].~~

E. CN District—Temporary Uses Requiring Administrative Review.

The following temporary uses are allowed in the CN District, subject to the regulations of Section 5-2222: Temporary Use Permits.

1. Christmas Tree and Pumpkin Sales.
2. Commercial Filming.
3. Real Estate Offices, Temporary.
4. Retail Sales, Outdoor.
5. Storage Containers, Temporary.
6. Street or Neighborhood Fairs. (Ord. 2004-004 § 3; Ord. 2001-015 § 1)

2-606 CC District—Use Regulations

A. CC District—Permitted Uses.

The following uses are allowed in the CC District, and a conditional use permit is not required. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses, other than Entertainment **Events** Activities, when in conjunction with a permitted use.
2. Ambulance Service, **Emergency**. (A **conditional** use permit is required if located within one thousand (1,000) feet of an R District or the boundaries of a site occupied by a public or private school or park and recreation facility.)
3. **Ambulance Service, Non-Emergency. (An Administrative Review approval is required if located within one thousand (1,000) feet of an R District or the boundaries of a site occupied by a public or private school or park and recreation facility.)**
- ~~4.~~ Animal Grooming.
- ~~5.4.~~ Animal Sales.
- ~~6.5.~~ Artists' Studios.
- ~~7.6.~~ Automobile Washing, Attended.
- 8. Brewpubs.**
- ~~9.7.~~ Business Services.
- ~~10.8.~~ Business and Trade Schools.
- ~~11.9.~~ Cafés.
- ~~12.10.~~ Catering Services.
- ~~13.11.~~ Communication Facilities.
- 14. Drugstores.**

- ~~15.12~~.Fast Food Establishment, Small Scale. (If the proposed use is within five hundred (500) feet of a Residential District, Administrative Review is required per Subsection C, below.)
- ~~16.13~~.Financial Institutions, Retail.
- ~~17.14~~.Furniture, Electronics, and Appliance Sales.
- ~~18.15~~.Health and Fitness Centers.
- ~~19.16~~.Home Improvement and Interior Decoration.
- ~~20.17~~.Instruction and Improvement Services.
- ~~21.18~~.Maintenance and Repair Services.
- ~~22.19~~.Medical Supply Stores.
- ~~23.20~~.Neighborhood/Specialty Food Markets.
- ~~24.21~~.Nurseries.
- ~~25.22~~.Offices, Business and Professional.
- ~~26.23~~.Pharmacies.
- ~~27.24~~.Restaurants, Full-Service.
- ~~28.25~~.Retail Sales.
- ~~29.26~~.Retail Services.
- 30. Telecommunications, Architecturally-Integrated Antennas and/or Co-locations on Existing Tower Structures (Subject to the regulations of Section 4-1686: Wireless Telecommunication Facilities.)**
- ~~31.27~~.Theaters, Small Scale.
- ~~32.28~~.Travel Services.
- ~~33.29~~.Utilities, Minor.

B. CC District—Conditionally Permitted Uses.

The following uses are allowed in the CC District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory Uses in conjunction with a conditionally permitted use.
2. Animal Boarding.
3. Animal Hospitals.
4. Automobile Washing, Unattended.
5. Bars.
6. Bed and Breakfast Inns. (Subject to the regulations of Section 4-1674: Bed and Breakfast Inns.)
- 7. Beer and Wine Stores. [Beer and Wine Stores shall not be located within one thousand (1,000) feet of a site occupied by a public or private school, park, library, or recreational facilities, and no exterior vending machines shall be permitted. Beer and Wine Stores may be operated only between the hours of 6:00 a.m. and 10:00 p.m. unless longer hours are allowed with the approval of a conditional use permit, with a finding that the extended hours would not have an adverse effect on neighboring uses. A pre-existing Beer and Wine Store shall not be deemed a nonconforming use**

solely due to non-compliance with the one thousand (1,000) foot minimum distance requirement.]

- ~~8.7.~~ Billiard Parlors.
- ~~9.8.~~ Bingo Parlors.
- ~~10.9.~~ Building Materials and Services.
- ~~11.10.~~ Coin-Operated Laundry Businesses.
- ~~12.11.~~ Commercial Parking Facility.
- ~~13.12.~~ Commercial Recreation.
- ~~14.13.~~ Convenience Stores. [Convenience markets shall not be located within one thousand (1,000) feet of a site occupied by a public or private school, park, library, or recreational facilities, and no exterior vending machines shall be permitted. Convenience markets may be operated only between the hours of 6:00 a.m. and 10:00 p.m. unless longer hours are allowed with the approval of a conditional use permit, with a finding that the extended hours would not have an adverse effect on neighboring uses. A pre-existing Convenience Store shall not be deemed a nonconforming use solely due to non-compliance with the one thousand (1,000) foot minimum distance requirement.]
- ~~15.14.~~ Cultural Institutions.
- ~~16.15.~~ Dance **Clubs**. Hall.
- ~~17.16.~~ Day Care, General.
- ~~18.17.~~ Department Stores.
- ~~19.18.~~ Drive-up Facilities.
- ~~19.~~ Drugstores.
- 20. Emergency Health Care.
- 21. Entertainment **Events** Activities. (Entertainment **Events** Activities, when provided either as a primary use or as an accessory use to permitted and conditionally permitted uses, require use permit approval.)
- 22. Farmers' Market.
- 23. Fast Food Establishments, Large Scale.
- 24. Financial Institutions, Personal Loan Services. (Financial Institutions, Personal Loan Services uses shall not be located within one thousand five hundred (1,500) feet from other Financial Institutions, Personal Loan Services uses. Financial Institutions, Personal Loan Services uses may be operated only between the hours of 6:00 a.m. and 10:00 p.m. unless longer hours are allowed with the approval of a conditional use permit, with a finding that the extended hours would not have an adverse effect on neighboring uses.)
- 25. Fortune-telling **Establishments**.
- 26. Game Center.
- 27. Government Offices.
- 28. Gun or Weapon Shop.
- 29. Hospitals.
- 30. Hotels, Motels, and Time-Share Facilities.
- 31. Liquor, ~~Beer and Wine~~ Stores. [Liquor, ~~Beer and Wine~~ Stores shall not be located within one thousand (1,000) feet of a site occupied by a public or private school, park, library, or recreational facilities, and no exterior vending machines shall be

permitted. ~~Liquor, Beer and Wine~~ Stores may be operated only between the hours of 6:00 a.m. and 10:00 p.m. unless longer hours are allowed with the approval of a conditional use permit, with a finding that the extended hours would not have an adverse effect on neighboring uses. A pre-existing ~~Liquor, Beer and Wine~~ Store shall not be deemed a nonconforming use solely due to non-compliance with the one thousand (1,000) foot minimum distance requirement.]

- 32. Massage Therapy.
- 33. Mixed-Use Residential.
- 34. Multi-Family Residential.
- 35. Park and Recreation Facilities.
- 36. Pawn Shop.
- 37. Public Safety Facilities.
- ~~38. Recycling Facilities, Large Collection. (Subject to the regulations of Section 4-1646: Recycling Facilities.)~~
- 38.~~39.~~Retail Sales, Big Box.
- 39.~~40.~~ Secondhand Sales.
- 40.~~41.~~ Service Stations.
- 41.~~42.~~ Supermarkets.
- 43. ~~Tattoo Parlors.~~
- 42.~~44.~~Telecommunications, **New Monopoles and Towers (Subject to the regulations of** [see Section 4-1686: Wireless Telecommunication Facilities.] ~~{as per Ordinance No. 98-009}~~].
- 43.~~45.~~Theaters.
- 44.~~46.~~Tobacconist/Cigarette Stores. [Tobacconist/Cigarette Stores shall not be located within one thousand five hundred (1,500) feet of a site occupied by a public or private school, park, library, or recreational facilities, or of other Tobacconist/Cigarette Stores, and no exterior vending machines shall be permitted. Tobacconist/Cigarette Stores may be operated only between the hours of 6:00 a.m. and 10:00 p.m. unless longer hours are allowed with the approval of a conditional use permit, with a finding that the extended hours would not have an adverse effect on neighboring uses.]
- 45.~~47.~~Two-Family Residential.
- 46.~~48.~~Utilities, Major.
- 47.~~49.~~Vehicle/Equipment Repair, Limited.
- 48.~~50.~~Vehicle/Equipment Repair, General.
- 49.~~51.~~Vehicle/Heavy Equipment Dealers, New.
- 50.~~52.~~Vehicle/Heavy Equipment Dealers, Used.
- 51.~~53.~~Vehicle/Heavy Equipment Rentals.

C. CC District—Uses Requiring Administrative Review.

The following uses are allowed in the CC District, subject to the approval of an **Administrative Review** ~~Zoning Permit~~ by the Zoning Enforcement Official, as per the requirements of Article 21.

1. Automatic Teller Machines.
- 2. Automobile Parts Sales.**
- 3. Community Gardens.**
- ~~4.2.~~ Fast Food Establishments, Small Scale. (Administrative Review is required to establish or to enlarge a Small Scale, Fast Food Restaurant within five hundred (500) feet of a Residential District. Standards for review are specified in Section 2-674.H.)
- ~~5.3.~~ Mobile Food Vending~~er~~. (Subject to approval of operation and restrictions on operation as established by the Zoning Enforcement Official and compliance with all other City codes pertaining to mobile food vending.)
- ~~6.4.~~ Parking Lot.
- ~~7.5.~~ Recycling Facilities, Bulk Reverse Vending Machine. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- ~~8.6.~~ Recycling Facilities, Single-Feed Reverse Vending Machine. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- ~~9.7.~~ Recycling Facilities, Small Collection. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- 10. Recycling Facilities, Large Collection. (Subject to the regulations of Section 4-1646: Recycling Facilities.)**
- ~~8.~~ Telecommunications Antennae and/or Alternative Tower Structures [see Section 4-1686: Wireless Telecommunication Facilities (as per Ordinance No. 98-009)].
- ~~11.9.~~ Vehicle/Heavy Equipment Dealers Limited, Used.

D. CC District—Temporary Uses Requiring Administrative Review.

The following temporary uses are allowed in the CC District, subject to the regulations of Section 5-2222: Temporary Use Permits.

1. Christmas Tree and Pumpkin Sales.
2. Circuses and Carnivals.
3. Commercial Filming.
4. Real Estate Offices, Temporary.
5. Retail Sales, Outdoor.
6. Storage Containers, Temporary.
7. Street or Neighborhood Fairs.
8. Trade Fairs. (Ord. 2008-002 § 2; Ord. 2004-007 § 2; Ord. 2004-004 § 3; Ord. 2003-006 § 1; Ord. 2001-015 § 1)

2-608 **Reserved** (Ord. 2007-020 § 2; Ord. 2005-021 § 2; Ord. 2004-007 § 2; Ord. 2004-004 § 3; Ord. 2003-006 § 2; Ord. 2001-015 § 1)

2-610 **Reserved** (Ord. 2001-015 § 1)

2-612 **CS District—Use Regulations**

A. CS District—Permitted Uses.

The following uses are allowed in the CS District, and a conditional use permit is not required. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses, other than Entertainment **Events** Activities, when in conjunction with a permitted use.
2. Animal Boarding.
3. Animal Grooming.
4. Animal Hospitals.
5. Automobile Washing, Attended.
- 6. Brewpubs.**
- ~~7.6.~~ Building Materials and Services.
- ~~8.7.~~ Business Services.
- ~~9.8.~~ Business and Trade Schools.
- ~~10.9.~~ Cafés.
- ~~11.10.~~ Equipment Sales.
- ~~12.11.~~ Fast Food Establishments, Small Scale.
- ~~13.12.~~ Furniture, Electronics, and Appliance Sales.
- ~~14.13.~~ Health and Fitness Centers.
- ~~15.14.~~ Home Improvement and Interior Decoration.
- ~~16.15.~~ Instruction and Improvement Services.
- ~~17.16.~~ Maintenance and Repair Services.
- ~~18.17.~~ Medical Supply Stores.
- ~~19.18.~~ Restaurants, Full-Service.
- ~~20.19.~~ Retail Sales, Big Box.
- ~~21.20.~~ Telecommunications, **Architecturally-Integrated Antennase** and/or **Alternative Co-locations on Existing Tower Structures** ~~{(Subject to the regulations of see Section 4-1686: Wireless Telecommunication Facilities.)}~~ ~~{as per Ordinance No. 98-009}}.~~
- ~~22.21.~~ Utilities, Minor.
- ~~23.22.~~ Vehicle/Equipment Repair, Limited.

B. CS District—Conditionally Permitted Uses.

The following uses are allowed in the CS District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses in conjunction with a conditionally permitted use.
2. Artists' Studios.
3. Automobile Washing, Unattended.
4. Cultural Institutions.
5. Drive-up Facilities.

6. Farmers' Market.
7. Industry, Custom.
8. Industry, Limited.
9. Massage Therapy.
10. Public Safety Facilities.
11. Public Storage.
- ~~12. Recycling Facilities, Large Collection. (Subject to the regulations of Section 4-1646: Recycling Facilities.)~~
- 12.13. Recycling Facilities, Small Scale Hazardous Waste. (Use permit requires specific finding that use is consistent with any adopted Alameda County Hazardous Waste Management Plan and any provisions of the San Leandro General Plan, specifically applicable to hazardous waste or material. Also subject to the regulations of Section 4-1646: Recycling Facilities.)**
- ~~13.14. Service Stations.~~
- 14.15. Telecommunications, New Monopoles and Towers, exceeding fifty (50) feet in height. **{(Subject to the regulations of See Section 4-1686: Wireless Telecommunication Facilities.) (as per Ordinance No. 98-009)}**.**
- ~~15.16. Utilities, Major.~~
- ~~16.17. Vehicle/Equipment Repair, General.~~
- ~~17.18. Vehicle/Heavy Equipment Dealers, New.~~
- ~~18.19. Vehicle/Heavy Equipment Dealers, Used.~~
- ~~19.20. Vehicle/Heavy Equipment Rentals.~~
- ~~20.24. Vehicle Storage.~~
- ~~21.22. Warehouse—Storage and Shipping Facilities.~~
- ~~22.23. Warehouse—Wholesale/Retail Distribution Facilities.~~

C. CS District—Uses Requiring Administrative Review.

The following uses are allowed in the CS District, subject to the approval of an **Administrative Review** Zoning Permit by the Zoning Enforcement Official, as per the requirements of Article 21.

1. Mobile Food Vending~~er~~. (Subject to approval of operation and restrictions on operation as established by Zoning Enforcement Official and compliance with all other City codes pertaining to mobile food vendingers.)
2. Parking Lot.
3. Recycling Facilities, Bulk Reverse Vending Machine. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
4. Recycling Facilities, Single-Feed Reverse Vending Machine. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
5. Recycling Facilities, Small Collection. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- 6. Recycling Facilities, Large Collection. (Subject to the regulations of Section 4-1646: Recycling Facilities.)**

- ~~6. Telecommunications Towers, up to fifty (50) feet in height. [See Section 4-1686: Wireless Telecommunication Facilities (as per Ordinance No. 98-009)].~~
7. Vehicle/Heavy Equipment Dealers Limited, Used.

D. CS District—Temporary Uses Requiring Administrative Review.

The following temporary uses are allowed in the CS District, subject to the regulations of Section 5-2222: Temporary Use Permits.

1. Christmas Tree and Pumpkin Sales.
2. Commercial Filming.
3. Real Estate Offices, Temporary.
4. Retail Sales, Outdoor.
5. Storage Containers, Temporary.
6. Street or Neighborhood Fairs. (Ord. 2007-020 § 2; Ord. 2004-004 § 3; Ord. 2001-015 § 1)

2-614 CR District—Use Regulations

A. CR District—Permitted Uses.

The following uses are allowed in the CR District, and a conditional use permit is not required. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses, other than Entertainment **Events** Activities, when in conjunction with a permitted use.
- 2. Brewpubs.**
- ~~3.2. Cafés.~~
- ~~4.3. Commercial Recreation. (Arcades and Game Centers prohibited.)~~
- ~~5.4. Fast Food Establishments, Small Scale.~~
- ~~6.5. Health and Fitness Centers.~~
- ~~7.6. Instruction and Improvement Services.~~
- ~~8.7. Marine Sales and Service.~~
- ~~9.8. Neighborhood/Specialty Food Markets.~~
- ~~10.9. Park and Recreation Facilities.~~
- ~~11.10. Restaurants, Full-Service.~~
- ~~12.11. Retail Sales.~~
- 13. Telecommunications, Architecturally-Integrated Antennas and/or Co-locations on Existing Tower Structures (Subject to the regulations of Section 4-1686: Wireless Telecommunication Facilities.)**
- ~~14.12. Theaters, Small Scale.~~
- ~~15.13. Travel Services.~~
- ~~16.14. Utilities, Minor.~~

B. CR District—Conditionally Permitted Uses.

The following uses are allowed in the CR District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory Uses in conjunction with a conditionally permitted use.
2. Artists' Studios.
3. Bars.
4. Bed and Breakfast Inns. (Subject to the regulations of Section 4-1674: Bed and Breakfast Inns.)
5. Coin-Operated Laundry Businesses.
6. Day Care, General.
7. Entertainment **Events** Activities. (Entertainment **Events** Activities, when provided either as a primary use or as an accessory use to permitted and conditionally permitted uses, require use permit approval.)
8. Farmers' Market.
9. Fast Food Establishments, Large Scale.
10. Hotels, Motels, and Time-Share Facilities.
11. Marinas.
12. Massage Therapy.
13. Public Safety Facilities.
14. Restaurants, Fast Food.
15. Stadia and Sports Arenas.
16. Telecommunications, **New Monopoles and Towers (Subject to the regulations of See Section 4-1686: Wireless Telecommunication Facilities.)** ~~{as per Ordinance No. 98-009}~~.
17. Theaters.
18. Theaters, Outdoor.
19. Utilities, Major.

C. CR District—Uses Requiring Administrative Review.

The following uses are allowed in the CR District, subject to the approval of an **Administrative Review** Zoning Permit by the Zoning Enforcement Official, as per the requirements of Article 21.

1. Automatic Teller Machines.
- 2. Community Gardens.**
- ~~3.~~**2.** Mobile Food Vending ~~ingor~~. (Subject to approval of operation and restrictions on operation as established by Zoning Enforcement Official and compliance with all other City codes pertaining to mobile food vending.)
- ~~4.~~**3.** Parking Lot.
- ~~5.~~**4.** Recycling Facilities, Single-Feed Reverse Vending Machine. (Subject to the regulations of Section 4-1646: Recycling Facilities.)

~~5. Telecommunications Antennae and/or Alternative Tower Structures. [See Section 4-1686: Wireless Telecommunication Facilities (as per Ordinance No. 98-009)].~~

D. CR District—Temporary Uses Requiring Administrative Review.

The following temporary uses are allowed in the CR District, subject to the regulations of Section 5-2222: Temporary Use Permits.

1. Circuses and Carnivals.
2. Commercial Filming.
3. Retail Sales, Outdoor.
4. Storage Containers, Temporary.
5. Trade Fairs. (Ord. 2004-004 § 3; Ord. 2003-006 § 3; Ord. 2001-015 § 1)

2-616 C-RM District—Use Regulations

A. ~~C-RM District—Regional Malls Require Development Agreement or Conditional Use Permit.~~ Regional Malls shall be permitted subject either to a development agreement or a conditional use permit.

~~A. B-C-RM District—Permitted Uses within Regional Mall.~~ The following uses are allowed in the C-RM District, and a conditional use permit is not required. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.) ~~Within a regional mall, the following uses shall be permitted subject to review procedures established in the development agreement for the regional mall, or if no development agreement is adopted and in effect, such review procedures as are established by the conditional use permit for the regional mall:~~

1. **Accessory uses, other than Entertainment Events, when in conjunction with a permitted use.**
- ~~2.~~ 4. Animal Grooming.
- ~~3.~~ **Artist's Studios.**
- ~~4.~~ 2. Automobile Rentals. (Permitted use limited to automobile rental office or counter, including on-site drop off or pick-up of rented automobiles, but excluding on-site storage of vehicles. If additional activities are proposed, a use permit for the "Vehicle/Heavy Equipment Rentals" classification shall be required.)
- ~~5.~~ **Brewpubs.**
- ~~6.~~ 3. Business Services.
- ~~7.~~ 4. Cafés.
- ~~8.~~ 5. Commercial Parking Facility.
- ~~9.~~ 6. Commercial Recreation.
- ~~10.~~ 7. Day Care, General.
- ~~11.~~ 8. Department Stores.
- ~~12.~~ 9. Drugstores.
- ~~13.~~ 10. Fast Food Establishments, Small Scale.

- ~~14.~~11. Financial Institutions, Retail.
- ~~15.~~12. Furniture, Electronics, and Appliance Sales.
- ~~16.~~13. Government Offices.
- ~~17.~~14. Health and Fitness Centers.
- ~~18.~~15. Home Improvement and Interior Decoration.
- ~~19.~~16. Instruction and Improvement Services.
- ~~20.~~17. Medical Supply Stores.
- ~~21.~~18. Mobile Food Vending. **(Subject to approval of operation and restrictions on operation as established by Zoning Enforcement Official and compliance with all other City codes pertaining to mobile food vending.)**
- ~~22.~~19. Neighborhood/Specialty Food Markets.
- ~~23.~~20. Offices, Business and Professional. (Not exceeding five percent (5%) of gross leasable floor area of the mall.)
- ~~24.~~21. Pharmacies.
- ~~25.~~22. Restaurants, Full-Service.
- ~~26.~~23. Retail Sales.
- ~~27.~~24. Retail Services.
- ~~28.~~ **Supermarkets.**
- ~~29.~~ 2. Telecommunications, **Architecturally-Integrated** Antennas and/or Alternative **Co-locations on Existing** Tower Structures. (As defined in, **(Subject to the** and **regulations** by, **of** Section 4-1686: Wireless Telecommunication Facilities.)
- ~~30.~~25. Theaters, Small Scale.
- ~~31.~~26. Travel Services.
- ~~32.~~ 3. Utilities, Minor.
- ~~33.~~27. Vehicle/Equipment Repair, Limited.

~~C. C-RM District—Development Agreement Controls.~~

All references to a development agreement herein shall refer to any development agreement signed by the City as authorized by City of San Leandro Codes and California Government Code Section 65864 et. seq., as amended from time to time, which affects any property, which now or in the future becomes subject to C-RM zoning. Said development agreement may have been executed before or after the subject property becomes subject to C-RM zoning. The provisions of any such development agreement shall control in the event of a conflict in the terms of such development agreement and C-RM zoning. Any rights protected by such development agreement shall continue to be protected and any procedures therein shall continue to be followed regardless of the provisions of this zoning ordinance.

~~D. C-RM District—Permitted Uses.~~

The following uses are allowed in the C-RM District, and a conditional use permit is not required. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

- ~~1. Accessory uses, other than Entertainment Activities, when in conjunction with a permitted use.~~
- ~~2. Telecommunications Antennae and/or Alternative Tower Structures. (As defined in, and regulated by, Section 4-1686: Wireless Telecommunication Facilities.)~~
- ~~3. Utilities, Minor.~~

B.E.C-RM—Conditionally Permitted Uses.

The following uses are allowed in the C-RM District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory Uses in conjunction with a conditionally permitted use.
- 2. Animal Hospitals.**
- 3. Bars.**
- 4. Beer and Wine Stores.**
- ~~5.2. Business and Trade Schools.~~
- 6. Commercial Recreation.**
- ~~7.3. Communications Facilities.~~
- ~~8.4. Cultural Institutions.~~
- ~~9.5. Drive-up Facilities.~~
- 10. Emergency Health Care.**
- 11. Entertainment Events. (Entertainment Events, when provided either as a primary use or as an accessory use to permitted and conditionally permitted uses, require use permit approval.)**
- ~~12.6. Farmers' Market.~~
- ~~13.7. Fast Food Establishments, Large Scale.~~
- ~~14.8. Hotels, Motels, and Time-Share Facilities.~~
- 15. Liquor Stores.**
- ~~16.9. Maintenance and Repair Services.~~
- ~~17.10. Massage Therapy.~~
- ~~18.11. Mixed Use Residential.~~
- ~~19.12. Multi-family Residential.~~
- 20. Retail Sales, Big Box.**
- ~~13. Supermarkets.~~
- ~~21.14. Telecommunications, **New Monopoles and** Towers, exceeding fifty (50) feet in height. **{(Subject to the regulations of See Section 4-1686: Wireless Telecommunication Facilities.) (as per Ordinance No. 98-009)}**.~~
- ~~22.15. Theaters.~~
- ~~23.16. Two-Family Residential.~~
- ~~24.17. Utilities, Major.~~
- ~~25.18. Vehicle/Heavy Equipment Rentals.~~

C.F.C-RM District—Uses Requiring Administrative Review.

The following uses are allowed in the C-RM District, subject to the approval of an **Administrative Review Zoning Permit** by the Zoning Enforcement Official, as per the requirements of Article 21.

1. Accessory Uses and Structures.
- 2. Animal Boarding, Indoor.**
- 3. Automatic Teller Machines.**
- 4. Catering Services.**
- 5. Community Gardens.**
- 6. Game Centers.**
- 7. Nurseries.**
- ~~8.2.~~ Parking Lot.
- ~~9.3.~~ Recycling Facilities, Single-Feed Reverse Vending Machine. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- ~~4.~~ Telecommunications Towers, up to fifty (50) feet in height. [~~See Section 4-1686: Wireless Telecommunication Facilities (as per Ordinance No. 98-009)].~~]

D.G.C-RM District—Temporary Uses Requiring Administrative Review.

The following temporary uses are allowed in the C-RM District, subject to the regulations of Section 5-222: Temporary Use Permits.

1. Animal Shows.
2. Christmas Tree and Pumpkin Sales.
3. Circuses and Carnivals.
4. Commercial Filming.
5. Retail Sales, Outdoor.
6. Special Promotions, for the regional mall as a whole.
7. Storage Containers, Temporary. (Ord. 2004-004 § 3; Ord. 2001-015 § 1)

2-618 P District—Use Regulations

A. P District—Permitted Uses.

The following uses are allowed in the P District, and a conditional use permit is not required. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses, other than Entertainment **Events** Activities, when in conjunction with a permitted use.
- 2. Brewpubs.**
- ~~3.2.~~ Business Services.
- ~~4.3.~~ Cafés.

- ~~5.4.~~ Financial Institutions, Retail.
- ~~6.5.~~ Medical Supply Stores.
- ~~7.6.~~ Neighborhood/Specialty Food Markets.
- ~~8.7.~~ Offices, Business and Professional.
- ~~9.8.~~ Pharmacies.
- ~~10.9.~~ Restaurants, Full-Service.
- ~~11.10.~~ Retail Services.
- ~~12.11.~~ Travel Services.
- ~~13.12.~~ Utilities, Minor.

B. P District—Conditionally Permitted Uses.

The following uses are allowed in the P District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory Uses in conjunction with a conditionally permitted use.
2. Bed and Breakfast Inns. (Subject to the regulations of Section 4-1674: Bed and Breakfast Inns.)
3. Commercial Parking Facility.
4. Convalescent Facilities.
5. Cultural Institutions.
6. Day Care, General.
7. Emergency Health Care.
8. Farmers' Market.
9. Group Housing.
10. Health and Fitness Centers.
11. Hospitals.
12. Laboratories.
13. Massage Therapy.
14. Mortuaries.
15. Public Safety Facilities.
16. Schools, Public or Private.
17. Telecommunications, **New Monopoles and Towers.** ~~{See **(Subject to the regulations of** Section 4-1686: Wireless Telecommunication Facilities.) {as per Ordinance No. 98-009}}.~~
18. Utilities, Major.

C. P District—Uses Requiring Administrative Review.

The following uses are allowed in the P District, subject to the approval of an **Administrative Review** ~~Zoning Permit~~ by the Zoning Enforcement Official, as per the requirements of Article 21.

1. Automatic Teller Machines.

2. Parking Lot.
3. Recycling Facilities, Single-Feed Reverse Vending Machine (subject to the regulations of Section 4-1646: Recycling Facilities).
4. Telecommunications, **Architecturally-Integrated** Antennas and/or **Alternative Co-locations on Existing** Tower Structures. ~~[See **(Subject to the regulations of** Section 4-1686: Wireless Telecommunication Facilities.) {as per Ordinance No. 98-009}]~~.

D. P District—Temporary Uses Requiring Administrative Review.

The following temporary uses are allowed in the P District, subject to the regulations of Section 5-2222: Temporary Use Permits.

1. Commercial Filming.
2. Real Estate Sales, Temporary.
3. Retail Sales, Outdoor.
4. Storage Containers, Temporary. (Ord. 2004-004 § 3; Ord. 2003-006 § 4; Ord. 2001-015 § 1)

2-620 PHD District—Use Regulations

A. PHD District—Permitted Uses.

The following uses are allowed in the PHD District, and a conditional use permit is not required. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses, other than Entertainment **Events** Activities, when in conjunction with a permitted use.
- 2. Brewpubs.**
- ~~3.2. Business Services.~~
- ~~4.3. Cafés.~~
- ~~5.4. Financial Institutions, Retail.~~
- ~~6.5. Medical Supply Stores.~~
- ~~7.6. Neighborhood/Specialty Food Markets.~~
- ~~8.7. Offices, Business and Professional.~~
- ~~9.8. Pharmacies.~~
- ~~10.9. Restaurants, Full-Service.~~
- ~~11.10. Retail Services. (Only beauty and barber shops and shoeshine and shoe repair are permitted.)~~
- ~~12.11. Travel Services.~~
- ~~13.12. Utilities, Minor.~~

B. PHD District—Conditionally Permitted Uses.

The following uses are allowed in the PHD District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory Uses in conjunction with a conditionally permitted use.
2. Bed and Breakfast Inns. (Subject to the regulations of Section 4-1674: Bed and Breakfast Inns.)
3. Cultural Institutions.
4. Drive-up Facilities.
5. Emergency Health Care.
6. Farmers' Market.
7. Health and Fitness Centers.
8. Laboratories.
9. Massage Therapy.
10. Mixed-Use Residential.
11. Mortuaries.
12. Multi-Family Residential.
13. Telecommunications, **New Monopoles and Towers**. [~~See **Subject to the regulations of** Section 4-1686: Wireless Telecommunication Facilities.] ~~{as per Ordinance No. 98-009}~~].~~
14. Two-Family Residential.
15. Utilities, Major.

C. PHD District—Uses Requiring Administrative Review.

The following uses are allowed in the P District, subject to the approval of an **Administrative Review** ~~Zoning Permit~~ by the Zoning Enforcement Official, as per the requirements of Article 21.

1. Automatic Teller Machines.
2. Parking Lot.
3. Recycling Facilities, Single-Feed Reverse Vending Machine. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
4. Telecommunications, **Architecturally-Integrated Antennas** and/or **Alternative Co-locations on Existing** Tower Structures. [~~See **Subject to the regulations of** Section 4-1686: Wireless Telecommunication Facilities.] ~~{as per Ordinance No. 98-009}~~].~~

D. PHD District—Temporary Uses Requiring Administrative Review.

The following temporary uses are allowed in the P District, subject to the regulations of Section 5-2222: Temporary Use Permits.

1. Commercial Filming.
2. Real Estate Offices, Temporary.

3. Retail Sales, Outdoor.
4. Storage Containers, Temporary. (Ord. 2004-004 § 3; Ord. 2001-015 § 1)

2-622 NA-1 District—Use Regulations

A. NA-1 District—Permitted Uses.

The following uses are allowed in the NA-1 District, and a conditional use permit is not required. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses, other than Entertainment **Events** Activities, when in conjunction with a permitted use.
- 2. Brewpubs.**
- ~~3.2.~~ Business Services.
- ~~4.3.~~ Cafés.
- ~~5.4.~~ Financial Institutions, Retail.
- ~~6.5.~~ Furniture, Electronics, and Appliance Sales.
- ~~7.6.~~ Health and Fitness Centers.
- ~~8.7.~~ Instruction and Improvement Services.
- ~~9.8.~~ Maintenance and Repair Services.
- ~~10.9.~~ Medical Supply Stores.
- ~~11.10.~~ Neighborhood/Specialty Food Markets.
- ~~12.11.~~ Offices, Business and Professional.
- ~~13.12.~~ Pharmacies.
- ~~14.13.~~ Restaurants, Full-Service.
- ~~15.14.~~ Retail Sales.
- ~~16.15.~~ Retail Services.
- ~~17.16.~~ Travel Services.
- ~~18.17.~~ Utilities, Minor

B. NA-1 District—Conditionally Permitted Uses.

The following uses are allowed in the NA-1 District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory Uses in conjunction with a conditional use.
2. Bars.
3. Bed and Breakfast Inns. (Subject to the regulations of Section 4-1674: Bed and Breakfast Inns.)
4. Commercial Recreation.
5. Drugstores.

6. Entertainment **Events** Activities. (Entertainment **Events** Activities, when provided either as a primary use or as an accessory use to permitted and conditionally permitted uses, require use permit approval.)
7. Farmers' Market.
8. Home Improvement and Interior Decoration.
9. Mixed-Use Residential.
10. Multi-Family Residential.
11. Telecommunications, **New Monopoles and Towers**. [~~See **Subject to the regulations of** Section 4-1686: Wireless Telecommunication Facilities.~~] ~~{as per Ordinance No. 98-009}~~].
12. Theaters.
13. Theaters, Small Scale.
14. Two-Family Residential.
15. Utilities, Major.

C. NA-1 District—Uses Requiring Administrative Review.

The following uses are allowed in the NA-1 District, subject to the approval of an **Administrative Review** Zoning Permit by the Zoning Enforcement Official, as per the requirements of Article 21.

1. Automatic Teller Machines.
- 2. Community Gardens.**
- ~~3.2.~~ Mobile Food Vending~~er~~. (Subject to approval of operation and restrictions on operation as established by Zoning Enforcement Official and compliance with all other City codes pertaining to mobile food vending~~sing~~.)
- ~~4.3.~~ Parking Lot.
- 5. Recycling Facilities, Bulk Reverse Vending Machine (Subject to the regulations of Section 4-1646; Recycling Facilities.)**
- ~~6.4.~~ Recycling Facilities, Single-Feed Reverse Vending Machine. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- ~~7.5.~~ Telecommunications, **Architecturally-Integrated** Antennae~~s~~ and/or Alternative **Co-locations on Existing** Tower Structures. [~~See **(Subject to the regulations of** Section 4-1686: Wireless Telecommunication Facilities.~~] ~~{as per Ordinance No. 98-009}~~].

D. NA-1 District—Temporary Uses Requiring Administrative Review.

The following temporary uses are allowed in the NA-1 District, subject to the regulations of Section 5-2222: Temporary Use Permits.

1. Christmas Tree and Pumpkin Sales.
2. Circuses and Carnivals.
3. Commercial Filming.
4. Real Estate Offices, Temporary.

5. Retail Sales, Outdoor.
6. Storage Containers, Temporary.
7. Street or Neighborhood Fairs.
8. Trade Fairs. (Ord. 2004-004 § 3; Ord. 2003-006 § 5; Ord. 2001-015 § 1)

2-624 NA-2 District—Use Regulations

A. NA-2 District—Permitted Uses.

The following uses are allowed in the NA-2 District, and a conditional use permit is not required. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses, other than Entertainment **Events** Activities, when in conjunction with a permitted use.
2. **Artist's Studios.**
3. **Brewpubs.**
- ~~4.2.~~ Business Services.
- ~~5.3.~~ Cafés.
- ~~6.4.~~ Financial Institutions, Retail.
- ~~7.5.~~ Furniture, Electronics and Appliance Sales.
- ~~8.6.~~ Health and Fitness Centers.
- ~~9.7.~~ Instruction and Improvement Services.
- ~~10.8.~~ Maintenance and Repair Services.
- ~~11.9.~~ Medical Supply Stores.
- ~~12.10.~~ Neighborhood/Specialty Food Markets.
- ~~13.11.~~ Offices, Business and Professional.
- ~~14.12.~~ Pharmacies.
- ~~15.13.~~ Restaurants, Full-Service.
- ~~16.14.~~ Retail Sales.
- ~~17.15.~~ Retail Services.
- ~~18.16.~~ Travel Services.
- ~~19.17.~~ Two-Family Residential.
- ~~20.18.~~ Utilities, Minor.

B. NA-2 District—Conditionally Permitted Uses.

The following uses are allowed in the NA-2 District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses in conjunction with a conditionally permitted use.
2. Assembly Uses.
3. Bars.

4. Bed and Breakfast Inns. (Subject to the regulations of Section 4-1674: Bed and Breakfast Inns.)
5. Commercial Recreation.
6. Drugstores.
7. Entertainment **Events** Activities. (Entertainment **Events** Activities, when provided either as a primary use or as an accessory use to permitted and conditionally permitted uses, require use permit approval.)
8. Farmers' Market.
9. Home Improvement and Interior Decoration.
10. Mixed-Use Residential.
11. Multi-Family Residential.
12. Telecommunications, **New Monopoles and Towers.** [~~See **(Subject to the regulations of** Section 4-1686: Wireless Telecommunication Facilities.)~~ {~~as per Ordinance No. 98-009~~}].
13. Theaters.
14. Theaters, Small Scale.
15. Utilities, Major.

C. NA-2 District—Uses Requiring Administrative Review.

The following uses are allowed in the NA-2 District, subject to the approval of an **Administrative Review** Zoning Permit by the Zoning Enforcement Official, as per the requirements of Article 21.

1. Automatic Teller Machines.
- 2. Community Gardens.**
- 3. Fast Food Establishments, Small Scale.**
- ~~4.2.~~ **Mobile Food Vending.** (Subject to approval of operation and restrictions on operation as established by Zoning Enforcement Official and compliance with all other City codes pertaining to mobile food vending.)
- ~~5.3.~~ Parking Lot.
- 6. Recycling Facilities, Bulk Reverse Vending Machine. (Subject to the regulations of Section 4-1646; Recycling Facilities.)**
- ~~7.4.~~ Recycling Facilities, Single-Feed Reverse Vending Machine. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- ~~8.5.~~ Telecommunications, **Architecturally-Integrated** Antennas and/or **Alternative Co-locations on Existing** Tower Structures. [~~See **(Subject to the regulations of** Section 4-1686: Wireless Telecommunication Facilities.)~~ {~~as per Ordinance No. 98-009~~}].

D. NA-2 District—Temporary Uses Requiring Administrative Review.

The following temporary uses are allowed in the NA-2 District, subject to the regulations of Section 5-2222: Temporary Use Permits.

1. Christmas Tree and Pumpkin Sales.
2. Circuses and Carnivals.
3. Commercial Filming.
4. Real Estate Offices, Temporary.
5. Retail Sales, Outdoor.
6. Storage Containers, Temporary.
7. Street or Neighborhood Fairs.
8. Trade Fairs. (Ord. 2012-002 § 1; Ord. 2004-004 § 3; Ord. 2003-006 § 6; Ord. 2001-015 § 1)

2-626 SA Districts—Application of South Area Zoning Regulations to the East 14th Street South Area

A. Relationship to the East 14th Street South Area Development Strategy.

The South Area 1, 2, and 3 zoning districts have been created to implement the East 14th Street Development Strategy (Development Strategy). The Development Strategy identifies five (5) activity areas. The zoning for these activity areas are as follows:

Development Strategy District Name	Corresponding Zoning District
Southern Downtown	DA-1 (Downtown Area)
McKinley Residential	SA-2
Palma	SA-1
International & Cultural	SA-1
Gateway	SA-3

(Ord. 2007-020 § 2; Ord. 2004-007 § 3)

2-628 SA-1 District—Use Regulations

A. SA-1 District—Permitted Uses.

The following uses are allowed in the SA-1 District, and a conditional use permit is not required, for tenant spaces up to twenty-five thousand (25,000) square feet. Spaces in excess of twenty-five thousand (25,000) square feet can be allowed through the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses, other than Entertainment **Events** Activities, when in conjunction with a permitted use.
2. Animal Sales.
3. Artists' Studios.
- 4. Brewpub.**
- ~~5.4.~~ Business and Trade Schools.
- ~~6.5.~~ Business Services.

- ~~7.6.~~ Cafés. (If the proposed use has either a gross floor area of two thousand (2,000) square feet, or larger, or a dining area of one thousand (1,000) square feet, or larger, Administrative Review is required per Subsection D.2, below.)
- ~~8.7.~~ Communications Facilities.
- ~~9.8.~~ Financial Institutions, Retail.
- ~~10.9.~~ Government Offices.
- ~~11.10.~~ Health and Fitness Centers.
- ~~12.11.~~ Instruction and Improvement Services.
- ~~13.12.~~ Medical Supply Stores.
- ~~14.13.~~ Neighborhood/Specialty Food Markets.
- ~~15.14.~~ Offices, Business and Professional.
- ~~16.15.~~ Pharmacies.
- ~~17.16.~~ Restaurants, Full-Service.
- ~~18.17.~~ Retail Sales.
- ~~19.18.~~ Retail Services.
- ~~20.19.~~ Travel Services.
- ~~21.20.~~ Utilities, Minor.

B. SA-1 District—Permitted Hours of Operation.

The operation of a permitted use in the SA-1 District between the hours of 10:00 p.m. and 7:00 a.m. is subject to approval of a conditional use permit.

C. SA-1 District—Conditionally Permitted Uses.

The following uses are allowed in the SA-1 District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses, other than Entertainment **Events** Activities, when in conjunction with a conditionally permitted use.
2. Animal Grooming.
3. Animal Hospitals.
4. Bars.
5. Bed and Breakfast Inns. (Subject to the regulations of Section 4-1674: Bed and Breakfast Inns.)
6. Beer and Wine Stores. (Beer and Wine Stores shall not be located within one thousand (1,000) feet of a site occupied by a public or private school, park, library, or recreational facilities, and no exterior vending machines shall be permitted. Beer and Wine Stores may be operated only between the hours of 6:00 a.m. and 10:00 p.m. unless longer hours are allowed with the approval of a conditional use permit, with a finding that the extended hours would not have an adverse effect on neighboring uses. A pre-existing Beer and Wine Store shall not be deemed a nonconforming use solely due to non-compliance with the one thousand (1,000) foot minimum distance requirement.)

7. Billiard Parlors.
8. Coin-op Laundry and Dry Cleaning Businesses.
9. Commercial Recreation.
10. Convalescent Facilities.
11. Cultural Institutions.
12. Dance ~~Clubs, Hall.~~
13. Day Care, General.
14. Department Store.
15. Drive-up Facility.
- ~~16. Drugstore.~~
- ~~16.~~17.Emergency Health Care.
- ~~17.~~18.Entertainment **Events** Activities. (Entertainment **Events** Activities, when provided either as a primary use or as an accessory use to permitted and conditionally permitted uses, require use permit approval.)
- ~~18.~~19.Farmers' Market.
- ~~19.~~20.Fast Food Establishments, Large Scale.
- ~~20.~~21.Financial Institutions, Check Cashing and Personal Loans. (Financial Institutions, Personal Loan Services uses shall not be located within one thousand five hundred (1,500) feet from other Financial Institutions, Personal Loan Services uses. Financial Institutions, Personal Loan Services uses may be operated only between the hours of 6:00 a.m. and 10:00 p.m. unless longer hours are allowed with the approval of a conditional use permit, with a finding that the extended hours would not have an adverse effect on neighboring uses.)
- ~~21.~~22.Fortunetelling **Establishments.**
- ~~22.~~23.Furniture, Electronic and Appliance Sales.
- ~~23.~~ **Game Centers.**
- ~~24.~~ **Group Housing.**
- ~~25.~~24.Home Improvement and Interior Decoration.
- ~~26.~~25.Hospitals.
- ~~27.~~26.Hotels, Motels, and Time-Share Facilities.
- ~~28.~~27.Laboratories.
- ~~29.~~28.Maintenance and Repair Services.
- ~~30.~~29.Multi-Family Residential. (For sites twenty-five thousand (25,000) s.f. or larger, and on ground floor next to East 14th Street.)
- ~~31.~~30.Massage Therapy.
- ~~32.~~31.Park and Recreation Facilities.
- ~~33.~~32.Parking Lot.
- ~~34.~~33.Public Safety Facilities.
- ~~34. Recycling Facilities, Large Collection. (Subject to the regulations of Section 4-1646: Recycling Facilities.)~~
- 35.Residential Hotels.
- 36.Schools, Public or Private.
- 37.Secondhand Sales.
- 38.Social Service Facilities.
- ~~39. Tattoo Parlors.~~

~~39.40.~~ Telecommunications, **New Monopoles and Towers.** [~~See (Subject to the regulations of Section 4-1686: Wireless Telecommunication Facilities.) (as per Ordinance No. 98-009)].~~]

~~40.41.~~ Theaters.

~~41.42.~~ Tobacconist/Cigarette Stores (Tobacconist/Cigarette Stores shall not be located within one thousand five hundred (1,500) feet of a site occupied by a public or private school, park, library, or recreational facilities, or of other Tobacconist/Cigarette Stores, and no exterior vending machines shall be permitted. Tobacconist/Cigarette Stores may be operated only between the hours of 6:00 a.m. and 10:00 p.m. unless longer hours are allowed with the approval of a conditional use permit, with a finding that the extended hours would not have an adverse effect on neighboring uses.)

~~42.43.~~ Utilities, Major.

~~43.44.~~ Vehicle/Equipment Repair, Limited.

D. **SA-1 District—Uses Requiring Administrative Review.**

The following uses are allowed in the SA-1 District, subject to the approval of an **Administrative Review Zoning Permit** by the Zoning Enforcement Official, as per the requirements of Article 21.

1. Automatic Teller Machine.

~~2. Cafés. (Administrative Review is required to establish or to enlarge a Café that would have either a gross floor area of two thousand (2,000) square feet, or larger, or a dining area of one thousand (1,000) square feet, or larger. Standards for review are specified in Section 2-674.G.)~~

~~2.3.~~ Catering Services.

3. Community Gardens.

4. Drugstores.

~~5.4.~~ Fast Food Establishment, Small Scale.

~~6.5.~~ Live-Work.

~~7.6.~~ Mixed-Use Residential.

~~8.7.~~ Multi-Family Residential (for sites twenty-five thousand (25,000) s.f. or less)

~~9.8.~~ Recycling Facilities, Bulk Reverse Vending Machine. (Subject to the regulations of Section 4-1646: Recycling Facilities.)

~~10.9.~~ Recycling Facilities, Single-Feed Reverse Vending Machine. (Subject to the regulations of Section 4-1646: Recycling Facilities.)

~~11.10.~~ Recycling Facilities, Small Collection. (Subject to the regulations of Section 4-1646: Recycling Facilities.)

12. Recycling Facilities, Large Collection. (Subject to the regulations of Section 4-1646: Recycling Facilities.)

~~13.11.~~ Supermarkets.

~~14.12.~~ Telecommunications, **Architecturally-Integrated** Antennas and/or **Alternative Co-locations on Existing** Tower Structures. [~~See (Subject to the regulations~~]

of Section 4-1686: Wireless Telecommunication Facilities. ~~{as per Ordinance No. 98-009}}~~.

~~15.13.~~Theaters, Small Scale.

~~16.14.~~Two-Family Residential.

E. SA-1 District—Temporary Uses Requiring Administrative Review.

The following temporary uses are allowed in the SA-1 District, subject to the regulations of Section 5-2222: Temporary Use Permits.

1. Christmas Tree and Pumpkin Sales.
2. Circuses and Carnivals.
3. Commercial Filming.
4. Real Estate Offices, Temporary.
5. Retail Sales, Outdoor.
6. Storage Containers, Temporary.
7. Street or Neighborhood Fairs.
8. Trade Fairs. (Ord. 2004-009 § 1; Ord. 2004-007 § 3)

2-630 SA-2 District—Use Regulations

A. SA-2 District—Permitted Uses.

The following uses are allowed in the SA-2 District, and a conditional use permit is not required. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses, other than Entertainment **Events** Activities, when in conjunction with a permitted use.
- ~~2.~~ Live-Work.
- ~~3.2.~~ Mixed-Use Residential.
- ~~4.3.~~ Multi-Family Residential.
5. Two-Family Residential.

B. SA-2 District—Permitted Hours of Operation.

The operation of a permitted nonresidential use in the SA-2 District between the hours of 10:00 p.m. and 7:00 a.m. is subject to approval of a conditional use permit.

C. SA-2 District—Conditionally Permitted Uses.

The following uses are allowed in the SA-2 District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses, other than Entertainment **Events** Activities, when in conjunction with a conditionally permitted use.
2. Assembly Uses.
3. Bed and Breakfast Inns. (Subject to the regulations of Section 4-1674: Bed and Breakfast Inns.)
4. Beer and Wine Stores. (Beer and Wine Stores shall not be located within one thousand (1,000) feet of a site occupied by a public or private school, park, library, or recreational facilities, and no exterior vending machines shall be permitted. Beer and Wine Stores may be operated only between the hours of 6:00 a.m. and 10:00 p.m. unless longer hours are allowed with the approval of a conditional use permit, with a finding that the extended hours would not have an adverse effect on neighboring uses. A pre-existing Beer and Wine Store shall not be deemed a nonconforming use solely due to non-compliance with the one thousand (1,000) foot minimum distance requirement.)
5. Business and Trade Schools.
6. Coin-op Laundry and Dry Cleaning Businesses.
7. Convalescent Facilities.
8. Cultural Institutions.
9. Day Care, General.
10. Day Care, Limited.
11. Drugstore. (Single tenants, ten thousand (10,000) square feet in size or less, only.)
12. Entertainment **Events** Activities. (Entertainment **Events** Activities, when provided either as a primary use or as an accessory use to permitted and conditionally permitted uses, require use permit approval.)
13. Fast Food Establishment, Small Scale.
14. Financial Institution, Retail.
15. Fortunetelling **Establishments**.
16. Furniture, Electronic and Appliance Sales. (Single tenants ten thousand (10,000) square feet in size or less, only.)
17. Group Housing.
18. Home Improvement and Interior Decoration. (Single tenants ten thousand (10,000) square feet in size or less, only.)
- ~~19. Instruction and Improvement Services.~~
- ~~19.20. Library.~~
- ~~20.21. Maintenance and Repair Services.~~
- ~~21.22. Massage Therapy.~~
- ~~22.23. Medical Supply Stores.~~
- ~~23.24. Park and Recreation Facilities.~~
- ~~24.25. Pharmacies. (Single tenants ten thousand (10,000) square feet in size or less, only.)~~
- ~~25.26. Public Safety Facilities.~~
- ~~27. Recycling Facilities, Large Collection. (Subject to the regulations of Section 4-1646: Recycling Facilities.)~~

- ~~26.28~~.Retail Sales. (Single tenants greater than ten thousand (10,000) square feet in size, only. Single tenants less than ten thousand (10,000) square feet in size require Administrative Review.)
- ~~27.29~~.Retail Services.
- ~~28.30~~.Schools, Public or Private.
- ~~29.31~~.Social Service Facilities.
- ~~32. Telecommunication Antennae and/or Alternative Tower Structures. (See Section 4-1686: Wireless Telecommunication Facilities (as per Ordinance No. 98-009)).~~
- ~~30.33~~.Theaters, Small Scale.
- ~~34. Travel Services.~~

D. SA-2 District—Uses Requiring Administrative Review.

The following uses are allowed in the SA-2 District, subject to the approval of an **Administrative Review** Zoning Permit by the Zoning Enforcement Official, as per the requirements of Article 21.

- 1. Artists' Studios.
- 2. Automatic Teller Machine.
- 3. Brewpubs.**
- ~~4.3~~. Business Services.
- 5.4. Cafés.** (Administrative Review is required to establish or to enlarge a Café that would have either a gross floor area of two thousand (2,000) square feet, or larger, or a dining area of one thousand (1,000) square feet, or larger. Standards for review are specified in Section 2-674.G.)
- 6. Community Gardens.**
- ~~7.5~~. Government Offices.
- ~~8.6~~. Health and Fitness Centers.
- 9. Instruction and Improvement Services.**
- ~~10.7~~.Neighborhood/Specialty Food Markets.
- ~~11.8~~.Offices, Business and Professional.
- ~~12.9~~.Recycling Facilities, Bulk Reverse Vending Machine. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- ~~13.10~~.Recycling Facilities, Single-Feed Reverse Vending Machines (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- ~~14.11~~.Recycling Facilities, Small Collection. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- 15. Recycling Facilities, Large Collection. (Subject to the regulations of Section 4-1646: Recycling Facilities.)**
- ~~16.12~~.Restaurants, Full-Service.
- ~~17.13~~.Retail Sales. (Single tenants over ten thousand (10,000) square feet in size require approval of a conditional use permit.)
- ~~18.14~~.Supermarkets.

19. Telecommunications, Architecturally-Integrated Antennas and/or Co-locations on Existing Tower Structures (Subject to the regulations of Section 4-1686: Wireless Telecommunication Facilities.)

~~20.15.~~Travel Services.

~~21.16.~~Utilities, Minor.

E. SA-2 District—Temporary Uses Requiring Administrative Review.

The following temporary uses are allowed in the SA-2 District, subject to the regulations of Section 5-2222: Temporary Use Permits.

1. Christmas Tree and Pumpkin Sales.
2. Circuses and Carnivals.
3. Commercial Filming.
4. Real Estate Offices, Temporary.
5. Retail Sales, Outdoor.
6. Storage Containers, Temporary.
7. Street or Neighborhood Fairs.
8. Trade Fairs. (Ord. 2012-002 § 1; Ord. 2008-011 § 1; Ord. 2004-009 § 1; Ord. 2004-007 § 3)

2-632 SA-3 District—Use Regulations

A. SA-3 District—Permitted Uses.

The following uses are allowed in the SA-3 District, and a conditional use permit is not required. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses, other than Entertainment **Events** Activities, when in conjunction with a permitted use.
2. Ambulance Services, **Emergency**. (A **conditional** use permit is required if located within one thousand (1,000) feet of an R District or the boundaries of a site occupied by a public or private school or park and recreation facility.)
- 3. Ambulance Services, Non-Emergency. (An Administrative Review approval is required if located within one thousand (1,000) feet of an R District or the boundaries of a site occupied by a public or private school or park and recreation facility.)**
- ~~4.~~3. Animal Sales.
- ~~5.~~4. Artists' Studios.
- 6. Brewpubs.**
- ~~7.~~5. Business and Trade Schools.
- ~~8.~~6. Business Services.

~~9.7. Cafés. (If the proposed use has either a gross floor area of two thousand (2,000) square feet, or larger, or a dining area of one thousand (1,000) square feet, or larger, Administrative Review is required per Subsection D.2, below.)~~

~~10.8. Catering Services.~~

~~11.9. Communications Facilities.~~

~~12.10. Fast Food Establishments, Small Scale. (If the proposed use is within five hundred (500) feet of a Residential District, Administrative Review is required, per Subsection D.3 below.)~~

~~13.14. Financial Institutions, Retail.~~

~~14.12. Furniture, Electronic and Appliance Sales.~~

~~15.13. Government Offices.~~

~~16.14. Health and Fitness Centers.~~

~~17.15. Home Improvement and Interior Decoration.~~

~~18.16. Instruction and Improvement Services.~~

~~19.17. Medical Supply Stores.~~

~~20.18. Neighborhood/Specialty Food Markets.~~

~~21.19. Offices, Business and Professional.~~

~~22.20. Pharmacies.~~

~~23.21. Restaurants, Full Service.~~

~~24.22. Retail Sales.~~

~~25.23. Retail Services.~~

~~26.24. Supermarkets.~~

~~27.25. Travel Services.~~

~~28.26. Utilities, Minor.~~

B. SA-3 District—Permitted Hours of Operation.

The operation of a permitted nonresidential use in the SA-3 District, as identified in Section 2-668.A, between the hours of 10:00 p.m. and 7:00 a.m., is subject to approval of a conditional use permit.

C. SA-3 District—Conditionally Permitted Uses.

The following uses are allowed in the SA-3 District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses, other than Entertainment **Events** Activities, when in conjunction with a conditionally permitted use.
2. Animal Grooming.
3. Animal Hospitals.
4. Automobile Parts Sales.
5. Automobile Washing, Attended.
6. Automobile Washing, Unattended.
7. Bars.

8. Beer and Wine Stores. (Beer and Wine Stores shall not be located within one thousand (1,000) feet of a site occupied by a public or private school, park, library, or recreational facilities, and no exterior vending machines shall be permitted. Beer and Wine Stores may be operated only between the hours of 6:00 a.m. and 10:00 p.m. unless longer hours are allowed with the approval of a conditional use permit, with a finding that the extended hours would not have an adverse effect on neighboring uses. A pre-existing Beer and Wine Store shall not be deemed a nonconforming use solely due to non-compliance with the one thousand (1,000) foot minimum distance requirement.)
9. Billiard Parlors.
10. Bingo Parlors.
11. Coin-op Laundry and Dry Cleaning.
12. Commercial Parking Facility.
13. Commercial Recreation.
14. Convenience Stores. (Convenience markets shall not be located within one thousand (1,000) feet of a site occupied by a public or private school, park, library, or recreational facilities, and no exterior vending machines shall be permitted. Convenience markets may be operated only between the hours of 6:00 a.m. and 10:00 p.m. unless longer hours are allowed with the approval of a conditional use permit, with a finding that the extended hours would not have an adverse effect on neighboring uses. A pre-existing Convenience Store shall not be deemed a nonconforming use solely due to non-compliance with the one thousand (1,000) foot minimum distance requirement.)
15. Cultural Institutions.
16. Dance ~~Clubs.Hall.~~
17. Department Store.
18. Drive-up Facility.
19. ~~Drugstore.~~
- ~~19.~~20.Emergency Health Care.
- ~~20.~~21.Entertainment **Events** Activities. (Entertainment **Events** Activities, when provided either as a primary use or as an accessory use to permitted and conditionally permitted uses, require use permit approval.)
- ~~21.~~22.Farmers' Market.
- ~~22.~~23.Fast Food Establishments, Large Scale.
- ~~23.~~24.Financial Institutions, Check Cashing/Personal Loans. (Financial Institutions, Personal Loan Services uses shall not be located within one thousand five hundred (1,500) feet from other Financial Institutions, Personal Loan Services uses. Financial Institutions, Personal Loan Services uses may be operated only between the hours of 6:00 a.m. and 10:00 p.m. unless longer hours are allowed with the approval of a conditional use permit, with a finding that the extended hours would not have an adverse effect on neighboring uses.)
- ~~24.~~25.Fortunetelling **Establishments.**
- ~~25.~~26.Game Center.
- ~~26.~~ **Group Housing.**
27. Hotels, Motels, and Time-Share Facilities.

28. Liquor Stores. (Liquor Stores shall not be located within one thousand (1,000) feet of a site occupied by a public or private school, park, library, or recreational facilities, and no exterior vending machines shall be permitted. Liquor Stores may be operated only between the hours of 6:00 a.m. and 10:00 p.m. unless longer hours are allowed with the approval of a conditional use permit, with a finding that the extended hours would not have an adverse effect on neighboring uses. A pre-existing Liquor Store shall not be deemed a nonconforming use solely due to non-compliance with the one thousand (1,000) foot minimum distance requirement.)
29. Live-Work.
30. Maintenance and Repair Services.
31. Massage Therapy.
32. Mixed-Use Residential.
33. Multi-Family Residential.
34. Nurseries.
35. Park and Recreation Facilities.
36. Public Safety Facilities.
37. Retail Sales, Big Box.
38. Schools, Public or Private.
39. Secondhand Sales.
40. Service Stations.
41. Social Service Facilities.
- ~~42. Tattoo Parlors.~~
- 42.~~43.~~ Telecommunications, **New Monopoles and Towers.** [See **(Subject to the regulations of** Section 4-~~1686~~**68: Wireless Telecommunication Facilities.)** {as per Ordinance No. 98-009}].
- 43.~~44.~~ Theaters.
- 44.~~45.~~ Tobacconist/Cigarette Stores. (Tobacconist/Cigarette Stores shall not be located within one thousand five hundred (1,500) feet of a site occupied by a public or private school, park, library, or recreational facilities, or of other Tobacconist/Cigarette Stores, and no exterior vending machines shall be permitted. Tobacconist/Cigarette Stores may be operated only between the hours of 6:00 a.m. and 10:00 p.m. unless longer hours are allowed with the approval of a conditional use permit, with a finding that the extended hours would not have an adverse effect on neighboring uses.)
- 45.~~46.~~ Utilities, Major.
- 46.~~47.~~ Vehicle/Equipment Repair, Limited.
- 47.~~48.~~ Vehicle/Heavy Equipment Dealers, New.
- 48.~~49.~~ Vehicle/Heavy Equipment Dealers, Used.
- 49.~~50.~~ Vehicle/Heavy Equipment Rental.

C. SA-3 District—Uses Requiring Administrative Review.

The following uses are allowed in the SA-2 District, subject to the approval of an **Administrative Review** Zoning Permit by the Zoning Enforcement Official, as per the requirements of Article 21.

1. Automatic Teller Machine.
- ~~2. Cafés. (Administrative Review is required to establish or to enlarge a Restaurant or Café that would have either a gross floor area of two thousand (2,000) square feet, or larger, or a dining area of one thousand (1,000) square feet, or larger. Standards for review are specified in Section 2-674.G.)~~
- 2. Community Gardens.**
- 3. Drugstores.**
4. Laboratories.
- ~~5. Theaters, Small Scale.~~
- ~~5.6. Parking Lot.~~
- ~~6.7. Recycling Facilities, Bulk Reverse Vending Machine. (Subject to the regulations of Section 4-1646: Recycling Facilities.)~~
- ~~7.8. Recycling Facilities, Single-Feed Reverse Vending Machine. (Subject to the regulations of Section 4-1646: Recycling Facilities.)~~
- ~~8.9. Recycling Facilities, Small Collection. (Subject to the regulations of Section 4-1646: Recycling Facilities.)~~
- 9. Theaters, Small Scale.**
10. Two-Family Residential.
11. Telecommunications, **Architecturally-Integrated** Antennas and/or **Alternative Co-locations on Existing** Tower Structures. ~~[See **(Subject to the regulations of Section 4-1686: Wireless Telecommunication Facilities.)** {as per Ordinance No. 98-009}]~~.
12. Vehicle/Heavy Equipment Dealers Limited, Used.

D. SA-3 District—Temporary Uses Requiring Administrative Review.

The following temporary uses are allowed in the SA-2 District, subject to the regulations of Section 5-2222: Temporary Use Permits.

1. Christmas Tree and Pumpkin Sales.
2. Circuses and Carnivals.
3. Commercial Filming.
4. Real Estate Offices, Temporary.
5. Retail Sales, Outdoor.
6. Storage Containers, Temporary.
7. Street or Neighborhood Fairs.
8. Trade Fairs. (Ord. 2004-009 § 1; Ord. 2004-007 § 3)

2-634 DA Districts—Application of DA Zoning Districts to the Downtown Area

A. Relationship to the Downtown San Leandro Transit-Oriented Development Strategy.

Exhibit C: Proposed Amended Article 6

The DA-1, DA-2, DA-3, DA-4, DA-5, and DA-6 zoning districts have been created to implement the Downtown San Leandro Transit Oriented Development Strategy (Development Strategy). The Development Strategy identifies six (6) activity areas. The zoning for these activity areas are generally as follows:

TOD Development Strategy District Areas	Corresponding Zoning District
Retail Mixed-Use (East 14 th Street between Davis and Castro Streets)	DA-1
Multi-Use Infill (Periphery of Downtown Core)	DA-2
TOD—Transition Mixed-Use (Immediately Adjacent to Retail Core)	DA-3
TOD—Residential Mixed-Use (Near Transit Facilities)	DA-4
TOD—BART Area Mixed-Use (Immediately Adjacent to BART)	DA-5
Office Mixed-Use (Davis Street at San Leandro Boulevard)	DA-6

(Ord. 2007-020 § 2; Ord. 2001-015 § 1)

2-636 DA-1—Use Regulations

A. DA-1 District—Permitted Uses.

The following uses are allowed in the DA-1 District, and a conditional use permit is not required. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses, other than Entertainment **Events** Activities, when in conjunction with a permitted use.
2. Animal Grooming. (Indoor Only)
3. Animal Sales.
4. Artists' Studios.
- 5. Brewpubs.**
- ~~6.5.~~ Business Services.
- ~~7.6.~~ Cafés.
- ~~8.7.~~ Catering Services.
- ~~9.8.~~ Communication Facilities.
- ~~10.9.~~ Department Stores. (Single tenants 10,000 s.f. in size or less only.)
- ~~11.10.~~ Drugstores. (Single tenants 10,000 s.f. in size or less only.)
- ~~12.11.~~ Financial Institutions, Retail.
- ~~13.12.~~ Furniture, Electronic, and Appliance Sales. (Single tenants 10,000 s.f. in size or less only.)
- ~~14.13.~~ Government Offices.
- ~~15.14.~~ Health and Fitness Centers.
- ~~16.15.~~ Home Improvement and Interior Decoration. (Single tenants 10,000 s.f. in size or less only.)
- 17. Instruction and Improvement Services.**

~~18.16~~-Medical Supply Stores.

~~19.17~~-Mixed-Use Residential. (With residential on upper floors only.):

- a. Retail uses required on ground floor on parcels fronting on East 14th Street and Washington Avenue. (Minimum density of 35 units per acre and a maximum density of 75 units per acre on parcels 20,000 s.f. or greater; on parcels less than 20,000 s.f. the density shall not exceed 24 units per acre.)

~~20.18~~-Neighborhood/Specialty Food Markets. (Single tenants 10,000 s.f. in size or less only.)

~~21.19~~-Offices, Business and Professional.

~~22.20~~-Pharmacies. (Single tenants 10,000 s.f. in size or less only.)

~~23.21~~-Pre-Existing ~~Two-Family Residential~~ **Uses**. (These residential uses shall be allowed to remain and shall not be considered nonconforming.) ~~but no new Two-Family Residential uses shall be established.)~~

~~24.22~~-Residential Uses Without Mixed Use Component allowed on Parcels Not Fronting on East 14th Street or Washington Avenue Corridors.

~~25.23~~-Restaurants, Full-Service.

~~26.24~~-Retail Sales. (Single tenants, 10,000 s.f. in size or less only.)

~~27.25~~-Retail Services.

~~28.26~~-Theaters, Small Scale.

~~29.27~~-Travel Services.

~~28.~~ ~~Two-Family Residential, Pre-Existing.~~ (These residential uses shall be allowed to remain and shall not be considered nonconforming, but no new Two-Family Residential uses shall be established.)

~~30.29~~-Utilities, Minor.

B. DA-1 District—Conditionally Permitted Uses.

The following uses are allowed in the DA-1 District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory Uses in conjunction with a conditionally permitted use.
2. Bars.
3. Bed and Breakfast Inns. (Subject to the regulations of Section 4-1674: Bed and Breakfast Inns.)
4. **Beer and Wine Stores. (Beer and Wine Stores shall not be located within one thousand (1,000) feet of a site occupied by a public or private school, park, library, or recreational facilities, and no exterior vending machines shall be permitted. Beer and Wine Stores may be operated only between the hours of 6:00 a.m. and 10:00 p.m. unless longer hours are allowed with the approval of a conditional use permit, with a finding that the extended hours would not have an adverse effect on neighboring uses. A pre-existing Beer and Wine Store shall not be deemed a nonconforming use solely due to non-compliance with the one thousand (1,000) foot minimum distance requirement.)**

- ~~5.4.~~ Coin-Operated Laundry Businesses.
- ~~6.5.~~ Commercial Parking Facility.
- ~~7.6.~~ Commercial Recreation.
- ~~8.7.~~ Cultural Institutions.
- 9. Dance Clubs.**
- ~~10.8.~~ Day Care, General.
- ~~11.9.~~ Department Stores. (Single tenants greater than 10,000 s.f. in size.)
- ~~12.10.~~ Drive-up Facilities.
- ~~13.14.~~ Drugstores. (Single tenants greater than 10,000 s.f. in size.)
- ~~14.12.~~ Emergency Health Care.
- ~~15.13.~~ Entertainment **Events** Activities. (Entertainment **Events** Activities, when provided either as a primary use or as an accessory use to permitted and conditionally permitted uses, require use permit approval.)
- ~~16.14.~~ Farmer's Market.
- ~~17.15.~~ Fast Food Establishments, Large Scale. (Fast Food Establishments are not permitted on parcels fronting East 14th Street.)
- ~~16.~~ Fast Food Establishments, Small Scale.
- ~~18.17.~~ Furniture, Electronic, and Appliance Sales. (Single tenants greater than 10,000 s.f. in size.)
- 19. Game Centers.**
- ~~20.18.~~ Home Improvement and Interior Decoration. (Single tenants greater than 10,000 s.f. in size.)
- ~~21.19.~~ Hotels, Motels and Time-Share Facilities.
- ~~22.20.~~ Massage Therapy.
- ~~23.24.~~ Multi-Family Residential. (Minimum density of 35 units per acre and a maximum density of 75 units per acre on parcels 20,000 s.f. or greater; on parcels less than 20,000 s.f. the density shall not exceed 24 units per acre.)
- ~~24.22.~~ Neighborhood Specialty Food Markets. (Single tenants greater than 10,000 s.f. in size.)
- ~~25.23.~~ Pharmacies. (Single tenants greater than 10,000 s.f. in size.)
- ~~26.24.~~ Public Safety Facilities.
- ~~27.25.~~ Retail Sales. (Single tenants greater than 10,000 s.f. in size.)
- ~~28.26.~~ Secondhand Sales.
- ~~29.27.~~ Service Stations.
- ~~30.28.~~ Supermarkets. (Single tenants greater than 10,000 s.f. in size.)
- ~~31.29.~~ Telecommunications, **New Monopoles and** Towers. [See **(Subject to** Section 4-1686: Wireless Telecommunications Facilities.) ~~{as per Ordinance No. 98-009}.]~~
- ~~32.30.~~ Theaters.

C. DA-1 District—Uses Requiring Administrative Review.

The following uses are allowed in the DA-1 District, subject to the approval of an **Administrative Review** Zoning Permit by the Zoning Enforcement Official, as per the requirements of Article 21.

1. Automatic Teller Machines.
2. Business and Trade Schools.
- 3. Community Gardens.**
- 4. Fast Food Establishments, Small Scale.**
- ~~3. Instruction and Improvement Services.~~
- ~~5.4.~~ Maintenance and Repair Services.
- ~~6.5.~~ Parking Lot.
- ~~7.6.~~ Recycling Facilities, Single-Feed Reverse Vending Machine. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- ~~8.7.~~ Supermarkets. (Single tenants 10,000 s.f. in size or less only.)
- ~~9.8.~~ Telecommunications, **Architecturally-Integrated** Antennas and/or **Alternative Co-locations on Existing** Tower Structures. (As defined in, and **(Subject to the regulations of** ed by, Section 4-1686: Wireless Telecommunications Facilities.)

D. DA-1 District—Temporary Uses Requiring Administrative Review.

The following temporary uses are allowed in the DA-1 District, subject to the regulations of Section 5-2222: Temporary Use Permits.

1. Christmas Tree and Pumpkin Sales.
2. Commercial Filming.
3. Real Estate Offices, Temporary.
4. Retail Sales, Outdoor.
5. Street or Neighborhood Fairs.
6. Trade Fairs. (Ord. 2011-003 § 1; Ord. 2008-011 § 1; Ord. 2008-003 § 2; Ord. 2007-020 § 2; Ord. 2001-015 § 1)

2-638 DA-2—Use Regulations

A. DA-2 District—Permitted Uses.

The following uses are allowed in the DA-2 District, and a conditional use permit is not required. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses, other than Entertainment **Events** Activities, when in conjunction with a permitted use.
- 2. Animal Grooming (Indoor only).**
- ~~3.2.~~ Artists' Studios.
- 4. Brewpubs.**
- ~~5.3.~~ Business Services.
- ~~6.4.~~ Cafés.
- ~~7.5.~~ Day Care, Large Family (Subject to the Regulations of Section 2-516: Large Family Day Care Homes, for pre-existing residential uses only.)

- ~~8.6.~~ Financial Institutions, Retail.
- ~~9.7.~~ Furniture, Electronics, and Appliance Stores.
- ~~10.8.~~ Health and Fitness Centers.
- ~~11.9.~~ Instruction and Improvement Services.
- ~~12.10.~~ Medical Supply Stores.
- ~~13.11.~~ Mixed-Use Residential with ground floor retail and office uses. (Minimum density of 20 units per acre and a maximum of 40 units per acre on parcels 20,000 s.f. or greater; on parcels less than 20,000 s.f. the density shall not exceed 24 units per acre unless approved by a conditional use permit. Conditional use permits for additional density may be approved for projects having additional open space or other amenities.)
- ~~14.12.~~ Multi-Family Residential. (Minimum density of 20 units per acre and a maximum of 40 units per acre on parcels 20,000 s.f. or greater; on parcels less than 20,000 s.f. the density shall not exceed 24 units per acre unless approved by a conditional use permit. Conditional use permits for additional density may be approved for projects having additional open space or other amenities.)
- ~~15.13.~~ Neighborhood/Specialty Food Markets.
- ~~16.14.~~ Offices, Business and Professional.
- ~~17.15.~~ Pharmacies. (Single tenants 10,000 s.f. in size or less only.)
- ~~18.16.~~ Pre-Existing Single-Family and Two-Family Residential **Uses.** (These pre-existing Single-Family and Two-Family residential uses shall be allowed to remain and shall not be considered nonconforming,) ~~but no new Single-Family and Two-Family Residential uses shall be established.~~
- ~~19.17.~~ Residential Congregate Care Facilities. (Subject to the regulations of Section 2-518: Residential Congregate Care Facilities.)
- ~~20.18.~~ Residential Congregate Care Facilities, Limited.
- ~~21.19.~~ Restaurants, Full-Service.
- ~~22.20.~~ Retail Sales. (Single tenants 10,000 s.f. in size or less only.)
- ~~23.21.~~ Retail Services.
- ~~22.~~ Single-Family Residential. (Pre-existing Single-Family Residential uses shall be allowed to remain and shall not be considered nonconforming, but no new Single-Family Residential uses shall be established.)
- ~~24.23.~~ Travel Services.
- ~~24.~~ Two-Family Residential. (Pre-existing Two-Family Residential uses shall be allowed to remain and shall not be considered nonconforming, but no new Two-Family Residential uses shall be established.)
- 25. Utilities, Minor.

B. DA-2 District—Conditionally Permitted Uses.

The following uses are allowed in the DA-2 District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

- 1. Accessory Uses in conjunction with a conditionally permitted use.

2. Assembly Uses.
3. Bars.
4. Bed and Breakfast Inns.
5. Catering.
6. Commercial Parking Facility.
7. Commercial Recreation.
8. Convalescent Facilities.
9. Cultural Institutions.
10. Day Care, General.
11. Drugstores.
12. Emergency Health Care.
13. Entertainment **Events** Activities (Entertainment **Events** Activities, when provided either as a primary use or as an accessory use to permitted and conditionally permitted uses, require use permit approval.)
14. Farmers' Market.
15. Group Housing.
16. Health and Fitness Centers.
17. Home Improvement and Interior Decoration.
18. Hospitals.
19. Laboratories.
20. Massage Therapy.
21. Mortuaries.
22. Park and Recreation Facilities.
23. Pharmacies. (Single tenants greater than 10,000 s.f. in size.)
24. Schools, Public or Private.
25. Telecommunications, **New Monopoles and Towers.** [~~See **(Subject to the regulations of** Section 4-1686: Wireless Telecommunications Facilities.) (as per Ordinance No. 98-009).~~]
26. Theaters.
27. Theaters, Small Scale.
28. Utilities, Major.

C. DA-2 District—Uses Requiring Administrative Review.

The following uses are allowed in the DA-2 District, subject to the approval of an **Administrative Review** Zoning Permit by the Zoning Enforcement Official, as per the requirements of Article 21.

1. Automatic Teller Machines.
2. **Business and Trade Schools.**
3. **Community Gardens.**
4. **Fast Food Establishments, Small Scale.**
- ~~5.2.~~ Parking Lot.
- ~~6.3.~~ Recycling Facilities, Single-Feed Reverse Vending Machine (subject to the regulations of Section 4-1646: Recycling Facilities).

7.4. Telecommunications, **Architecturally-Integrated** Antennas and/or Alternative Co-locations on Existing Tower Structures. ~~[See (Subject to the regulations of Section 4-1686: Wireless Telecommunications Facilities.) {as per Ordinance No. 98-009}.]~~

D. DA-2 District—Temporary Uses Requiring Administrative Review.

The following temporary uses are allowed in the P District, subject to the regulations of Section 5-2222: Temporary Use Permits.

1. Assembly Uses, Temporary.
2. Christmas Tree and Pumpkin Sales.
3. Commercial Filming, Limited.
4. Real Estate Sales, Temporary.
5. Retail Sales, Outdoor.
6. Street and Neighborhood Fairs.
7. Trade Fairs. (Ord. 2008-011 § 1; Ord. 2008-003 § 3; Ord. 2007-020 § 2; Ord. 2001-015 § 1)

2-640 DA-3—Use Regulations

A. DA-3 District—Permitted Uses.

The following uses are allowed in the DA-3 District, and a conditional use permit is not required. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses when in conjunction with a permitted use.
- 2. Animal Grooming (Indoor only).**
- ~~3.2.~~ Cafés.
- ~~4.3.~~ Day Care, Large Family. (Subject to the regulations of Section 2-516: Large Family Day Care Homes, for pre-existing residential uses only.)
- ~~5.4.~~ Day Care, Limited (For pre-existing residential uses only.)
- ~~6.5.~~ Garage and Yard Sales. (Limited to two (2) times per year on the premises of the property owner or a residential property in the immediate vicinity.)
- ~~7.6.~~ Multi-Family Residential. (Minimum density of 20 units per acre and a maximum of 60 units per acre on parcels 20,000 square feet or greater; on parcels less than 20,000 s.f. the density shall not exceed 24 units per acre unless approved by a conditional use permit. Conditional use permits for additional density may be approved for projects having additional open space or other amenities.)
- ~~8.7.~~ Park and Recreation Facilities, Public.
- 9.8.** Pre-Existing Single-Family and Two-Family Residential **Uses.** **(These residential uses** ~~Pre-existing Single-Family and Two-Family residential uses~~ shall be allowed to remain and shall not be considered non-conforming, but new Single-

Family and Two-Family Residential uses shall be subject to a conditional use permit per Subsection B.~~17~~¹⁸ and B.~~21~~²² below.)

~~10.9~~. Residential Congregate Care Facilities. (Subject to the regulations of Section 2-518: Residential Congregate Care Facilities.)

~~11.10~~. Residential Congregate Care Facilities, Limited.

~~12.11~~. Utilities, Minor.

B. DA-3 District—Conditionally Permitted Uses.

The following uses are allowed in the DA-3 District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses when in conjunction with a conditionally permitted use.

~~2.~~ Artists' Studios.

~~2.3.~~ Assembly Uses.

~~3.4.~~ Bed and Breakfast Inns.

4. Brewpubs.

~~5.~~ Cafés.

~~5.6.~~ Cultural Institutions.

~~6.7.~~ Day Care, General.

7. Fast Food Establishments, Small Scale.

8. Group Housing.

~~9.~~ Health and Fitness Centers.

~~9.10.~~ Manufactured Home Parks.

~~10.11.~~ Mixed-Use Residential with ground floor office and/or retail. (Minimum density of 20 units per acre and a maximum of 60 units per acre on parcels 20,000 square feet or greater; on parcels less than 20,000 square feet the density shall not exceed 24 units per acre unless approved by a conditional use permit. Conditional use permits for additional density may be approved for projects having additional open space or other amenities.)

~~11.12.~~ Neighborhood/Specialty Food Markets. (Single tenants 10,000 square feet in size or less only.)

~~13.~~ Offices, Business and Professional.

~~12.14.~~ Park and Recreation Facilities, Private Noncommercial.

~~13.15.~~ Public Safety Facilities.

~~14.16.~~ Restaurants, Full-Service.

~~15.17.~~ Retail Sales.

~~16.18.~~ Retail Services.

~~17.19.~~ Single-Family Residential.

~~18.20.~~ Schools, Public or Private.

~~19.21.~~ Telecommunications, **Co-locations on Existing** Alternative Tower Structures [see **(Subject to the regulations of** Section 4-1686: Wireless Telecommunications Facilities.) {as per Ordinance No. 98-009}].

~~20.22.~~ Travel Services.

- ~~21.23~~.Two-Family Residential.
- ~~22.24~~.Utilities, Major.

C. DA-3 District—Uses Requiring Administrative Review.

The following uses are allowed in the DA-3 District, subject to the approval of an **Administrative Review** Zoning Permit by the Zoning Enforcement Official, as per the requirements of Article 21.

- 1. Artist’s Studios.**
- 2. Business and Trade Schools.**
- 3. Community Gardens.**
- 4. Health and Fitness Centers.**
- 5. Instruction and Improvement Services.**
- ~~6.1~~. Offices, Business and Professional.
- ~~7.2~~. Telecommunications, **Architecturally-Integrated Antennae** **{see (Subject to the regulations of** Section 4-1686: Wireless Telecommunications Facilities.) **}** ~~{as per Ordinance No. 98-009}}~~.

D. DA-3 District—Temporary Uses Requiring Administrative Review.

The following temporary uses are allowed in the DA-3 District, subject to the regulations of Section 5-2222: Temporary Use Permits.

1. Assembly Uses, Temporary.
2. Commercial Filming, Limited.
3. Street and Neighborhood Fairs. (Ord. 2012-002 § 1; Ord. 2011-003 § 1; Ord. 2008-011 § 1; Ord. 2008-003 § 4; Ord. 2007-020 § 2; Ord. 2001-015 § 1)

2-642 DA-4—Use Regulations

A. DA-4 District—Permitted Uses.

The following uses are allowed in the DA-4 District, and a conditional use permit is not required. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses when in conjunction with a permitted use.
2. Cafés.
3. Day Care, Large Family. (Subject to the regulations of Section 2-516: Large Family Day Care Homes, for pre-existing residential uses only.)
4. Day Care, Limited. (For pre-existing residential uses only.)
5. Garage and Yard Sales. (Limited to two (2) times per year on the premises of the property owner or a residential property in the immediate vicinity.)

6. Multi-Family Residential. (Minimum density of sixty (60) units per acre and a maximum density of one hundred (100) units per acre on parcels twenty thousand (20,000) square feet or greater; on parcels less than twenty thousand (20,000) square feet the density shall not exceed twenty-four (24) units per acre unless approved by a conditional use permit. Conditional use permits for additional density may be approved for projects having additional open space or other amenities.)
7. Park and Recreation Facilities, Public.
8. Pre-Existing ~~Single-Family and Two-Family~~ Residential **Uses**. (~~These Pre-existing Single-Family and Two-Family~~ residential uses shall be allowed to remain and shall not be considered nonconforming, but new Single-Family and Two-Family Residential uses shall be subject to a conditional use permit per Subsection B.~~1820~~ and B.~~2123~~ below.)
9. Residential Congregate Care Facilities. (Subject to the regulations of Section 2-518: Residential Congregate Care Facilities, for pre-existing residential uses only.)
10. Residential Congregate Care Facilities, Limited. (For pre-existing residential uses only.)
11. Utilities, Minor.

B. DA-4 District—Conditionally Permitted Uses.

The following uses are allowed in the DA-4 District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses when in conjunction with a conditionally permitted use.
- ~~2. Artists' Studios.~~
- ~~2.3.~~ **Assembly Uses.**
- ~~3.4.~~ **Bed and Breakfast Inns.** (Subject to the regulations of Section 4-1674: Bed and Breakfast Inns.)
- 4. Brewpubs.**
5. Cultural Institutions.
6. Day Care, General. (For pre-existing residential uses only.)
- 7. Fast Food Establishments, Small Scale.**
- ~~8.7.~~ Group Housing.
- ~~8.~~ ~~Health and Fitness Centers.~~
9. Industrial Uses. (Pre-existing industrial uses shall not be considered nonconforming and may continue. Expansion up to 25 percent may be considered with a conditional use permit.)
10. Mixed-Use Residential with retail and/or office on the ground floor. (Minimum density of 60 units per acre and a maximum density of 100 units per acre on parcels 20,000 s.f. or greater; on parcels less than 20,000 s.f. the density shall not exceed 24 units per acre unless approved by a conditional use permit. Condi-

tional use permits for additional density may be approved for projects having additional open space or other amenities.)

11. Neighborhood/Specialty Food Markets. (Single tenants 10,000 s.f. in size or less only.)
12. Park and Recreation Facilities, Private Noncommercial.
13. Public Safety Facilities.
14. Restaurants, Full-Service.
15. Retail Sales.
16. Retail Services.
17. Schools, Public or Private.
18. Single-Family Residential.
19. Telecommunications, **Co-locations on Existing** Alternative Tower Structures ~~{see (Subject to the regulations of Section 4-1686: Wireless Telecommunications Facilities.) {as per Ordinance No. 98-009}}.~~
20. Travel Services.
21. Two-Family Residential.
22. Utilities, Major.

C. DA-4 District—Uses Requiring Administrative Review.

The following uses are allowed in the DA-4 District, subject to the approval of a Zoning Permit by the Zoning Enforcement Official, as per the requirements of Article 21.

- 1. Artist's Studios.**
- 2. Business and Trade Schools.**
- 3. Community Gardens.**
- 4. Health and Fitness Centers.**
- 5. Instruction and Improvement Services.**
- ~~6.1. Offices, Business and Professional.~~
- ~~7.2. Telecommunications, **Architecturally-Integrated** Antennas **{see (Subject to the regulations of Section 4-1686: Wireless Telecommunications Facilities.) {as per Ordinance No. 98-009}}.**~~

D. DA-4 District—Temporary Uses Requiring Administrative Review.

The following temporary uses are allowed in the DA-4 District, subject to the regulations of Section 5-2222: Temporary Use Permits.

1. Assembly Uses, Temporary.
2. Commercial Filming, Limited.
3. Street and Neighborhood Fairs. (Ord. 2011-003 § 1; Ord. 2008-011 § 1; Ord. 2008-003 § 5; Ord. 2007-020 § 2; Ord. 2001-015 § 1)

2-644 DA-5—Use Regulations

A. DA-5 District—Permitted Uses.

The following uses are allowed in the DA-5 District, and a conditional use permit is not required, provided that the use does not operate between the hours of 10 p.m. and 7 a.m. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses, other than Entertainment **Events** Activities, when in conjunction with a permitted use.
2. Artists' Studios.
- 3. Brewpubs.**
- ~~4.3.~~ Cafés.
- ~~5.4.~~ Catering Services.
- ~~6.5.~~ Health and Fitness Centers.
- 7. Instruction and Improvement Services.**
- ~~8.6.~~ Mixed-Use Residential with retail or office uses on the ground floor. (Minimum density of 80 units per acre on parcels 20,000 s.f. or greater; on parcels less than 20,000 s.f. the density shall not exceed 24 units per acre unless approved by a conditional use permit. Conditional use permits for additional density may be approved for projects having additional open space or other amenities.)
- ~~9.7.~~ Multi-Family Residential. (Minimum density of 80 units per acre on parcels 20,000 s.f. or greater; on parcels less than 20,000 s.f. the density shall not exceed 24 units per acre unless approved by a conditional use permit. Conditional use permits for additional density may be approved for projects having additional open space or other amenities.)
- ~~10.8.~~ Neighborhood/Specialty Food Markets. (Single tenants 10,000 s.f. in size or less only, when in conjunction with mixed-use residential uses on the upper floors.)
- ~~11.9.~~ Offices, Business and Professional.
- ~~12.10.~~ Park and Recreation Facilities.
- ~~13.11.~~ Restaurants, Full-Service. (If the proposed use has either a gross floor area of two thousand (2,000) square feet, or larger, or a dining area of one thousand (1,000) square feet or larger, Administrative Review is required per Subsection D.2, below.)
- ~~14.12.~~ Retail Sales when in conjunction with mixed-use residential on the upper floors.
- ~~15.13.~~ Retail Services.
- ~~16.14.~~ Utilities, Minor.

B. DA-5 District—Conditionally Permitted Hours of Operation.

The operation of a permitted use in the DA-5 District, as identified in Section 2-644.A, between the hours of 10:00 p.m. and 7:00 a.m., is subject to the approval of a conditional use permit.

C. DA-5 District—Conditionally Permitted Uses.

The following uses are allowed in the DA-5 District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory Uses in conjunction with a conditionally permitted use.
2. Cultural Institutions.
3. Day Care, General.
4. Drugstores.
5. Entertainment **Events** Activities. (Entertainment **Events** Activities, when provided either as a primary use or as an accessory use to permitted and conditionally permitted uses, require use permit approval.)
- 6. Fast Food Establishments, Small Scale.**
- ~~7.6.~~ Government Offices.
- ~~8.7.~~ Hotels, Motels, and Time-Share Facilities.
- ~~9.8.~~ Neighborhood/Specialty Food Markets. (Single tenants greater than 10,000 s.f. in size.)
- ~~10.9.~~ Supermarkets.
- ~~11.10.~~ Utilities, Major.

D. DA-5 District—Uses Requiring Administrative Review.

The following uses are allowed in the DA-5 District, subject to the approval of an **Administrative Review** Zoning Permit by the Zoning Enforcement Official, as per the requirements of Article 21.

1. Automatic Teller Machines.
2. **Business and Trade Schools.**
3. **Community Gardens.**
- ~~2.~~ Restaurants, Full-Service. (Administrative Review is required to establish or enlarge a Restaurant or Café that would have either a gross floor area of two thousand (2,000) square feet, or larger, or a dining area of one thousand (1,000) square feet or larger. Standards for review are specified in Section 2-674.G.)
- ~~4.3.~~ Telecommunications, **Architecturally-Integrated** Antennas and/or Alternative **Co-locations on Existing** Tower Structures [see **(Subject to the regulations of** Section 4-1686: Wireless Telecommunications Facilities.)] [as per Ordinance No. 98-009]].

E. DA-5 District—Temporary Uses Requiring Administrative Review.

The following temporary uses are allowed in the DA-5 District, subject to the regulations of Section 5-2222: Temporary Use Permits.

1. Christmas Tree and Pumpkin Sales.
2. Commercial Filming.
3. Real Estate Offices, Temporary.

4. Retail Sales, Outdoor.
5. Street or Neighborhood Fairs. (Ord. 2011-003 § 1; Ord. 2008-011 § 1; Ord. 2008-003 § 6; Ord. 2007-020 § 2; Ord. 2001-015 § 1)

2-646 DA-6—Use Regulations

A. DA-6 District—Permitted Uses.

The following uses are allowed in the DA-6 District, and a conditional use permit is not required. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses, other than Entertainment **Events** Activities, when in conjunction with a permitted use.
2. Artists' Studios.
- 3. Brewpubs.**
- ~~4.3.~~ Business Services.
- ~~5.4.~~ Business and Trade Schools.
- ~~6.5.~~ Cafés.
- ~~7.6.~~ Financial Institutions, Retail.
- 8. Health and Fitness Centers.**
- ~~9.7.~~ Instruction and Improvement Services.
- ~~10.8.~~ Mixed-Use Residential with office or retail uses on the ground floor. (Minimum density of 60 units per acre on parcels 20,000 s.f. or greater; on parcels less than 20,000 s.f. the density shall not exceed 24 units per acre unless approved by a conditional use permit. Conditional use permits for additional density may be approved for projects having additional open space or other amenities.)
- ~~11.9.~~ Multi-Family Residential. (Minimum density of 60 units per acre on parcels 20,000 s.f. or greater; on parcels less than 20,000 s.f. the density shall not exceed 24 units per acre unless approved by a conditional use permit. Conditional use permits for additional density may be approved for projects having additional open space or other amenities.)
- ~~12.10.~~ Offices, Business and Professional. (Minimum two stories of Office use fronting on Davis Street.)
- ~~13.11.~~ Park and Recreation Facilities.
- ~~14.12.~~ Pre-Existing Two-Family Residential **Uses.** (These Pre-existing ~~Two-Family Residential~~ Residential uses shall be allowed to remain and shall not be considered nonconforming.) ~~but no new Two-Family Residential uses shall be established.)~~
- 15.** Pharmacies.
- ~~16.14.~~ Restaurants, Full-Service. (If the proposed use has either a gross floor area of two thousand (2,000) square feet, or larger, or a dining area of one thousand (1,000) square feet or larger Administrative Review is required per Subsection D.2. below.)
- ~~17.15.~~ Retail Sales when in conjunction with Mixed-Use Residential.

~~18.16.~~Retail Services. (Minimum two stories of Service Retail fronting on Davis Street.)

~~19.17.~~Travel Services.

~~20.18.~~Two-Family Residential. (Pre-existing Two-Family Residential uses shall be allowed to remain and shall not be considered nonconforming, but no new Two-Family Residential uses shall be established.)

~~21.19.~~Utilities, Minor.

B. DA-6 District—Conditionally Permitted Uses.

The following uses are allowed in the DA-6 District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory Uses in conjunction with a conditionally permitted use.
2. Catering Services.
3. Communication Facilities.
4. Cultural Institutions.
5. Day Care, General.
6. Drugstores.
7. Fast Food Establishments, Large Scale.
- ~~8. Fast Food Establishments, Small Scale.~~
- ~~8.9.~~ Government Offices.
- ~~10.~~ Health and Fitness Centers.
- ~~9.11.~~Hotels, Motels, and Time-Share Facilities.
- ~~10.12.~~Neighborhood/Specialty Food Markets.
- ~~11.13.~~Schools, Public or Private.
- ~~12.14.~~Service Stations.
- ~~13.15.~~Supermarkets.
- ~~14.16.~~Theaters.
- ~~15.17.~~Utilities, Major.
- ~~16.18.~~Vehicle/Heavy Equipment Dealers, New.

C. DA-6 District—Uses Requiring Administrative Review.

The following uses are allowed in the DA-6 District, subject to the approval of an **Administrative Review** Zoning Permit by the Zoning Enforcement Official, as per the requirements of Article 21.

1. Automatic Teller Machines.
- 2. Community Gardens.**
- 3. Fast Food Establishments, Small Scale.**
- 4. Game Center.**
- ~~5.2.~~ Parking Lot.

~~3. Restaurants, Full-Service. (Administrative Review is required to establish or enlarge a Restaurant or Café that would have either a gross floor area of two thousand (2,000) square feet, or larger, or a dining area of one thousand (1,000) square feet or larger. Standards for review are specified in Section 2-674.G.)~~

~~6.4. Telecommunications, **Architecturally-Integrated** Antennaes and/or Alternative **Co-locations on Existing** Tower Structures. [see **(Subject to the regulations of** Section 4-1686: Wireless Telecommunication Facilities.) {as per Ordinance No. 98-009}].~~

D. DA-6 District—Temporary Uses Requiring Administrative Review.

The following temporary uses are allowed in the DA-6 District, subject to the regulations of Section 5-2222: Temporary Use Permits.

1. Christmas Tree and Pumpkin Sales.
2. Circuses and Carnivals.
3. Commercial Filming.
4. Real Estate Offices, Temporary.
5. Retail Sales, Outdoor.
6. Street or Neighborhood Fairs.
7. Trade Fairs. (Ord. 2008-011 § 1; Ord. 2008-003 § 7; Ord. 2007-020 § 2; Ord. 2001-015 § 1)

2-674 Additional Use Restrictions: CN, CC, CS, CR, C-RM, P, PHD, NA-1, NA-2, SA-1, SA-2 SA-3, DA-1, DA-2, DA-3, DA-4, DA-5, and DA-6 Districts

All uses not listed as permitted, conditionally permitted, or subject to administrative review are prohibited, unless a decision is made by the Zoning Enforcement Official pursuant to Section 5-2106: Uses Not Listed.

In addition to the uses listed above, the following regulations shall apply:

- A. Automobile Washing, **Attended and Unattended**. Subject to the regulations of Section 4-1634: Service Stations and Automobile Washing.
- B. Concurrent Sale of Motor Vehicle Fuel and Alcoholic Beverages. Subject to the regulations of Section 4-1644: Concurrent Sale of Motor Vehicle Fuel and Alcoholic Beverages.
- C. Development of Lots Divided by District Boundaries. Lots located within two (2) districts shall be subject to the regulations of Section 4-1652: Development on Lots Divided by District Boundaries.
- D. Fast Food Establishments. Subject to the regulations in Section 4-1630.

- E. Nonconforming Uses. Subject to the regulations of Article 20: Nonconforming Uses and Structures.
- F. Relocated Buildings. A use permit shall be required for any commercial use, residential use, public or semipublic use, or industrial use occupying a relocated building.
- G. Restaurants, Full-Service or Cafés in Various Commercial Districts Subject to Administrative Review if the proposal has, or would result in, either a gross floor area of two thousand (2,000) square feet, or larger, or a dining area of one thousand (1,000) square feet, or larger. Zoning permit review pursuant to Article 21 shall include, but is not limited to, a review of the proposal's generation of parking demand, hours of operation, and signage. In order to assure consistency with the purpose of the various Commercial Districts as stated in Section 2-600, the Zoning Enforcement Official may impose conditions to limit hours of operations and signage further than what is prescribed elsewhere in this Code. The standard for approval is the Zoning Enforcement Official's ability to make the required findings, as listed below:
1. That the proposed location and operation of the Restaurant, Full-Service or Café is in accord with the provisions of this code, and the purposes and specific standards of the Commercial District in which the site is located;
 2. That the proposed location of the Restaurant, Full-Service or Café and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety or welfare of persons residing, or working in, or adjacent to, the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity, or to the general welfare of the City;
 3. That the proposed Restaurant, Full Service or Café will not create adverse impacts on traffic, including but not limited to on-street parking demand, or create demands exceeding the capacity of public services and facilities which cannot be mitigated.
- H. Fast Food Establishments, Small Scale in the CC, SA, and Various DA Districts. Subject to Administrative Review if the proposal is to establish or enlarge a Fast Food Establishment, Small Scale within five hundred (500) feet of a Residential District. Zoning permit review pursuant to Article 21 shall include but is not limited to a review of the proposal's generation of parking demand, hours of operation, and signage. In order to assure consistency with the purpose of the applicable commercial district, the Zoning Enforcement Official may impose conditions to limit hours of operations and signage further than what is prescribed elsewhere in this Code. The standard for approval is the Zoning Enforcement Official's ability to make the required findings, as listed below:

1. That the proposed location and operation of the Fast Food Establishment, Small Scale, is in accord with the provisions of this code, and the purposes and specific standards of the commercial district in which the site is located;
2. That the proposed location of the Fast Food Establishment, Small Scale, and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety, or welfare of persons residing, or working in, or adjacent to, the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity, or to the general welfare of the City;
3. That the proposed, Fast Food Establishment, Small Scale will not create adverse impacts on traffic, including but not limited to on-street parking demand, or create demands exceeding the capacity of public services and facilities which cannot be mitigated. (Ord. 2007-020 § 2; Ord. 2004-007 § 2; Ord. 2004-004 § 3; Ord. 2001-015 § 1)

Division 2. Development Regulations

2-676 Property Development Regulations: CN, CC, CS, CR, C-RM, P, PHD, NA-1, NA-2, SA-1, SA-2, SA-3, DA-1, DA-2, DA-3, DA-4, DA-5, and DA-6 Districts

The following Sections set forth the property development regulations of the CN, CC, CS, CR, C-RM, P, PHD, NA-1, NA-2, SA-1, SA-2, SA-3, DA-1, DA-2, DA-3, DA-4, DA-5, and DA-6 Districts. Furthermore, development proposals in the SA-1, SA-2 or SA-3 Districts shall be reviewed by City staff to ensure general consistency with the provisions contained in the Design Guidelines in the East 14th Street South Area Development Strategy. Development proposals in the DA-1, DA-2, DA-3, DA-4, DA-5, and DA-6 Districts shall be reviewed by City Staff to ensure general consistency with the provisions contained in the Design Guidelines in the Downtown San Leandro Transit-Oriented Development Strategy. (Ord. 2007-020 § 2; Ord. 2004-007 § 2; Ord. 2001-015 § 1)

2-678 Minimum Lot Area and Minimum Lot Width

Zoning District	Minimum Lot Area (sq. ft.)	Minimum Lot Width (feet)
CN, P, DA-2, DA-3, DA-4	5,000 ⁽²⁾	50
CC, NA-1, NA-2, DA-1, DA-5, DA-6	10,000 ⁽²⁾	100
PHD	5,000	50
CS	10,000	100
CR	10,000	n.a.
C-RM	25 acres ⁽¹⁾	n.a.
SA-1, SA-2, SA-3	5,000	50

⁽¹⁾ In the C-RM District, the Community Development Director may administratively approve an exception to the minimum lot size to allow for lots less than the minimum size required by this section if adequate shared ingress, egress and access to parking facilities can be provided to accommodate each proposed new lot.

⁽²⁾ In the DA-1, DA-2, DA-3, DA-4, DA-5, and DA-6 Districts the Community Development Director may administratively approve an exception to the minimum lot size to allow for lots less than the minimum size required by this section if adequate shared ingress, egress and access to parking facilities can be provided to accommodate each proposed new lot and the proposed development is consistent with the Design Guidelines of the Downtown San Leandro Transit-Oriented Development Strategy.

Section 4-1650: Development on Substandard Lots shall apply to substandard lots. Smaller lot requirements may be permitted with an approved development plan and tentative subdivision map. Section 4-1652: Development on Lots Divided by District Boundaries shall apply to lots divided by district boundaries. (Ord. 2007-020 § 2; Ord. 2005-002 § 1; Ord. 2004-007 § 2; Ord. 2001-015 § 1)

2-680 Minimum Yards

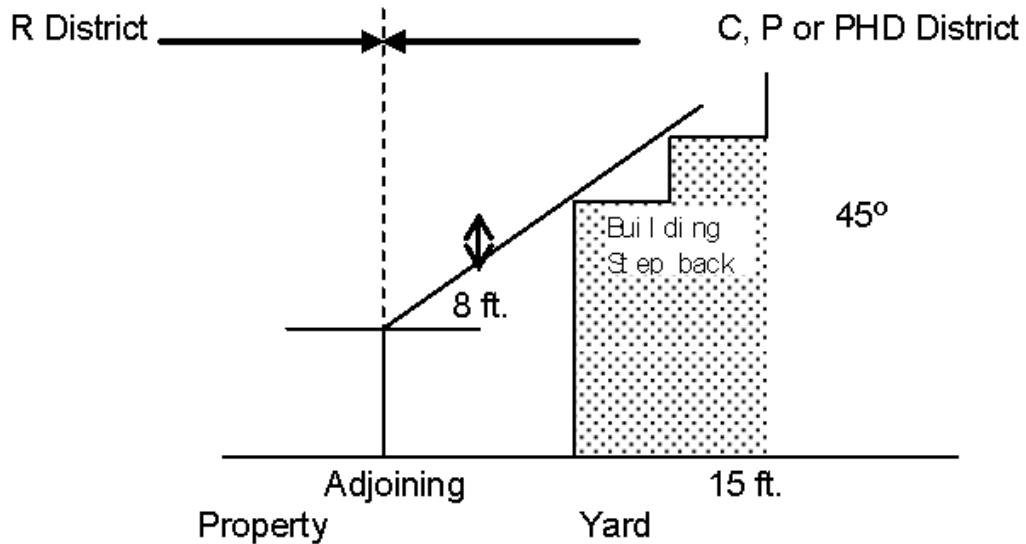
A. Minimum Building Setback. The minimum yard setback for building placement, is as prescribed below. Additional building setback may also apply as specified in Subsections B, C, D, and E. The minimum landscaped yard requirements are prescribed in Subsection F.

Zoning District	Front (ft.)	Side (ft.)	Corner Side (ft.)	Rear (ft.)
CN, P	10	0	10	0
CC	10	0	10	0
PHD	0	0	10	0
CS	10	0	10	0
CR	20	0	20	0
C-RM	0 ^(C)	0 ^(C)	0 ^(C)	0 ^(C)
NA-1	0	4 ^(D)	0	5 ^(E)
NA-2	20/25 ^(E)	15 ^(E)	20 ^(E)	15 ^(E)
SA-1	0	0	0	0
SA-2	See G	0	0	0
SA-3	0	0	0	0
DA-1	See F1	0	10-15	See F1
DA-2; DA-3, DA-5, DA-6	See F2	0	10-15	See F2
DA-4	See F3	0	10	See F3

B. Minimum Building Setbacks, Additional Regulations.

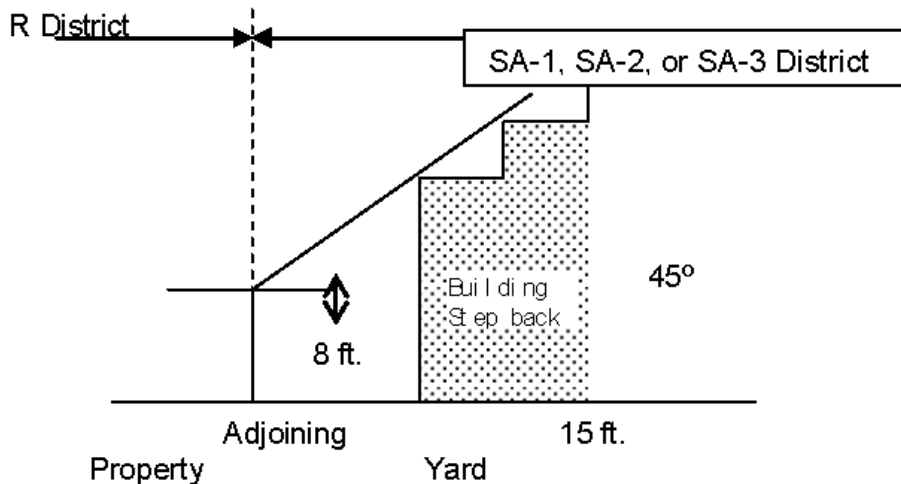
1. Front, side, corner side, and rear yards shall be subject to the regulations of Section 4-1654: Building Projections into Yards and Courts.
2. Double-frontage lots shall provide the minimum front yard setback on each frontage.
3. A fifteen (15) foot side or rear yard shall adjoin an R District, and structures shall not intercept a one-to-one (1:1) or forty-five degree (45°) daylight plane inclined inward from a height of eight (8) feet above existing grade at the R District

boundary line. (Please refer to illustration “Required Daylight Plane at Adjoining Districts.”)



Required Daylight Plane at Adjoining Districts—C, P or PHD District
(The diagram is illustrative)

An eight (8) foot side or rear yard setback for parcels that adjoin an R District, and structures shall not intercept a one-to-one (1:1) or forty-five degree (45°) daylight plane inclined inward from a height of eight (8) feet above existing grade at the R District boundary line. (Please refer to illustration “Required Daylight Plane at Adjoining Districts.”)



Required Daylight Plane at Adjoining Districts—SA-1, SA-2 or SA-3 District

(The diagram is illustrative—also refer to the East 14th Street South Area Design Guidelines)

C. CR-M District, Additional Building Setback Requirements.

1. No building in the C-RM District shall be constructed within forty (40) feet of a building site in an R District. Any other restriction on yards shall be as established pursuant to a conditional use approval or development agreement.

D. NA-1 District, Additional Building Setback Requirements.

1. Side yard requirements in the NA-1 District shall be increased to twenty-five (25) feet if abutting residentially zoned property.
2. Rear yard requirements in the NA-1 District when adjoining RS Districts, shall be increased to twenty-five (25) feet for the first and second story and thirty-five (35) feet for the third story. Rear yards in the NA-1 District, when adjoining RD or RM Districts, shall be increased to twenty-five (25) feet.

E. NA-2 District, Additional Building Setback Requirements.

1. The front yard setback in the NA-2 District shall be as follows: twenty (20) feet for one (1) and two (2) story buildings and twenty-five (25) feet for three (3) story buildings.
2. Side setbacks in the NA-2 District shall be fifteen (15) feet or one-half (½) the building height, whichever is greater.
3. Corner side setbacks in the NA-2 District shall be twenty (20) feet, or one-half (½) the building height, whichever is greater.
4. Rear yard requirements in the NA-2 District, when adjoining RS Districts, shall be increased to twenty-five (25) feet for the second story and thirty-five (35) feet for the third story. Rear yards in the NA-2 District, when adjoining RD or RM Districts, shall be increased to twenty-five (25) feet.

F. DA-1, DA-2, DA-3, DA-4, DA-5, and DA-6 Building Setbacks.

In addition to the standards set forth below, building setbacks within the DA-1, DA-2, DA-3, DA-4, DA-5, and DA-6 Districts shall also comply with the Design Guidelines set forth in the Downtown San Leandro Transit Oriented Development Strategy. Where a conflict occurs between the setbacks set forth in this Section and the Downtown San Leandro Transit-Oriented Development Strategy, the Design Guidelines in the Downtown San Leandro Transit-Oriented Development Strategy shall prevail.

1. DA-1 District.

- a. A front building setback of 12 feet to 15 feet from the existing property line is required along the west side of East 14th Street to align with the Civic Center and to create a minimum 25-foot sidewalk and pedestrian amenity zone.
- b. A minimum front setback of seven feet is required along East 14th Street to create a minimum 15-foot wide pedestrian zone;
- c. An additional ten-foot setback is required at the proposed BART station to allow for transit related facilities and patron waiting areas.
- d. Rear yards: To be consistent with the prevailing condition on each block.

2. DA-2, DA-3, DA-5, and DA-6 Districts.

- a. Front yard setbacks are to be consistent with the prevailing condition on each block.
- b. Where ground floor residential is proposed, a minimum front setback of ten feet and a maximum of 15 feet shall be provided.
- c. For mixed-use buildings, the front setback shall not exceed ten feet.
- d. Rear yards: To be consistent with the prevailing condition on each block.

3. DA-4 District.

- a. Front yard: Front yard setbacks are to be consistent with the prevailing condition on each block.
- b. Rear yards: To be consistent with the prevailing condition on each block.
- c. A building setback of 150 feet from the top of the San Leandro Creek bank shall be provided for a linear park connection.

G. Minimum Required Landscaped Yards.

1. CN, CC, CR, CS, P, and NA-2 Districts. A landscaped yard or planter strip with a minimum depth of ten (10) feet shall be provided within the front and corner side yard setbacks prescribed in Subsection A.
2. SA-1, SA-2 and SA-3 Districts. The objective in all SA Districts is to create 13.5-foot wide sidewalks south of Blossom Way and a 13-foot wide sidewalk north of Blossom Way. Front yard setbacks will vary in order to achieve these objectives. North of Blossom Way, a minimum 4.5-foot setback shall be required. South of Blossom Way, no front yard setback is required. Furthermore, if ground-floor residential is proposed in any SA District, a 10-foot building setback shall be required.

A minimum 5-foot landscaped yard or planter strip shall be provided for any parking facility or other open space area abutting a public street.

3. Minimum Site Landscaping—DA-1, DA-2, DA-3, DA-4, DA, 5, and DA-6 Districts. The percentage of site landscaping to be required in the DA-1, DA-2, DA-3, DA-4, DA-5, and DA-6 Districts shall be determined at the time of an individual project’s Site Plan Review process, pursuant to Article 25.
4. Landscape Requirements in All Districts. Notwithstanding the minimum setback and landscaped yard requirements of this Article, all open areas within, and adjacent to, a required front or corner side yard, other than areas used for walks, drives or parking and loading facilities, shall be landscaped. For projects requiring “Site Plan Approval” pursuant to Article 25, all landscaping shall be installed as per the Landscape Requirements of Article 19.
5. Exceptions. As part of the “Site Plan Approval” pursuant to Chapter 25, exceptions to the requirements of this Subsection may be permitted if such requirements are found not to be practical due to pre-existing site constraints. (Ord. 2007-020 § 2; Ord. 2004-009 § 2; Ord. 2004-007 § 2; Ord. 2001-015 § 1)

2-682 Maximum Height of Structures

Zoning District	Maximum Height (ft.)	Minimum Height (ft.)
CN, P, NA-1, NA-2	30	n.a.
CC	50	n.a.
PHD	75	n.a.
CS	40	n.a.
CR	40	n.a.
C-RM	80 ⁽¹⁾	n.a.
SA-1, SA-2, SA-3	50	24
DA-1	75	24 ⁽²⁾
DA-2	50	24 ⁽²⁾
DA-3	50	n.a.
DA-4	60-75 ⁽³⁾	
DA-5	No limit	n.a.
DA-6	75 ⁽⁴⁾	

⁽¹⁾ No building in the C-RM District shall exceed a height of eighty (80) feet or four (4) stories unless a greater height is expressly permitted by a conditional use approval or development agreement.
⁽²⁾ This standard only applies along East 14th Street. No Minimum height elsewhere in the DA-1 District.
⁽³⁾ Refer to Downtown San Leandro Transit-Oriented Development Strategy Figure 8 for locations of specific height limits; height transition is required adjacent to residential areas.
⁽⁴⁾ Heights above 75 feet subject to review; height transition is required adjacent to residential areas.

The maximum height of structures shall be subject to the regulations of Section 4-1658: Exceptions to Height Limits. (Ord. 2007-020 § 2; Ord. 2004-007 § 2; Ord. 2001-015 § 1)

2-684 Maximum Lot Coverage

Zoning District	Maximum Lot Coverage (%)
CN, P	50%
CC	50%
PHD, C-RM NA-1, NA-2	100%
CS	50%
CR	25%
SA-1, SA-2, SA-3	100%
DA-1, DA-2, DA-3, DA-4, DA-5, DA-6	100%

(Ord. 2007-020 § 2; Ord. 2004-007 § 2; Ord. 2001-015 § 1)

2-686 Maximum Base FAR and Maximum FAR Bonus

Zoning District	Maximum Base FAR	Maximum FAR Bonus (See A)
CN, P	0.3	0.2
CC	0.5	0.5
PHD	2.0	0.5
CS	0.5	0
CR	0.3	0
NA-1, NA-2	1.0	0.5
C-RM	0.8	0
SA-1, SA-2, SA-3	1.0	0.5
DA-1	See B	
DA-2	1.0 commercial use	
DA-3, DA-4, DA-5	n.a.	
DA-6	See C	

A. In terms of the maximum FAR bonus, additional FAR may be permitted if approved by the Board of Zoning Adjustments or Planning Commission for: 1) Underground parking: 0.05 for each ten percent (10%) increment of required parking that is provided underground or in structures up to a maximum of 0.4; and 2) Transfer of FAR from a historic building site: twice the amount of unused FAR up to a maximum of 0.2. (The FAR on the historic site must be restricted by recorded covenants or deed restriction.)

- B. DA-1 District:
1. Maximum Office FAR: 2.0
 2. Maximum Retail FAR: 2.0
 3. Maximum Retail FAR: 2.0

- C. DA-6 District:
1. Minimum FAR: 1.0

2. No maximum FAR. (Ord. 2008-011 § 1; Ord. 2007-020 § 2; Ord. 2004-007 § 2; Ord. 2001-015 § 1)

2-688 Minimum Site Landscaping

- A. General Landscape Requirements. In addition to the general Landscape Requirements prescribed in Article 19, the following requirements for minimum site landscaping apply to all property within any C, P, NA, DA or SA District. As part of the Site Plan Approval process pursuant to Article 25, exceptions to the stated requirements for “minimum site landscaping” may be permitted in cases where such standards are found not to be practical due to pre-existing site constraints.
- B. Minimum Site Landscaping. The minimum percentage of the site that shall be used for landscaping shall be as prescribed below:

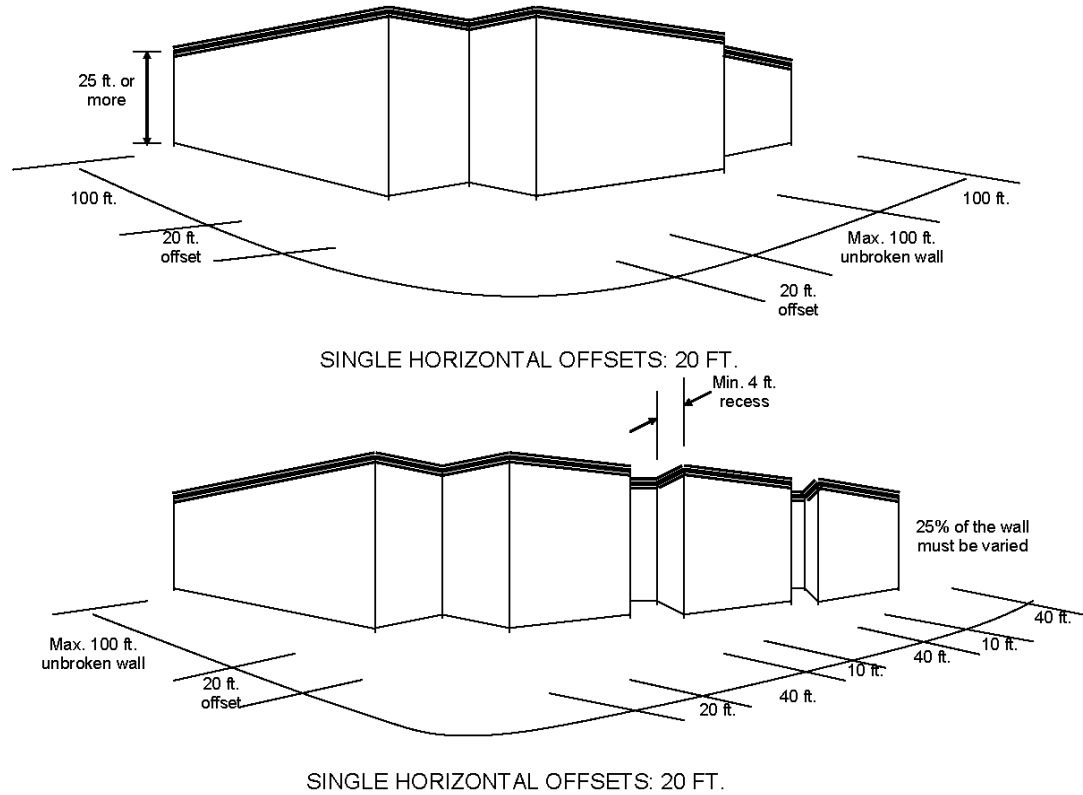
Zoning District	Minimum Site Landscaping
CN, P, NA-1, SA-1, SA-3	5%
CC, NA-1, SA-2	10%
PHD	0%
CS	10%

- C. Minimum Site Landscaping—CR and C-RM Districts. The percent of site landscaping to be required in the CR and C-RM Districts shall be determined at the time of an individual project’s Site Plan Review process, pursuant to Article 25.
- D. Minimum Site Landscaping—DA-1, DA-2, DA-3, DA-4, DA-5, and DA-6 Districts. The percentage of site landscaping to be required in the DA-1, DA-2, DA-3, DA-4, DA-5, and DA-6 Districts shall be determined at the time of an individual project’s Site Plan Review process, pursuant to Article 25. (Ord. 2007-020 § 2; Ord. 2004-007 § 2; Ord. 2001-015 § 1)

2-690 Wall Setback or Offsets

- A. For buildings over twenty-five (25) feet in height and with walls that extend longer than one hundred (100) feet, the accepted standard shall be that such walls shall provide architectural details such as offsets, recesses, reveals, window patterns, columns, or pilasters. Review and approval by the Zoning Enforcement Official shall be required to determine compliance with this requirement. (Please refer to “Maximum Wall Length and Required Break” illustration.)
- B. For buildings located in the SA-1, SA-2 or SA-3 Districts, the Zoning Enforcement Official shall review development plans for general consistency with the Design Guidelines for the East 14th Street South Area Development Strategy that relate to wall setbacks, offsets and other design related features.

C. For buildings located in the DA-1, DA-2, DA-3, DA-4, DA-5, or DA-6 Districts, the Zoning Enforcement Official shall review development plans for general consistency with the Design Guidelines for the Downtown San Leandro Transit-Oriented Development Strategy that relate to wall setbacks, offsets and other design related features.



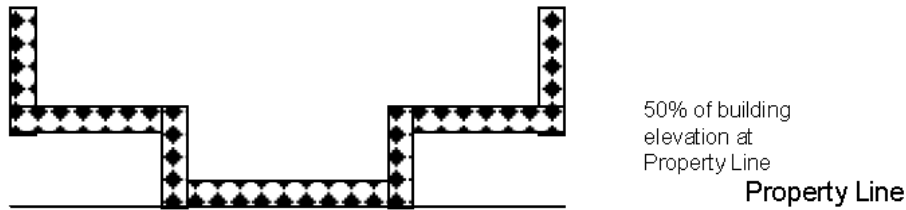
Maximum Wall Length and Required Break
(The diagram is illustrative)

(Ord. 2007-020 § 2; Ord. 2004-007 § 2; Ord. 2001-015 § 1)

2-692 Reserved (Ord. 2001-015 § 1)

2-694 Required Building Lines—PHD Districts

A minimum of fifty percent (50%) of the front building elevation shall be located on the front property line. (Please refer to illustration “Building Face at Property Line.”)



BUILDING FACE AT PROPERTY LINE

(The diagram is illustrative)

(Ord. 2007-020 § 2; Ord. 2001-015 § 1)

2-696 Additional Property Development Regulations: CN, CC, CS, CR, C-RM, P, PHD, NA-1, NA-2, SA-1, SA-2, SA-3, DA-1, DA-2, DA-3, DA-4, DA-5 and DA-6 Districts

Development proposals in the SA-1, SA-2 or SA-3 Districts shall be reviewed by City staff to ensure general consistency with the provisions contained in the East 14th Street South Area Development Strategy Design Guidelines. For buildings located in the DA-1, DA-2, DA-3, DA-4, DA-5, or DA-6 Districts, the Zoning Enforcement Official shall review development plans for general consistency with the Design Guidelines for the Downtown San Leandro Transit-Oriented Development Strategy that relate to wall setbacks, offsets and other design related features. In addition to the development regulations listed above, the following regulations shall apply:

- A. Residential Development. Development standards for residential uses in the CN, CC, C-RM, and PHD Districts shall be subject to the same standards for height limits, maximum density, and open space as would apply to residential development in the RM-2000 [twenty-two (22) dwellings per acre] District, as prescribed by Sections 2-528, 2-540 and 2-558. Development standards for residential uses in the NA-1 and NA-2 Districts shall be subject to comparable regulations of the RM-1800 [twenty-four (24) dwellings per acre] District. Development densities for the SA-1, SA-2 or SA-3 Districts shall provide a minimum density of 18 units per gross acre. Exceptions to this minimum density requirement may be approved at the discretion of the Zoning Enforcement Official.
- B. Fences, Walls, and Hedges. Subject to the regulations of Section 4-1682: Fences, Walls, and Hedges.
- C. Off-Street Parking and Loading. Subject to the regulations of Article 17: Off-Street Parking and Loading Regulations. A triangular yard adjoining both sides of a driveway crossing a street property line shall have a depth of five (5) feet at the edge of the driveway and a width measured on both sides of the driveway of fifty (50) feet, or the distance to the intercepting property line, whichever is less. At least fifty percent (50%) of each such yard shall be planting area.

- D. Signs. Subject to the regulations of Article 18: Signs.
- E. Outdoor Facilities/Outdoor Storage. Subject to the regulations of Sections 4-1662: Outdoor Facilities/Outdoor Storage and 4-1672: Earth Station and Microwave Equipment. All outdoor storage and refuse storage areas shall be screened so as not to be visible from any street, public way, or R, P, PHD, or IP District.
- F. Views into Buildings. On frontages designated on the Zoning Map, not less than fifty percent (50%) of the first story of that portion of a building facing a street shall consist of opening or clear or tinted glass windows providing views of merchandise displayed, building interiors, or courtyards.
- G. Security Roll-Up Doors. Retractable security gates, window bars, and mall-style roll-up doors shall be installed to the inside of existing windows or glass doors for installation of physical security measures on a building façade. A mall-style roll-up door must not be visible during business hours. Metal gates, stored in a wall pocket or similar enclosure so as not to be visible during business hours, and scissor-style security grilles, retracted into casing during business hours, are subject to the review and approval of the Community Development Director.**
- G. Screening of Mechanical Equipment. Subject to the regulations of Section 4-1664: Screening of Mechanical Equipment. All outdoor storage and refuse storage areas shall be screened so as not to be visible from any street, public way, or R, P, PHD, or IP District.
- H. Refuse Storage Areas. Subject to the regulations of Section 4-1666: Refuse Storage Areas. All outdoor storage and refuse storage areas shall be screened so as not to be visible from any street, public way, or R, P, PHD, or IP District.
- I. Underground Utilities. Subject to the regulations of Section 4-1668: Underground Utilities.
- J. Performance Standards. Subject to the regulations of Section 4-1670: Performance Standards.
- K. Nonconforming Structures and Nonconforming Signs. Subject to the regulations of Article 20: Nonconforming Uses and Structures.
- L. Other Requirements: C-RM (Commercial - Regional Mall) District. The following additional requirements shall apply to development approvals in the C-RM District at the time when new improvements are constructed and only in that area of the site that is related to such new construction.

1. All signs shall be subject to the San Leandro Sign Code with respect to requirements for installation permits and maintenance.
2. All outdoor storage and surface mounted mechanical equipment shall be screened from view from public streets, on-site parking and vehicular or pedestrian circulation areas open to the public.
3. Roof-mounted mechanical equipment either shall be screened from view from public streets, the elevated BART line, and on-site public parking and vehicular or pedestrian circulation areas open to the public, or such equipment shall be designed or treated so as to be unobtrusive or visually attractive.
4. All utilities on-site shall be placed underground. (Ord. 2007-020 § 2; Ord. 2004-007 § 2; Ord. 2001-015 § 1)

2-698 Review of Plans

- A. Certain projects shall be subject to Site Plan review (see Article 25: Site Plan Approval).
- B. Development proposals in the SA-1, SA-2 or SA-3 Districts shall be reviewed by City staff to ensure general consistency with the provisions contained in the Design Guidelines in the East 14th Street South Area Development Strategy.
- C. For buildings located in the DA-1, DA-2, DA-3, DA-4, DA-5, or DA-6 Districts, the Zoning Enforcement Official shall review development plans for general consistency with the Design Guidelines for the Downtown San Leandro Transit-Oriented Development Strategy.
- D. Projects subject to site plan review shall include amenities and design criteria that enhance the quality of tenants living or the appearance of the project and not cited elsewhere in this Division. Projects shall include at least seven (7) of these amenities. Amenities and criteria may include:
 1. Open space; storage space
 2. Common areas that are not private balconies
 3. Tenant activity areas (examples: joint eating and cooking areas, play areas, running track; screening room)
 4. Use of solar energy in the design of the building
 5. Use of three (3) or more colors
 6. Use of three (3) or more materials on the façade
 7. Public art
 8. Storage rooms
 9. Main door-staffed with attendant
 10. Bicycle lockers

11. Turf block or concrete pavers in driveway and parking areas
12. Practical and usable furniture in common areas
13. Bay windows. (Ord. 2008-011 § 1; Ord. 2007-020 § 2; Ord. 2004-007 § 2; Ord. 2001-015 § 1)

Exhibit D: Proposed Amended Article 7

(Note: underline and bolded text represents new text; ~~strike-through~~ text represents text to be eliminated)

Article 7 I Industrial Districts

Sections:

- 2-700** **Specific Purposes**
- 2-702** **Reserved**

Division 1. Use Regulations

- 2-704** **IL District—Use Regulations**
- 2-706** **IG District—Use Regulations**
- 2-708** **IP District—Use Regulations**
- 2-710** **IL (AU) District—Use Regulations**
- 2-712** **IG (AU) District—Use Regulations**
- 2-714** **IP (AU) District—Use Regulations**
- 2-716** **Reserved**
- 2-718** **Reserved**
- 2-720** **Reserved**
- 2-722** **Reserved**
- 2-724** **Reserved**
- 2-726** **Additional Use Restrictions: IL, IG, and IP Districts**

Division 2. Development Regulations

- 2-728** **Property Development Regulations: IL, IG, and IP Districts**
- 2-730** **Minimum Lot Area and Minimum Lot Width**
- 2-732** **Minimum Yards**
- 2-734** **Maximum Height of Structures**
- 2-736** **Maximum Lot Coverage and Maximum FAR**
- 2-738** **Minimum Site Landscaping**
- 2-740** **Parcels Adjoining Residential Districts—Additional Development Requirements for New Construction**
- 2-741** **Parcels Adjoining Residential Districts—Additional Performance Standards**
- 2-742** **Additional Property Development Regulations: IL, IG, and IP Districts**
- 2-744** **Review of Plans**

2-700 **Specific Purposes**

In addition to the general purposes listed in Article 1, “Title, Components and Purposes,” the specific purposes of the industrial district regulations are to:

- A. Provide appropriately located areas consistent with the General Plan for a broad range of manufacturing, distribution and storage, and service uses.

- B. Strengthen the City's economic base, and provide employment opportunities close to home for residents of the City and surrounding communities.
- C. Provide a suitable environment for various types of industrial uses, and protect them from the adverse impacts of inharmonious uses.
- D. Encourage adaptive reuse of existing industrial buildings.
- E. Ensure high quality site and building design for new or reused buildings, and that the appearance and effects of industrial uses are compatible with the character of the area in which they are located.
- F. Minimize the impact of industrial uses on adjacent residential districts.
- G. Ensure the provision of adequate off-street parking and loading facilities.

The additional purposes of each I district are as follows:

IL Industrial Limited District. To provide areas appropriate for a wide range of (1) low-to moderate-intensity industrial uses capable of being located adjacent to residential areas through provision of adequate buffering and attenuation measures and; (2) commercial services and light manufacturing, and to protect these areas, to the extent feasible, from disruption and competition for space from unrelated retail or commercial uses or general industrial uses. **Certain types of retail sales are permitted under specified limitations.** ~~Conversion of buildings and sites to general office use is not permitted.~~

IG Industrial General District. To provide and protect existing industrial sites and allow for continued operation of existing general industry, subject to performance standards and buffering requirements to minimize potential environmental impacts. Certain types of retail sales are permitted under specified limitations.

IP Industrial Park District. To provide and protect industrial lands for the development in a landscaped setting of communities of high technology, research and development facilities, limited industrial activities (including production and assembly but not raw materials processing or bulk handling), small-scale warehousing and distribution, industrial office centers, certain types of specified retail sales, and related uses. (Ord. 2001-015 § 1)

2-702 Reserved (Ord. 2001-015 § 1)

Division 1. Use Regulations

2-704 IL District—Use Regulations

In the 'S' Overlay District, permitted uses may require a conditional use permit if not regional retail, new auto sales, or other compatible regional market use.

A. IL District—Permitted Uses.

The following uses are allowed in the IL District, and a conditional use permit is not required. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses, other than Entertainment Activities, when in conjunction with a permitted use.
2. Adult-Oriented Business. (Subject to the requirements and limitations prescribed in Section 4-1683: Adult-Oriented Business Regulations.)
3. Ambulance Services, **Emergency**. (If the proposed use is located within one thousand (1,000) feet of either an R District or the boundaries of a site occupied by a public or private school or park and recreation facility, a conditional use permit shall be required.)
- 4. Ambulance Services, Non-Emergency. (An Administrative Review approval is required if located within one thousand (1,000) feet of an R District or the boundaries of a site occupied by a public or private school or park and recreation facility.)**
- ~~5.4.~~ Animal Hospitals.
- ~~6.5.~~ Artists' Studios.
- ~~7.6.~~ Building Materials and Services. (~~Permitted if the proposed use is within an enclosed structure. A use permit is required for outdoor yard/storage.~~)
- ~~8.7.~~ Business Services.
- ~~9.8.~~ Business and Trade Schools.
- ~~10.9.~~ Catering Services.
- ~~11.10.~~ Communications Facilities.
- ~~12.14.~~ Equipment Sales.
- 13. Financial Institutions, Retail.**
- ~~14.12.~~ Food Processing, Limited.
- ~~15.13.~~ Government Offices.
- ~~16.14.~~ Health and Fitness Centers.
- ~~17.15.~~ Home Improvement and Interior Decoration.
- ~~18.16.~~ Homeless Shelters.
- ~~19.17.~~ Industry, Custom.
- ~~20.18.~~ Industry, Limited.
- ~~21.19.~~ Industry, Research, and Development.
- ~~22.20.~~ Laboratories.
- ~~23.21.~~ Maintenance and Repair Services.
- ~~24.22.~~ Marine Sales and Services.

~~25.23~~ Medical Supply Stores.

~~26.24~~ Nurseries.

~~27.25~~ Offices, Business, and Professional. (Note: The conversion of an industrial use to an office use is subject to the minimum off-street parking requirements of Section 4-1704; as prescribed of use by Subsections 4-1702.A.1 and 2)

~~28.26~~ Parcel Processing and Shipping Centers. (If the proposed use is to occupy thirty thousand (30,000) square feet or more, in a building constructed after August 15, 2001, Administrative Review is required, per Subsection C.2 below.)

~~29.27~~ Pre-existing residential uses. (These residential uses shall be allowed to remain and shall not be considered nonconforming.) ~~but no new uses shall be established.~~)

~~28.~~ Research and Development Services.

~~30.29.~~ Telecommunications, **Architecturally-Integrated** Antennae and/or Alternative **Co-locations on Existing** Tower Structures up to thirty five (35) feet in height. [See **(Subject to the regulations of** Section 4-1686: Wireless Telecommunications Facilities.) ~~{as per Ordinance No. 98-009}.]~~

~~31.30.~~ Utilities, Minor.

~~32.31.~~ Vehicle/Heavy Equipment Dealers, New.

~~33.32.~~ Warehouse—Storage Facilities. (If the proposed use will occupy a building constructed after August 15, 2001, or an existing building will be expanded ten thousand (10,000) square feet to accommodate this use, a **conditional** use permit is required, per Subsection B.32 below.)

~~34.33.~~ Warehouse—Wholesale/Retail Distribution Facilities.

B. IL District—Conditionally Permitted Uses.

The following uses are allowed in the IL District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses when in conjunction with a conditional use.

2. Animal Boarding ~~(inside use only)~~ **(with outdoor use).**

3. Automobile Parts Sales.

4. Bars.

~~5.~~ Cafés.

~~5.6.~~ Corporation Yards.

6. Cultural Institutions.

7. Dance Clubs.

~~8.7.~~ Day Care, General.

~~9.8.~~ Drive-up Facilities.

10. Drugstores.

~~11.9.~~ Emergency Health Care.

~~12.10.~~ Farmers' Market.

~~13.11.~~ Fast Food Establishments, Large Scale.

~~12.~~ Fast Food Establishments, Small Scale.

- ~~13. Financial Institutions, Retail.~~
- 14. Food Processing, General.
- 15. Furniture, Electronics and Appliance Sales.
- 16. Game Centers.**
- ~~17.~~16. Industry, Hazardous Materials or Hazardous Waste. (Provided that the use is consistent with the Alameda County Hazardous Waste Management Plan and the San Leandro General Plan.)
- ~~18.~~17. Massage Therapy.
- ~~19.~~18. Public Safety Facilities.
- 20.**19. Public Storage.
- ~~20. Recycling Facilities, Large Collection. (Subject to the regulations of Section 4-1646: Recycling Facilities.)~~
- ~~21. Recycling Facilities, Light Processing. (Subject to the regulations of Section 4-1646: Recycling Facilities.)~~
- ~~22. Restaurants, Full-Service.~~
- ~~21.~~23. Retail Sales, Big Box.
- ~~22.~~24. Service Stations.
- ~~23.~~25. Small Scale Transfer and Storage Facilities for Hazardous Waste. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- ~~24.~~26. Utilities, Major.
- ~~25.~~27. Vehicle/Equipment Repair, General.
- ~~26.~~28. Vehicle Equipment Repair, Limited.
- ~~27.~~29. Vehicle/Heavy Equipment Dealers, Used.
- ~~28.~~30. Vehicle/Heavy Equipment Rentals.
- ~~29.~~31. Vehicle Storage.
- ~~30.~~32. Warehouse—Storage Facilities. (A **conditional** use permit is required if the proposed use will occupy a building constructed after August 15, 2001, or an existing building will be expanded ten thousand (10,000) square feet to accommodate this use.)

C. IL District—Uses Requiring Administrative Review.

The following uses are allowed in the IL District, subject to the approval of a Zoning Permit by the Zoning Enforcement Official, as per the requirements of Article 21.

- 1. Animal Boarding (indoor, only).**
- 2. Animal Grooming (indoor, only).**
- ~~3.~~4. Automatic Teller Machines.
- 4. Brewpub.**
- 5. Cafés.**
- 6. Community Gardens.**
- 7. Fast Food Establishments, Small Scale.**
- 8. Instruction and Improvement Services.**

- 9. Mobile Food Vending. (Subject to approval of operation and restrictions on operation as established by Zoning Enforcement Official and compliance with all other City codes pertaining to mobile food vending.)**
- 10.2. Parcel Processing and Shipping Centers. (Administrative Review is required to occupy thirty thousand (30,000) square feet or more, in a building constructed after August 15, 2001. Standards for review are specified in Section 2-726.G.)**
- 11.3. Parking Lot.**
- 12.4. Recycling Facilities, Bulk Reverse Vending Machines. (Subject to the regulations of Section 4-1646: Recycling Facilities.)**
- 13.5. Recycling Facilities, Single-Feed Reverse Vending Machines. (Subject to the regulations of Section 4-1646: Recycling Facilities.)**
- 14. Recycling Facilities, Large Collection. (Subject to the regulations of Section 4-1646: Recycling Facilities.)**
- 15. Recycling Facilities, Light Processing. (Subject to the regulations of Section 4-1646: Recycling Facilities.)**
- 16. Restaurants, Full Service.**
- 17. Retail Sales.**
- 18. Retail Services.**
- 19.6. Telecommunications, ~~New Monopoles and Towers, exceeding thirty-five (35) feet in height. [See (Subject to the regulations of Section 4-1686: Wireless Telecommunications Facilities.) (as per Ordinance No. 98-009).]~~**
- 20.7. Vehicle/Heavy Equipment Dealers Limited, Used.**

D. IL District—Temporary Uses Requiring Administrative Review.

The following temporary uses are allowed in the IL District, subject to the regulations of Section 5-2222: Temporary Use Permits.

- 1. Christmas Tree and Pumpkin Sales.
- 2. Commercial Filming.
- 3. Trade Fairs. (Ord. 2012-004 § 1; Ord. 2011-004 § 2; Ord. 2008-012 § 1; Ord. 2007-020 § 2; Ord. 2004-004 § 4; Ord. 2001-015 § 1)

2-706 IG District—Use Regulations

A. IG District—Permitted Uses.

The following uses are allowed in the IG District, and a conditional use permit is not required. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

In the ‘S’ Overlay District, permitted uses may require a Conditional Use Permit if not regional retail, new auto sales, or other compatible regional market use.

- 1. Accessory uses, other than Entertainment Activities, when in conjunction with a permitted use.

2. Adult-Oriented Business. (Subject to the requirements and limitations prescribed in Section 4-1683: Adult-Oriented Business Regulations.)
3. Ambulance Services, **Emergency**. (If the proposed use is located within one thousand (1,000) feet of either an R District or the boundaries of a site occupied by a public or private school or park and recreation facility, a **conditional** use permit shall be required.)
- 4. Ambulance Services, Non-Emergency. (An Administrative Review approval is required if located within one thousand (1,000) feet of an R District or the boundaries of a site occupied by a public or private school or park and recreation facility.)**
- 5.4.** Artists' Studios.
5. Automobile Parts Sales.
6. Building Materials and Services. (~~Permitted if the proposed use is within an enclosed structure. A use permit is required for outdoor yard/storage.~~)
7. Business Services.
8. Business and Trade Schools.
9. Catering Services.
10. Communications Facilities.
11. Emergency Health Care.
12. Equipment Sales.
- 13. Financial Institutions, Retail.**
- ~~14.13.~~Food Processing, General.
- ~~15.14.~~Food Processing, Limited.
- ~~16.15.~~Government Offices.
- ~~17.16.~~Health and Fitness Centers.
- ~~18.17.~~Home Improvement and Interior Decoration.
- ~~19.18.~~Industry, Custom.
- ~~20.19.~~Industry, General.
- ~~21.20.~~Industry, Limited.
- ~~22.21.~~Industry, Research and Development.
- ~~23.22.~~Laboratories.
- ~~24.23.~~Maintenance and Repair Services.
- ~~25.24.~~Marine Sales and Services.
- ~~26.25.~~Medical Supply Stores.
- ~~27.26.~~Nurseries.
- ~~28.27.~~Offices, Business and Professional.
- ~~29.28.~~Parcel Processing and Shipping Centers. (If the proposed use is to occupy thirty thousand (30,000) square feet or more, in a building constructed after August 15, 2001, Administrative Review is required, per subsection C.2 below.)
- 30.29.**Pre-Existing Residential Uses. (These residential uses shall be allowed to remain and shall not be considered nonconforming.) ~~uses, but no new uses shall be established.~~
- ~~30.~~ ~~Research and Development Services.~~
31. Retail Sales, Big Box.

32. Telecommunications, **Architecturally-Integrated Antennas** and/or **Alternative Co-locations on Existing** Tower Structures up to sixty (60) feet in height. [See **(Subject to the regulations of** Section 4-1686: Wireless Telecommunication Facilities.) ~~{as per Ordinance No. 98-009}~~].
33. Utilities, Minor.
34. Vehicle/Heavy Equipment Dealers, New.
35. Warehouse—Storage Facilities. (If the proposed use will occupy a building constructed after August 15, 2001, or an existing building will be expanded ten thousand (10,000) square feet to accommodate this use, a **conditional** use permit is required, per Subsection B.32 below.)
36. Warehouse—Wholesale/Retail Distribution Facilities.

B. **IG District—Conditionally Permitted Uses.**

The following uses are allowed in the IG District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses when in conjunction with a conditional use.
2. Animal Boarding ~~(inside use only).~~ **(with outdoor use).**
3. Bars.
4. ~~Cafés.~~
- ~~4.5.~~ Corporation Yards.
- 5. Cultural Institutions.**
- 6. Dance Club.**
- ~~7.6.~~ Day Care, General.
- ~~8.7.~~ Drive-up Facilities.
- 9. Drugstores.**
- ~~10.8.~~ Farmers' Market.
- ~~11.9.~~ Fast Food Establishments, Large Scale.
- ~~10.~~ Fast Food Establishments, Small Scale.
- ~~11.~~ Financial Institutions, Retail.
12. Furniture, Electronics and Appliance Sales.
- 13. Game Center.**
- ~~14.13.~~ Industrial Transfer/Storage/Treatment Facilities for Hazardous Waste.
- ~~15.14.~~ Industry, Hazardous Materials or Hazardous Waste. (Provided that the use is consistent with the Alameda County Hazardous Waste Management Plan and the San Leandro General Plan.)
- ~~16.15.~~ Massage Therapy.
- ~~17.16.~~ Public Safety Facilities.
- ~~18.17.~~ Public Storage.
- ~~19.18.~~ Recycling Facilities, Heavy Processing. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- ~~19.~~ Recycling Facilities, Large Collection. (Subject to the regulations of Section 4-1646: Recycling Facilities.)

- ~~20. Recycling Facilities, Light Processing. (Subject to the regulations of Section 4-1646: Recycling Facilities.)~~
- ~~20.24. Residuals Repositories for Hazardous Waste.~~
- ~~21.22. Restaurants, Full-Service.~~
- ~~22.23. Service Stations.~~
- ~~23.24. Small-Scale Transfer and Storage Facilities for Hazardous Waste. (Subject to the regulations of Section 4-1646: Recycling Facilities.)~~
- 24. Supermarkets.**
- ~~25.25. Transfer Stations.~~
- ~~26.26. Trucking Terminals.~~
- ~~27.27. Utilities, Major.~~
- ~~28.28. Vehicle/Equipment Repair, General.~~
- ~~29.29. Vehicle Equipment Repair, Limited.~~
- ~~30.30. Vehicle/Heavy Equipment Dealers, Used.~~
- ~~31.34. Vehicle/Heavy Equipment Rentals.~~
- ~~32.32. Vehicle Storage.~~
- ~~33.33. Warehouse—Storage Facilities. (A **conditional** use permit is required if the proposed use will occupy a building constructed after August 15, 2001, or an existing building will be expanded ten thousand (10,000) square feet to accommodate this use.)~~
- 34. Wind Farms.**

C. IG District—Uses Requiring Administrative Review.

The following uses are allowed in the IG District, subject to the approval of a Zoning Permit by the Zoning Enforcement Official, as per the requirements of Article 21.

- 1. Animal Boarding (indoor, only).**
- 2. Animal Grooming (indoor, only).**
- 3. Animal Hospital.**
- ~~4.4. Automatic Teller Machines.~~
- 5. Brewpub.**
- 6. Cafés.**
- 7. Community Gardens.**
- 8. Fast Food Establishments, Small Scale.**
- 9. Instruction and Improvement Services.**
- 10. Mobile Food Vending. (Subject to approval of operation and restrictions on operation as established by Zoning Enforcement Official and compliance with all other City codes pertaining to mobile food vending.)**
- ~~11.2. Parcel Processing and Shipping Centers. (Administrative Review is required to occupy thirty thousand (30,000) square feet or more, in a building constructed after August 15, 2001. Standards for review are specified in Section 2-726.G.)~~
- ~~12.3. Parking Lot.~~
- ~~13.4. Recycling Facilities, Bulk Reverse Vending Machines. (Subject to the regulations of Section 4-1646: Recycling Facilities.)~~

- ~~14.5.~~ Recycling Facilities, Single-Feed Reverse Vending Machines. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- 15. Recycling Facilities, Large Collection. (Subject to the regulations of Section 4-1646: Recycling Facilities.)**
- 16. Recycling Facilities, Light Processing. (Subject to the regulations of Section 4-1646: Recycling Facilities.)**
- 17. Restaurants, Full Service.**
- 18. Retail Sales.**
- 19. Retail Services.**
- ~~20.6.~~ Telecommunications, **New Monopoles and Towers**, ~~exceeding sixty (60) in height. [See (Subject to the regulations of Section 4-1686: Wireless Telecommunication Facilities.) (as per Ordinance No. 98-009)].~~
- ~~21.7.~~ Vehicle/Heavy Equipment Dealers Limited, Used.

D. IG District—Temporary Uses Requiring Administrative Review.

The following temporary uses are allowed in the IG District, subject to the regulations of Section 5-2222: Temporary Use Permits.

- 1. Animal Shows.
- 2. Christmas Tree and Pumpkin Sales.
- 3. Commercial Filming.
- 4. Trade Fairs. (Ord. 2012-004 § 1; Ord. 2008-012 § 1; Ord. 2007-020 § 2; Ord. 2004-004 § 4; Ord. 2001-015 § 1)

2-708 IP District—Use Regulations

A. IP District—Permitted Uses.

The following uses are allowed in the IP District, and a conditional use permit is not required. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

In the ‘S’ Overlay District, permitted uses may require a Conditional Use Permit if not regional retail, new auto sales, or other compatible regional market use.

- 1. Accessory uses, other than Entertainment Activities, when in conjunction with a permitted use.
- 2. Adult-Oriented Business. (Subject to the requirements and limitations prescribed in Section 4-1683: Adult-Oriented Business Regulations.)
- 3. Ambulance Services, **Emergency**. (If the proposed use is located within one thousand (1,000) feet of either an R District or the boundaries of a site occupied by a public or private school or park and recreation facility, a **conditional** use permit shall be required.)

- 4. Ambulance Service, Non-Emergency. (An Administrative Review approval is required if located within one thousand (1,000) feet of an R District or the boundaries of a site occupied by a public or private school or park and recreation facility.)**
- 5. Artist's Studios.**
- ~~6.4.~~ Building Materials and Services. (Permitted if the proposed use is within an enclosed structure.)
- ~~7.5.~~ Business Services.
- ~~8.6.~~ Business and Trade Schools.
- 8. Catering Services.**
- ~~9.7.~~ Communication Facilities.
- ~~10.8.~~ Equipment Sales.
- ~~11.9.~~ Food Processing, Limited.
- ~~12.10.~~ Financial Institutions, Retail.
- ~~13.11.~~ Health and Fitness Centers.
- ~~14.12.~~ Home Improvement and Interior Decoration.
- ~~15.13.~~ Industry, Custom.
- ~~16.14.~~ Industry, Limited.
- ~~17.15.~~ Industry, Research and Development.
- ~~18.16.~~ Laboratories.
- ~~19.17.~~ Maintenance and Repair Services.
- ~~20.18.~~ Medical Supply Stores.
- ~~21.19.~~ Offices, Business and Professional. (The conversion of an industrial use to an office use is subject to the minimum off-street parking requirements of Section 4-1704; as prescribed for changes of use by Subsections 4-1702.A.1 and 2.)
- ~~22.20.~~ Parcel Processing and Shipping Centers. (If the proposed use is to occupy thirty thousand (30,000) square feet or more, in a building constructed after August 15, 2001, Administrative Review is required, per Subsection C.2 below.)
- ~~23.21.~~ Park and Recreational Facilities.
- ~~24.22.~~ Pre-Existing Residential Uses. (These residential uses shall be allowed to remain and shall not be considered nonconforming.) ~~uses, but no new uses shall be established.)~~
- ~~23.~~ Research and Development Services.
- ~~25.24.~~ Retail Sales, Big Box.
- ~~26.25.~~ Retail Services. (As a secondary use in a building.)
- ~~27.26.~~ Telecommunications, **Architecturally-Integrated** Antennas and/or Alternative **Co-locations on Existing** Tower Structures up to thirty-five (35) feet in height. [See **(Subject to the regulations of** Section 4-1686: Wireless Telecommunication Facilities.) ~~{as per Ordinance No. 98-009}~~].
- ~~28.27.~~ Utilities, Minor.
- ~~29.28.~~ Vehicle/Heavy Equipment Dealers, New.
- ~~30.29.~~ Warehouse—Storage Facilities. (If the proposed use will occupy a building constructed after August 15, 2001, or an existing building will be expanded ten thousand (10,000) square feet to accommodate this use, a **conditional** use permit is required, per Subsection B.~~21~~**22** below.)

~~31.30.~~ Warehouse—Wholesale/Retail Distribution Facilities. (Permitted if the proposed use is within an enclosed structure.)

B. IP District—Conditionally Permitted Uses.

The following uses are allowed in the IP District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses when in conjunction with a conditional use.
2. Animal Boarding (~~inside use only~~). **(with outdoor use)**.
3. Automobile Parts Sales.
4. Bars.
5. Cafés.
- 5. Cultural Institutions.**
- 6. Dance Club.**
- ~~7.6.~~ Day Care, General.
- ~~8.7.~~ Drive-up Facilities.
- ~~9.8.~~ Emergency Health Care.
- ~~10.9.~~ Farmers' Market.
- ~~11.10.~~ Fast Food Establishments, Large Scale.
- ~~11.~~ ~~Fast Food Establishments, Small Scale.~~
12. Food Processing, General.
13. Furniture, Electronics, and Appliance Sales.
14. Industry, General.
15. Industry, Hazardous Materials, or Hazardous Waste. (Provided that the use is consistent with the Alameda County Hazardous Waste Management Plan and the San Leandro General Plan.)
16. Massage Therapy.
17. Public Safety Facilities.
- ~~18.~~ ~~Restaurants, Full-Service.~~
- ~~18.19.~~ Service Stations.
- ~~19.20.~~ Utilities, Major.
- ~~20.21.~~ Vehicle/Heavy Equipment Dealers, Used.
- ~~21.22.~~ Warehouse—Storage Facilities. (A **conditional** use permit is required if the proposed use will occupy a building constructed after August 15, 2001, or an existing building will be expanded ten thousand (10,000) square feet to accommodate this use.)

C. IP District—Uses Requiring Administrative Review.

The following uses are allowed in the IP District, subject to the approval of a Zoning Permit by the Zoning Enforcement Official, as per the requirements of Article 21.

1. Animal Boarding (indoor only).

2. **Animal Grooming (indoor only).**
3. **Animal Hospital.**
- ~~4.~~ Automatic Teller Machines.
5. **Brewpub.**
6. **Cafés.**
7. **Community Gardens.**
8. **Fast Food Establishments, Small Scale.**
9. **Instruction and Improvement Services.**
10. **Mobile Food Vending. (Subject to approval of operation and restrictions on operation as established by Zoning Enforcement Official and compliance with all other City codes pertaining to mobile food vending.)**
- ~~11.~~ Parcel Processing and Shipping Centers. (Administrative Review is required to occupy thirty thousand (30,000) square feet or more, in a building constructed after August 15, 2001. Standards for review are specified in Section 2-726.G.)
- ~~12.~~ Parking Lot.
- ~~13.~~ Recycling Facilities, Bulk Reverse Vending Machines. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- ~~14.~~ Recycling Facilities, Single-Feed Reverse Vending Machines. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
15. **Recycling Facilities, Large Collection. (Subject to the regulations of Section 4-1646: Recycling Facilities.)**
16. **Restaurants, Full Service.**
17. **Retail Sales.**
- ~~18.~~ Telecommunications, **New Monopoles and Towers**, ~~exceeding thirty-five (35) feet in height. [See **(Subject to the regulations of** Section 4-1686: Wireless Telecommunication Facilities.) (as per Ordinance No. 98-009)].~~
19. Vehicle/Heavy Equipment Dealers Limited, Used.

D. IP District—Temporary Uses Requiring Administrative Review.

The following temporary uses are allowed in the IP District, subject to the regulations of Section 5-2222: Temporary Use Permits.

1. Commercial Filming.
2. Storage Containers, Temporary.
3. Trade Fairs. (Ord. 2012-004 § 1; Ord. 2008-012 § 1; Ord. 2007-020 § 2; Ord. 2004-004 § 4; Ord. 2001-015 § 1)

2-710 IL (AU) District—Use Regulations

In the ‘S’ Overlay District, permitted uses may require a conditional use permit if not regional retail, new auto sales, or other compatible regional market use.

A. IL (AU) District – Permitted Uses.

Exhibit D: Proposed Amended Article 7

The following uses are allowed in the IL (AU) District, and a conditional use permit is not required. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory Uses, other than Entertainment Activities, when in conjunction with a permitted use.
2. Adult-Oriented Business. (Subject to the requirements and limitations prescribed in Section 4-1683: Adult-Oriented Business Regulations.)
3. Ambulance Services, **Emergency**. (If the proposed use is located within one thousand (1,000) feet of either an R District or the boundaries of a site occupied by a public or private school or park and recreation facility, a **conditional** use permit shall be required.)
- 4. Ambulance Service, Non-Emergency. (An Administrative Review approval is required if located within one thousand (1,000) feet of an R District or the boundaries of a site occupied by a public or private school or park and recreation facility.)**
- ~~5.4.~~ Animal Hospitals.
- ~~6.5.~~ Artists' Studios.
- ~~7.6.~~ Building Materials and Services. (~~Permitted if the proposed use is within an enclosed structure. A use permit is required for outdoor yard/storage.~~)
- ~~8.7.~~ Business Services.
- ~~9.8.~~ Business and Trade Schools.
- ~~10.9.~~ Catering Services.
- ~~11.10.~~ Communications Facilities.
- ~~12.11.~~ Equipment Sales.
- 13. Financial Institutions, Retail.**
- ~~14.12.~~ Food Processing, Limited.
- ~~15.13.~~ Government Offices.
- ~~16.14.~~ Health and Fitness Centers.
- ~~17.15.~~ Home Improvement and Interior Decoration.
- ~~18.16.~~ Homeless Shelters.
- ~~19.17.~~ Industry, Custom.
- ~~20.18.~~ Industry, Limited.
- ~~21.19.~~ Industry, Research, and Development.
- ~~22.20.~~ Laboratories.
- ~~23.21.~~ Maintenance and Repair Services.
- ~~24.22.~~ Marine Sales and Services.
- ~~25.23.~~ Medical Supply Stores.
- ~~26.24.~~ Nurseries.
- ~~27.25.~~ Offices, Business, and Professional. (Note: The conversion of an industrial use to an office use is subject to the minimum off-street parking requirements of Section 4-1704; as prescribed of use by Subsections 4-1702.A.1 and 2)

- ~~28.26.~~ Parcel Processing and Shipping Centers. (If the proposed use is to occupy thirty thousand (30,000) square feet or more, in a building constructed after August 15, 2001, Administrative Review is required, per Subsection C.2 below.)
- ~~29.27.~~ Pre-existing residential uses. (These residential uses shall be allowed to remain and shall not be considered non-conforming.) ~~, but no new uses shall be established.)~~
- ~~28.~~ ~~Research and Development Services.~~
- ~~30.29.~~ Telecommunications, **Architecturally-Integrated Antennae** and/or Alternative **Co-locations on Existing** Tower Structures **(Subject to the regulations of up to thirty-five (35) feet in height. [See Section 4-1686: Wireless Telecommunication Facilities.] {as per Ordinance No. 98-009})**.
- ~~31.30.~~ Utilities, Minor.
- ~~32.31.~~ Vehicle/Heavy Equipment Dealers, New.
- ~~33.32.~~ Warehouse—Storage Facilities. (If the proposed use will occupy a building constructed after August 15, 2001, or an existing building will be expanded ten thousand (10,000) square feet to accommodate this use, a **conditional** use permit is required, per Subsection B. ~~34~~**32** below.)
- ~~34.33.~~ Warehouse—Wholesale/Retail Distribution Facilities.

B. IL (AU) District—Conditionally Permitted Uses.

The following uses are allowed in the IL (AU) District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses when in conjunction with a conditional use.
2. Animal Boarding **(with outdoor use)**. ~~(inside use only).~~
3. Assembly Uses.
4. Automobile Parts Sales.
5. Bars.
- ~~6.~~ Cafés.
- ~~6.7.~~ Commercial Recreation.
- ~~7.8.~~ Corporation Yards.
- 8. Cultural Institutions.**
- 9. Dance Clubs.**
- ~~10.9.~~ Day Care, General.
- ~~11.10.~~ Drive-up Facilities.
- 12. Drugstores.**
- ~~13.14.~~ Emergency Health Care.
- ~~14.12.~~ Entertainment Activities. (Entertainment Activities, when provided either as a primary use or as an accessory use to permitted and conditionally permitted uses, require use permit approval.)
- ~~15.13.~~ Farmers' Market.
- ~~16.14.~~ Fast Food Establishments, Large Scale.
- ~~15.~~ Fast Food Establishments, Small Scale.

- ~~16. Financial Institutions, Retail.~~
- 17. Food Processing, General.
- 18. Furniture, Electronics and Appliance Sales.
- 19. Game Centers.**
- ~~20.~~^{19.} Industry, Hazardous Materials or Hazardous Waste. (Provided that the use is consistent with the Alameda County Hazardous Waste Management Plan and the San Leandro General Plan.)
- ~~21.~~^{20.} Massage Therapy.
- ~~22.~~^{21.} Public Safety Facilities.
- ~~23.~~^{22.} Public Storage.
- ~~23. Recycling Facilities, Large Collection. (Subject to the regulations of Section 4-1646: Recycling Facilities.)~~
- ~~24. Recycling Facilities, Light Processing. (Subject to the regulations of Section 4-1646: Recycling Facilities.)~~
- ~~25. Restaurants, Full-Service.~~
- ~~24.~~^{26.} Retail Sales, Big Box.
- ~~25.~~^{27.} Service Stations.
- ~~26.~~^{28.} Small Scale Transfer and Storage Facilities for Hazardous Waste. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- ~~27.~~^{29.} Utilities, Major.
- ~~28.~~^{30.} Vehicle/Equipment Repair, General.
- ~~29.~~^{31.} Vehicle Equipment Repair, Limited.
- ~~30.~~^{32.} Vehicle/Heavy Equipment Dealers, Used.
- ~~31.~~^{33.} Vehicle/Heavy Equipment Rentals.
- ~~32.~~^{34.} Vehicle Storage.
- ~~33.~~^{35.} Warehouse—Storage Facilities. (A **conditional** use permit is required if the proposed use will occupy a building constructed after August 15, 2001, or an existing building will be expanded ten thousand (10,000) square feet to accommodate this use.)

C. IL (AU) District—Uses Requiring Administrative Review.

The following uses are allowed in the IL (AU) District, subject to the approval of a Zoning Permit by the Zoning Enforcement Official, as per the requirements of Article 21.

- 1. Animal Boarding (indoor, only).**
- 2. Animal Grooming (indoor, only).**
- ~~3.~~^{4.} Automatic Teller Machines.
- 4. Brewpubs.**
- 5. Cafés.**
- 6. Community Gardens.**
- 7. Fast Food Establishments, Small Scale.**
- 8. Instruction and Improvement Services.**

- 9. Mobile Food Vending. (Subject to approval of operation and restrictions on operation as established by Zoning Enforcement Official and compliance with all other City codes pertaining to mobile food vending.)**
- ~~10.2.~~ Parcel Processing and Shipping Centers. (Administrative Review is required to occupy thirty thousand (30,000) square feet or more, in a building constructed after August 15, 2001. Standards for review are specified in Section 2-726.G.)
- ~~11.3.~~ Parking Lot.
- ~~12.4.~~ Recycling Facilities, Bulk Reverse Vending Machines. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- ~~13.5.~~ Recycling Facilities, Single-Feed Reverse Vending Machines. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- 14. Recycling Facilities, Large Collection. (Subject to the regulations of Section 4-1646: Recycling Facilities.)**
- 15. Recycling Facilities, Light Processing. (Subject to the regulations of Section 4-1646: Recycling Facilities.)**
- 16. Restaurants, Full Service.**
- 17. Retail Sales.**
- 18. Retail Services.**
- ~~19. 6.~~ Telecommunications, **New Monopoles and Towers**, ~~exceeding thirty-five (35) feet in height. [See **(Subject to the regulations of** Section 4-1686: Wireless Telecommunication Facilities.) {as per Ordinance No. 98-009}].~~
- ~~20.7.~~ Vehicle/Heavy Equipment Dealers Limited, Used.

D. IL (AU) District—Temporary Uses Requiring Administrative Review.

The following temporary uses are allowed in the IL (AU) District, subject to the regulations of Section 5-2222: Temporary Use Permits.

1. Assembly Uses, Temporary.
2. Christmas Tree and Pumpkin Sales.
3. Commercial Filming.
4. Trade Fairs. (Ord. 2012-004 § 1; Ord. 2001-015 § 1)

2-712 IG (AU) District—Use Regulations

A. IG (AU) District—Permitted Uses.

The following uses are allowed in the IG (AU) District, and a conditional use permit is not required. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

In the 'S' Overlay District, permitted uses may require a conditional use permit if not regional retail, new auto sales, or other compatible regional market use.

1. Accessory uses, other than Entertainment Activities, when in conjunction with a permitted use.
2. Adult-Oriented Business. (Subject to the requirements and limitations prescribed in Section 4-1683: Adult-Oriented Business Regulations.)
3. Ambulance Services, **Emergency**. (If the proposed use is located within one thousand (1,000) feet of either an R District or the boundaries of a site occupied by a public or private school or park and recreation facility, a **conditional** use permit shall be required.)
- 4. Ambulance Service, Non-Emergency. (An Administrative Review approval is required if located within one thousand (1,000) feet of an R District or the boundaries of a site occupied by a public or private school or park and recreation facility.)**
- ~~5.4.~~ Artists' Studios.
- ~~6.5.~~ Automobile Parts Sales.
- ~~7.6.~~ Building Materials and Services. (~~Permitted if the proposed use is within an enclosed structure. A use permit is required for outdoor yard/storage.~~)
- ~~8.7.~~ Business Services.
- ~~9.8.~~ Business and Trade Schools.
- ~~10.9.~~ Catering Services.
- ~~11.10.~~ Communications Facilities.
- ~~12.11.~~ Emergency Health Care.
- ~~13.12.~~ Equipment Sales.
- 14. Financial Institutions, Retail.**
- ~~15.13.~~ Food Processing, General.
- ~~16.14.~~ Food Processing, Limited.
- ~~17.15.~~ Government Offices.
- ~~18.16.~~ Health and Fitness Centers.
- ~~19.17.~~ Home Improvement and Interior Decoration.
- ~~20.18.~~ Industry, Custom.
- ~~21.19.~~ Industry, General.
- ~~22.20.~~ Industry, Limited.
- ~~23.21.~~ Industry, Research and Development.
- ~~24.22.~~ Laboratories.
- ~~25.23.~~ Maintenance and Repair Services.
- ~~26.24.~~ Marine Sales and Services.
- ~~27.25.~~ Medical Supply Stores.
- ~~28.26.~~ Nurseries.
- ~~29.27.~~ Offices, Business and Professional.
- ~~30.28.~~ Parcel Processing and Shipping Centers. (If the proposed use is to occupy thirty thousand (30,000) square feet or more, in a building constructed after August 15, 2001, Administrative Review is required, per Subsection C.2 below.)
- ~~31.29.~~ Pre-Existing Residential Uses. (These residential uses shall be allowed to remain and shall not be considered nonconforming uses, but no new uses shall be established.)
- ~~30.~~ Research and Development Services.

- ~~32.31.~~ Retail Sales, Big Box.
- ~~33.32.~~ Telecommunications, **Architecturally-Integrated Antennae** and/or Alternative **Co-locations on Existing** Tower Structures **(Subject to the regulations of up to sixty (60) feet in height [See Section 4-1686: Wireless Telecommunication Facilities.] (as per Ordinance No. 98-009))**.
- ~~34.33.~~ Utilities, Minor.
- ~~35.34.~~ Vehicle/Heavy Equipment Dealers, New.
- ~~36.35.~~ Warehouse—Storage Facilities. (If the proposed use will occupy a building constructed after August 15, 2001, or an existing building will be expanded ten thousand (10,000) square feet to accommodate this use, a **conditional** use permit is required, per Subsection B.~~35~~**32** below.)
- ~~37.36.~~ Warehouse—Wholesale/Retail Distribution Facilities.

B. IG (AU) District—Conditionally Permitted Uses.

The following uses are allowed in the IG (AU) District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

- 1. Accessory uses when in conjunction with a conditional use.
- 2. Animal Boarding **(with outdoor use)**.~~(inside uses only)~~.
- 3. Assembly Uses.
- 4. Bars.
- ~~5.~~ Cafés.
- ~~5.6.~~ Commercial Recreation.
- ~~6.7.~~ Corporation Yards.
- 7. Cultural Institutions.**
- 8. Dance Club.**
- ~~9.8.~~ Day Care, General.
- ~~10.9.~~ Drive-up Facilities.
- 11. Drugstores.**
- ~~12.10.~~ Entertainment Activities. (Entertainment Activities, when provided either as a primary use or as an accessory use to permitted and conditionally permitted uses, require use permit approval).
- ~~13.11.~~ Farmers' Market.
- ~~14.12.~~ Fast Food Establishments, Large Scale.
- ~~13.~~ Fast Food Establishments, Small Scale.
- ~~14.~~ Financial Institutions, Retail.
- 15. Furniture, Electronics and Appliance Sales.
- 16. Game Centers.**
- ~~17.16.~~ Industrial Transfer/Storage/Treatment Facilities for Hazardous Waste.
- ~~18.17.~~ Industry, Hazardous Materials or Hazardous Waste. (Provided that the use is consistent with the Alameda County Hazardous Waste Management Plan and the San Leandro General Plan.)
- ~~19.18.~~ Massage Therapy.

- ~~20.19. Public Safety Facilities.~~
- ~~21.20. Public Storage.~~
- ~~22.21. Recycling Facilities, Heavy Processing. (Subject to the regulations of Section 4-1646: Recycling Facilities.)~~
- ~~22. Recycling Facilities, Large Collection. (Subject to the regulations of Section 4-1646: Recycling Facilities.)~~
- ~~23. Recycling Facilities, Light Processing. (Subject to the regulations of Section 4-1646: Recycling Facilities.)~~
- ~~23.24. Residuals Repositories for Hazardous Waste.~~
- ~~25. Restaurants, Full-Service.~~
- ~~24.26. Service Stations.~~
- ~~25.27. Small-Scale Transfer and Storage Facilities for Hazardous Waste. (Subject to the regulations of Section 4-1646: Recycling Facilities.)~~
- 26. Supermarkets.**
- ~~27.28. Transfer Stations.~~
- ~~28.29. Trucking Terminals.~~
- ~~29.30. Utilities, Major.~~
- ~~30.31. Vehicle/Equipment Repair, General.~~
- ~~31.32. Vehicle Equipment Repair, Limited.~~
- ~~32.33. Vehicle/Heavy Equipment Dealers, Used.~~
- ~~33.34. Vehicle/Heavy Equipment Rentals.~~
- ~~34.35. Vehicle Storage.~~
- ~~35.36. Warehouse—Storage Facilities. (A **conditional** use permit is required if the proposed use will occupy a building constructed after August 15, 2001, or an existing building will be expanded ten thousand (10,000) square feet to accommodate this use.)~~
- 36. Wind Farms.**

C. IG (AU) District—Uses Requiring Administrative Review.

The following uses are allowed in the IG (AU) District, subject to the approval of a Zoning Permit by the Zoning Enforcement Official, as per the requirements of Article 21.

- 1. Animal Boarding (indoor, only).**
- 2. Animal Grooming (indoor, only).**
- 3. Animal Hospitals.**
- ~~4.4. Automatic Teller Machines.~~
- 5. Brewpubs.**
- 6. Cafés.**
- 7. Community Gardens.**
- 8. Fast Food Establishments, Small Scale.**
- 9. Instruction and Improvement Services.**

- 10. Mobile Food Vending. (Subject to approval of operation and restrictions on operation as established by Zoning Enforcement Official and compliance with all other City codes pertaining to mobile food vending.)**
- ~~11.2.~~ Parcel Processing and Shipping Centers. (Administrative Review is required to occupy thirty thousand (30,000) square feet or more, in a building constructed after August 15, 2001. Standards for review are specified in Section 2-726.G.)
- ~~12.3.~~ Parking Lot.
- ~~13.4.~~ Recycling Facilities, Bulk Reverse Vending Machines. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- ~~14.5.~~ Recycling Facilities, Single-Feed Reverse Vending Machines. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- 15. Recycling Facilities, Large Collection. (Subject to the regulations of Section 4-1646: Recycling Facilities.)**
- 16. Recycling Facilities, Light Processing. (Subject to the regulations of Section 4-1646: Recycling Facilities.)**
- 17. Restaurants, Full Service.**
- 18. Retail Sales.**
- 19. Retail Services.**
- ~~20.6.~~ Telecommunications, **New Monopoles and Towers**, ~~exceeding sixty (60) feet in height. [See (Subject to the regulations of Section 4-1686: Wireless Telecommunication Facilities.) (as per Ordinance No. 98-009)].~~
- ~~21.7.~~ Vehicle/Heavy Equipment Dealers Limited, Used.

D. IG (AU) District—Temporary Uses Requiring Administrative Review.

The following temporary uses are allowed in the IG (AU) District, subject to the regulations of Section 5-2222: Temporary Use Permits.

1. Animal Shows.
2. Assembly Uses, Temporary.
3. Christmas Tree and Pumpkin Sales.
4. Commercial Filming.
5. Trade Fairs. (Ord. 2012-004 § 1; Ord. 2001-015 § 1)

2-714 IP (AU) District—Use Regulations

A. IP (AU) District—Permitted Uses.

The following uses are allowed in the IP (AU) District, and a conditional use permit is not required. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

In the ‘S’ Overlay District, permitted uses may require a conditional use permit if not regional retail, new auto sales, or other compatible regional market use.

1. Accessory uses, other than Entertainment Activities, when in conjunction with a permitted use.
2. Adult-Oriented Business. (Subject to the requirements and limitations prescribed in Section 4-1683: Adult-Oriented Business Regulations.)
3. Ambulance Services, **Emergency**. (If the proposed use is located within one thousand (1,000) feet of either an R District or the boundaries of a site occupied by a public or private school or park and recreation facility, a **conditional** use permit shall be required.)
- 4. Ambulance Service, Non-Emergency. (An Administrative Review approval is required if located within one thousand (1,000) feet of an R District or the boundaries of a site occupied by a public or private school or park and recreation facility.)**
- 5. Artist's Studios.**
- ~~6.4.~~ Building Materials and Services. (Permitted if the proposed use is within an enclosed structure.)
- ~~7.5.~~ Business Services.
- ~~8.6.~~ Business and Trade Schools.
- 9. Catering Services.**
- ~~10.7.~~ Communication Facilities.
- ~~11.8.~~ Equipment Sales.
- ~~12.9.~~ Food Processing, Limited.
- ~~13.10.~~ Financial Institutions, Retail.
- ~~14.11.~~ Health and Fitness Centers.
- ~~15.12.~~ Home Improvement and Interior Decoration.
- ~~16.13.~~ Industry, Custom.
- ~~17.14.~~ Industry, Limited.
- ~~18.15.~~ Industry, Research and Development.
- ~~19.16.~~ Laboratories.
- ~~20.17.~~ Maintenance and Repair Services.
- ~~21.18.~~ Medical Supply Stores.
- ~~22.19.~~ Offices, Business and Professional. (The conversion of an industrial use to an office use is subject to the minimum off-street parking requirements of Section 4-1704; as prescribed for changes of use by Subsections 4-1702.A.1 and 2.)
- ~~23.20.~~ Parcel Processing and Shipping Centers. (If the proposed use is to occupy thirty thousand (30,000) square feet or more, in a building constructed after August 15, 2001, Administrative Review is required, per Subsection C.2 below.)
- ~~24.21.~~ Park and Recreational Facilities.
- ~~25.22.~~ Pre-Existing Residential Uses. (These residential uses shall be allowed to remain and shall not be considered nonconforming uses, but no new uses shall be established.)
- ~~23.~~ Research and Development Services.
- ~~26.24.~~ Retail Sales, Big Box.
- ~~27.25.~~ Retail Services. (As a secondary use in a building.)
- ~~28.26.~~ Telecommunications, **Architecturally-Integrated Antennase** and/or **Alternative Co-locations on Existing** Tower Structures ~~up to thirty five (35) fee in~~

height. [See **(Subject to the regulations of** Section 4-1686: Wireless Telecommunication Facilities.) {as per Ordinance No. 98-009}}.

~~29.27~~.Utilities, Minor.

~~30.28~~.Vehicle/Heavy Equipment Dealers, New.

~~31.29~~.Warehouse—Storage Facilities. (If the proposed use will occupy a building constructed after August 15, 2001, or an existing building will be expanded ten thousand (10,000) square feet to accommodate this use, a **conditional** use permit is required, per Subsection B.~~25~~**22** below.)

~~32.30~~.Warehouse—Wholesale/Retail Distribution Facilities. (Permitted if the proposed use is within an enclosed structure.)

B. IP (AU) District—Conditionally Permitted Uses.

The following uses are allowed in the IP (AU) District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses when in conjunction with a conditional use.

2. Animal Boarding (**with outdoor use**).~~(inside use only).~~

3. Assembly Uses.

4. Automobile Parts Sales.

5. Bars.

~~6. Cafés.~~

6. Cultural Institutions.

7. Dance Clubs.

~~8.7~~. Commercial Recreation.

~~9.8~~. Day Care, General.

~~10.9~~.Drive-up Facilities.

~~11.10~~.Emergency Health Care.

~~12.11~~.Entertainment Activities. (Entertainment Activities, when provided either as a primary use or as an accessory use to permitted and conditionally permitted uses, require use permit approval.)

~~13.12~~.Farmers' Market.

~~14.13~~.Fast Food Establishments, Large Scale.

~~15.14~~.Fast Food Establishments, Small Scale.

~~16.15~~.Food Processing, General.

~~17.16~~.Furniture, Electronics, and Appliance Sales.

~~18.17~~.Industry, General.

~~19.18~~.Industry, Hazardous Materials, or Hazardous Waste. (Provided that the use is consistent with the Alameda County Hazardous Waste Management Plan and the San Leandro General Plan.)

~~20.19~~.Massage Therapy.

~~21.20~~.Public Safety Facilities.

~~21. Restaurants, Full-Service.~~

22. Service Stations.

23. Utilities, Major.
24. Vehicle/Heavy Equipment Dealers, Used.
25. Warehouse—Storage Facilities. (A **conditional** use permit is required if the proposed use will occupy a building constructed after August 15, 2001, or an existing building will be expanded ten thousand (10,000) square feet to accommodate this use.)

C. IP (AU) District—Uses Requiring Administrative Review.

The following uses are allowed in the IP (AU) District, subject to the approval of a Zoning Permit by the Zoning Enforcement Official, as per the requirements of Article 21.

- 1. Animal Boarding (indoor only).**
- 2. Animal Grooming (indoor only).**
- 3. Animal Hospital**
- ~~4.1.~~ Automatic Teller Machines.
- 5. Brewpubs.**
- 6. Cafés.**
- 7. Community Gardens.**
- 8. Fast Food Establishments, Small Scale.**
- 9. Instruction and Improvement Services.**
- 10. Mobile Food Vending. (Subject to approval of operation and restrictions on operation as established by Zoning Enforcement Official and compliance with all other City codes pertaining to mobile food vending.)**
- ~~11.2.~~ Parcel Processing and Shipping Centers. (Administrative Review is required to occupy thirty thousand (30,000) square feet or more, in a building constructed after August 15, 2001. Standards for review are specified in Section 2-726.G.)
- ~~12.3.~~ Parking Lot.
- ~~13.4.~~ Recycling Facilities, Bulk Reverse Vending Machines. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- ~~14.5.~~ Recycling Facilities, Single-Feed Reverse Vending Machines. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- 15. Recycling Facilities, Large Collection. (Subject to the regulations of Section 4-1646: Recycling Facilities.)**
- 16. Restaurants, Full Service.**
- 17. Retail Sales.**
- ~~18.6.~~ Telecommunications, **New Monopoles and Towers**, ~~exceeding thirty-five (35) feet in height. [See **(Subject to the regulations of** Section 4-1686: Wireless Telecommunication Facilities.) {as per Ordinance No. 98-009}].~~
- ~~19.7.~~ Vehicle/Heavy Equipment Dealers Limited, Used.

D. IP (AU) District—Temporary Uses Requiring Administrative Review.

The following temporary uses are allowed in the IP (AU) District, subject to the regulations of Section 5-2222: Temporary Use Permits.

1. Assembly Uses, Temporary.
2. Commercial Filming.
3. Storage Containers, Temporary.
4. Trade Fairs. (Ord. 2012-004 § 1; Ord. 2001-015 § 1)

2-716 **Reserved** (Ord. 2001-015 § 1)

2-718 **Reserved** (Ord. 2001-015 § 1)

2-720 **Reserved** (Ord. 2001-015 § 1)

2-722 **Reserved** (Ord. 2001-015 § 1)

2-724 **Reserved** (Ord. 2001-015 § 1)

2-726 **Additional Use Restrictions: IL, IG, and IP Districts**

In addition to the uses listed above, the following regulations shall apply:

- A. Relocated Structures. A use permit shall be required for any commercial use, residential use, day care, animal hospital, or industrial use occupying relocated structures. (See Section 4-1648.)
- B. Fast Food Restaurants. Subject to the regulations in Section 4-1630.
- C. Service Stations and Automobile Washing. Subject to the regulations in Sections 4-1634 and 4-1644.
- D. Industrial Uses. Subject to the regulations in Section 4-1636.
- E. Temporary Uses. Subject to the regulations in Section 5-2222.
- F. Commercial and Accessory Uses. Subject to the regulations in Section 4-1676.
- G. Parcel Processing and Shipping Centers. Subject to Administrative Review in order to occupy thirty thousand (30,000) square feet or more, in a building constructed after August 15, 2001. ~~Zoning Permit~~ **Administrative Review** pursuant to Article 21 shall include a review of the proposal's trip generation, potential circulation, and noise generation impacts. Additional information, including but not limited to a traffic study, may be required. The standard for approval is the Zoning Enforcement Official's ability to make the findings required as listed below:

1. That the proposed location of the Parcel Processing and Shipping Center is in accord with the objectives of this code and the purposes of the I District in which the site is located;
2. That the proposed location of the Parcel Processing and Shipping Center and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety, or welfare of persons residing, or working in, or adjacent to, the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity, or to the general welfare of the City;
3. That the proposed Parcel Processing and Shipping Center will comply with the provisions of this Code, including any specific condition required for the proposal in the District in which it would be located; and
4. That the proposed Parcel Processing and Shipping Center will not create adverse impacts on traffic or create demands exceeding the capacity of public services and facilities, which cannot be mitigated. (Ord. 2001-015 § 1)

Division 2. Development Regulations

2-728 Property Development Regulations: IL, IG, and IP Districts

The following sections set forth the property development regulations of the IL, IG, and IP Districts. (Ord. 2001-015 § 1)

2-730 Minimum Lot Area and Minimum Lot Width

Zoning District	Minimum Lot Area (square feet)	Minimum Lot Width (feet)
IL	5,000	50
IG	5,000	50
IP	7,500	50

Section 4-1650. Development on Substandard Lots shall apply to substandard lots. Smaller lot dimensions may be permitted with an approved development plan and tentative subdivision map. (Ord. 2001-015 § 1)

2-732 Minimum Yards

- A. Minimum Building Setback and Landscaping. The minimum yard setback for building placement, and minimum area required as a landscaped yard, is as proscribed below. Additional building setback and landscape requirements may also apply as specified in Subsections B, C and D.

Zoning District	Front (feet)	Side (feet)	Corner Side (feet)	Rear (feet)
IL	10	0	10	0
IG	10	0	10	0
IP	20	0	20	0

B. Minimum Yard Setbacks, Additional Regulations.

1. Front, side, corner side, and rear yards shall be subject to the regulations of Section 4-1654: Building Projections into Yards and Courts.
2. Double-frontage lots shall provide the minimum front yard setback on each frontage.
3. The setback of an adjacent R, C, or P district applies if within one hundred (100) feet.
4. The areas within a minimum required front and corner side yard shall be landscaped, excepting limited areas for driveways and walks, and prescribed by Article 19: Landscape Requirements.
5. The maximum allowable height of a fence or wall in minimum yards required by this Section is three (3) feet.

C. Additional Setback Requirement for Properties on Doolittle Drive. The minimum required front and corner side yard is twenty (20) feet. As part of the approval of a Site Development Plan pursuant to Chapter 25, a setback of less than twenty (20) feet, but not less than ten (10) feet, may be permitted if a twenty (20) foot setback is not practical due to pre-existing site constraints and substantial landscaping is provided to mitigate the reduced yard setback.

D. Additional Setback Requirement for Buildings Over Twenty (20) Feet in Height (IL and IG Districts). For buildings over twenty (20) feet but not over forty (40) feet in height, the minimum required front and corner side yard of ten (10) feet shall be increased by one (1) foot for each additional two (2) feet of building height in excess of twenty (20) feet. For buildings over forty (40) feet in height, the minimum required yard is twenty (20) feet. As part of the approval of a Site Plan pursuant to Chapter 25, a setback of less than twenty (20) feet but not less than ten (10) feet, may be permitted if a twenty (20) foot setback is not practical due to pre-existing site constraints and substantial landscaping is provided to mitigate the reduced yard setback. (Ord. 2001-015 § 1)

2-734 Maximum Height of Structures

- A. Maximum Height. The maximum height of structures shall be as prescribed below. Additional height regulations may also apply as specified in Subsection B and C:

Zoning District	Height (feet)
IL	35
IG	35
IP	35

- B. Additional Height Limitations for Buildings within One Hundred (100) Feet of an R District. The allowed height within one hundred (100) feet of an R District building shall be limited to twenty-five (25) feet.
- C. Height Limit May Be Adjusted. A maximum building height of fifty (50) feet in the IL and IG Districts may be approved by the Zoning Enforcement Official. [The allowed height within one hundred (100) feet of an IP District building shall be limited to thirty-five (35) feet.] (Ord. 2001-015 § 1)

2-736 Maximum Lot Coverage and Maximum FAR

Zoning District	Maximum Lot Coverage	Maximum FAR
IL	75%	1.0
IG	75%	1.0
IP	40%	0.8

(Ord. 2001-015 § 1)

2-738 Minimum Site Landscaping

- A. General Landscape Requirements. In addition to the general Landscape Requirements prescribed in Article 19, the following requirements for minimum site landscaping apply to all property within any I District. As part of the Site Plan Approval process pursuant to Article 25, exceptions to the stated requirements for “minimum site landscaping” may be permitted in cases where such standards are found not to be practical due to pre-existing site constraints.
- B. Minimum Site Landscaping. The minimum percentage of the site that shall be used for landscaping shall be as prescribed below:

Zoning District	Minimum Site Landscaping
IL	5%
IG	5%
IP	15%

(Ord. 2001-015 § 1)

2-740 **Parcels Adjoining Residential Districts—Additional Development Regulations for New Construction**

- A. Intent. The purpose of this section is to reduce the potential negative impacts of expanding industrial activities to the residents within adjoining Residential Districts by establishing heightened screening and site development standards for new and expanded projects.
- B. Applicability. The requirements of this Section apply to construction and/or activities within two hundred (200) feet from the edge of a Residential District. The requirements of this Section do not apply to industrial parcels that are separated from a Residential District by either an active mainline railroad right-of-way or Interstate 880.
- C. Development Requirements. Notwithstanding the minimum yard and landscape requirements for property within the IL, IG and IP Districts, the following additional development standards shall apply:
1. Orientation of Truck and Storage Facilities. The sound, traffic and visual impacts of truck facilities, such as new or expanded truck bays and docks, and truck staging/storage yards, shall be minimized by such design features as building placement, sound walls, and/or landscaping. Truck facilities shall be oriented and/or screened as to provide the greatest possible physical and/or visual separation between the truck facility and the residences.
 - a. Certain New Facilities Require Site Plan Approval. Per Section 5-2502.B.4.d, the creation of, or addition to, any substantial outdoor storage area or truck loading bays that would be visible from off-site require Site Plan Approval as prescribed in Article 25.
 2. Required Installation of Mitigating Features for New Truck Docks. When new truck docks are built, or unused truck docks that have been “glassed in” by previous tenants/users are to be newly used, the following mitigating features are to be installed, and shall be made a requirement of Building Permit approval:
 - a. Rubber Loading Bay Bumpers shall be installed on all new and newly used truck dock bays.
 - b. Notification signage, advising employees and truck operators that the subject establishment is adjacent to residences, and that as a courtesy to neighbors, noise from shipping and trucking activity should be kept to a minimum, shall be placed in the truck staging area.
 3. Attenuation of Noise Generating Equipment. Noise generating equipment, such as generators, HVAC units, and garbage facilities, shall be located and/or structurally screened, or enclosed, as to minimize impacts on adjacent residents. Prior

to issuance of a building permit or electrical permit for the installation of such equipment, the Zoning Enforcement Official may require that the applicant/owner provide a noise study by an acoustical engineer and may impose conditions to reduce noise impacts.

- a. Adjustments to Attenuation Requirements for Emergency Generators. The Zoning Enforcement Official, in reviewing a request for a building or electrical permit for the installation of an emergency generator (such as one to be used during temporary power outages or in similar limited use situations), may adjust or reduce the requirements for noise attenuation to correspond to the duration, frequency or intensity that the generator is to operate.
4. Required Separation/Mitigation Adjacent to Residential Parcel. Either a landscaped buffer and/or a masonry wall shall be provided along rear and side property lines, which are adjacent to residential parcels, as required as part of an approved Site Development Plan per Article 25.
 - a. Option of Yard Setback. In cases where a building would otherwise be permitted with no rear or side yard setback, a minimum side and/or rear yard of ten (10) feet shall be provided, which shall be used exclusively for the planting of a landscape screen. Evergreen trees with spacing not to exceed twenty (20) feet, and of a minimum fifteen (15) gallon size, shall be provided within the required yard. Tree selection shall provide for a near total screen, up to a height of twenty (20) feet within five (5) years from planting. Such landscaping shall be permanently maintained.
 - b. Option of Masonry Wall. A minimum eight (8) foot high wall shall be provided adjacent to residential parcels, as required by Section 4-1642, or as high as required by acoustical analysis (to be provided by applicant), when a vacant industrial parcel is developed or an existing use is expanded so as to significantly increase the potential for additional traffic and/or noise impacts to the residential areas. A wall will typically be required whenever an active service, staging and/or storage yard is immediately adjacent to a residential parcel. (Ord. 2001-015 § 1)

2-741 Parcels Adjoining Residential Districts—Additional Performance Standards

- A. Intent. The purpose of this section is to reduce the potential noise impacts to the residents within adjoining Residential Districts, from late night/early morning activity, by establishing performance standards for all businesses.
- B. Applicability. The requirements of this Section apply to activities within two hundred (200) feet from the edge of a Residential District. The requirements of this Section do

not apply to industrial parcels that are separated from a Residential District by either an active mainline railroad right-of-way or Interstate 880.

- C. Performance Standards for Loading and Shipping Activity. To reduce impacts on adjoining residents, those uses conducting loading and shipping activity between the hours of 10:00 p.m. and 7:00 a.m. shall avoid generating extraneous noise that can be heard by adjoining residents (e.g. loud conversations, playing of recorded music and/or radio broadcasts, or motorized noises from prolonged use of equipment or vehicles).
- D. Adjoining Residents May File Complaint Against Industrial Businesses. Residents may file a written complaint against businesses that are alleged to be in violation of the performance standards outlined in Subsection C, above. If the Zoning Enforcement Official determines that the business is in violation, written notification of the violation shall be given to the violator and the complaining party. Determination of a violation, and/or resolution of continuing violations once notification has been made, may be subject to a hearing of the Site Development Sub-Commission. Failure to conform to the requirements of the Sub-Commission hearing may be cited as a violation of this code, pursuant to Section 5-2908. (Ord. 2001-015 § 1)

2-742 Additional Property Development Regulations: IL, IG, and IP Districts

In addition to the development regulations listed above, the following regulations shall apply:

- A. Fences, Walls, and Hedges. Subject to the regulations of Section 4-1682: Fences, Walls, and Hedges.
- B. Off-Street Parking and Loading. Subject to the regulations of Article 17: Off-Street Parking and Loading Regulations.
- C. Signs. Subject to the regulations of Article 18: Signs.
- D. Outdoor Facilities and Outdoor Storage. Subject to the regulations of Section 4-1662: Outdoor Facilities and Storage/Loading Facilities and 4-1672: Earth Station and Microwave Equipment. All outdoor storage and refuse storage areas shall be maintained in a neat and orderly manner and screened so as not to be visible from any street, public way, or R district.
- E. Screening of Mechanical Equipment. Subject to the regulations of Section 4-1664: Screening of Mechanical Equipment and 4-1672: Earth Station and Microwave Equipment.
- F. Refuse Storage Areas. Subject to the regulations of Section 4-1666: Refuse Storage Areas. All outdoor storage and refuse storage areas shall be maintained in a neat and

orderly manner and screened so as not to be visible from any street, public way, or R district.

- G. Underground Utilities. Subject to the regulations of Section 4-1668: Underground Utilities.
- H. Performance Standards. Subject to the regulations of Section 4-1670: Performance Standards.
- I. Airport Safety Zones. Subject to the regulations of Section 4-1676: Airport Safety Zones.
- J. Nonconforming Structures and Nonconforming Signs. Subject to the regulations of Article 20: Nonconforming Uses and Structures. (Ord. 2001-015 § 1)

2-744 Review of Plans

Certain projects shall be subject to Site Plan review (see Article 25: Site Plan Approval). (Ord. 2001-015 § 1)

Exhibit E: Proposed Amended Article 8

(Note: underline and bolded text represents new text; ~~strike-through~~ text represents text to be eliminated)

Article 8 OS Open Space District

Sections:

2-800	Specific Purposes
2-802	Applicability
2-804	Uses Permitted in OS District
2-806	Uses Conditionally Permitted in OS District
2-808	Additional Use Restrictions: OS District
2-810	Property Development Regulations
2-812	Review of Plans

2-800 Specific Purposes

In addition to the general purposes listed in Article 1, the specific purposes of the OS district are to:

- A. Provide a suitable classification for large public or private sites permanently designated for park or open space use.
- B. Protect public health and safety by limiting lands, which are subject to flooding, slides, or other hazards to open space use.
- C. Allow the Planning Commission and City Council to consider the most appropriate use of a site following discontinuance of a large public or private open space use without the encumbrance of a base zoning district that may or may not provide appropriate regulations for development of the site. (Ord. 2001-015 § 1)

2-802 Applicability

The OS district is intended to be the base district for the use classifications listed in Section 2-804, 2-806, and 2-808 where these classifications have a minimum contiguous site area of two (2) acres, including alleys, streets or other rights-of-way and the area has a primarily open or natural character. Open space use classifications on sites of less than two (2) acres shall be subject to the regulations of the base and any overlay districts in which they are located. (Ord. 2001-015 § 1)

2-804 Uses Permitted in OS District

- A. Managed Open Space intended for the Protection of Natural Habitat.
- B. Utilities, Minor.

- C. Accessory uses are permitted on the site of a permitted use and are limited to facilities incidental to an open space use. (Ord. 2001-015 § 1)

2-806 Uses Conditionally Permitted in OS District

- A. Accessory Uses are subject to a use permit when on the site of a conditional use and are limited to facilities incidental to an open space use.
- B. Farmers' Market.
- C. Park and Recreation Facilities.
- D. Public Safety Facilities.
- E. Placement of Dredged Material from San Francisco Bay.
- F. Utilities, Major. (A use permit is required for electrical substations, switching buildings, recycling or disposal facilities, water storage facilities, water or wastewater treatment facilities, transportation or communication utilities, and similar facilities of public agencies, or public utilities.)
- G. Telecommunications, **New Monopoles and Towers, Architecturally-Integrated Antennas and/or Co-locations on Existing Tower Structures** ~~Antennae and/or Alternative Tower Structures. [See (Subject to the regulations of~~ Section 4-1686: Wireless Telecommunication Facilities.) ~~as per Ordinance No. 98-009]].~~ (Ord. 2001-015 § 1)

2-808 Additional Use Restrictions: OS District

In addition to the uses listed above, the following regulations shall apply: Nonconforming Uses shall be subject to the regulations of Article 20: Nonconforming Uses and Structures. (Ord. 2001-015 § 1)

2-810 Property Development Regulations

Development regulations shall be as specified by the use permit, provided that, if the use permit fails to regulate an element regulated by an abutting base district, the regulations of the nearest base district shall apply. (Ord. 2001-015 § 1)

2-812 Review of Plans

Certain projects shall be subject to Site Plan review (see Article 25: Site Plan Approval). (Ord. 2001-015 § 1)

Exhibit F: Proposed Amended Article 9

Note: underline and bolded text represents new text; ~~strike-through~~ text represents text to be eliminated

Article 9 PS Public and Semipublic District

Sections:

2-900	Specific Purposes
2-902	Applicability
2-904	Uses Permitted in PS District
2-906	Uses Conditionally Permitted in PS District
2-908	Uses Subject to Administrative Review in PS District
2-910	Additional Use Restrictions: PS District
2-912	Interim Uses
2-914	Property Development Regulations
2-916	Review of Plans

2-900 Specific Purposes

In addition to the general purposes listed in Article 1, the specific purposes of the PS Public and Semipublic District are to:

- A. Allow consideration of a large public or semipublic use separately from regulations for an underlying base zoning that may or may not be appropriate in combination with the public or semipublic use.
- B. Allow consideration of establishment or expansion of a large public or semipublic use at rezoning hearings rather than at use permit hearings only, and give notice to all of the extent of a site approved for a large public or semipublic use by delineating it on the zoning map.
- C. Allow the Planning Commission and City Council to consider the most appropriate use of a site following discontinuance of a large public or semipublic use without the encumbrance of a base zoning district that may or may not provide appropriate regulations for reuse of the site. (Ord. 2001-015 § 1)

2-902 Applicability

The PS district is intended to be the base district for use classifications listed in Sections 2-904, 2-906 and 2-908 where these have a contiguous site area of two (2) acres or more, including alleys, streets, or other rights-of-way, and the area has a developed or "urban" character. Public and semipublic use classifications on sites of less than two (2) acres shall be subject to the regulations of the base and overlay districts in which they are located. (Ord. 2001-015 § 1)

2-904 Uses Permitted in PS District

Utilities, Minor, except recycling centers within convenience zones, as defined by the California Beverage Container Recycling and Litter Reduction Act. (Ord. 2001-015 § 1)

2-906 Uses Conditionally Permitted in PS District

- A. Accessory Uses.
- B. Convalescent Facilities.
- C. Cultural Institutions
- D. Day Care, General.
- E. Detention Facilities.
- F. Government Offices.
- G. Heliports. (Allowed if located more than one thousand (1,000) feet from an R District or the site of a public or private school and if applicant obtains a Use Permit and Heliport Permit from the California Department of Transportation, Division of Aeronautics.)
- H. Hospitals.
- I. Maintenance and Service Facilities.
- J. Park and Recreation Facilities.
- K. Public Safety Facilities.
- L. Religious Assembly.
- M. Residential Care, General. (Allowed with a use permit as a secondary use associated with hospitals and convalescent facilities.)
- N. Schools, Public or Private.
- O. Telecommunications, **New Monopoles** Antennae and/or **Alternative Towers** Structures. (See **(Subject to the regulations of** Section 4-1686: Wireless Telecommunication Facilities.) ~~as per Ordinance No. 98-009).~~

- P. Utilities, Major. (Recreational vehicle storage within electric power-line transmission corridors may be approved, subject to a use permit. Landscaping and screening requirements may be established as a condition of approval.)
- Q. Utilities, Minor. (Recycling centers within convenience zones, as defined by the California Beverage Container Recycling and Litter Reduction Act require a use permit.) (Ord. 2001-015 § 1)

2-908 Uses Subject to Administrative Review in PS District

- A. Animal Shows. (Subject to the regulations of Section 5-2222: Temporary Use Permits.)
- B. Circuses and Carnivals. (Subject to the regulations of Section 5-2222: Temporary Use Permits.)
- C. Commercial Filming, Limited. (Subject to the regulations of Section 5-2222: Temporary Use Permits.)
- D. Street or Neighborhood Fairs. (Subject to the regulations of Section 5-2222: Temporary Use Permits.)
- E. Telecommunications, Architecturally-Integrated Antennas and/or Co-locations on Existing Tower Structures (Subject to the regulations of Section 4-1686: Wireless Telecommunication Facilities.)**
- ~~F.E.~~ Trade Fairs. (Subject to the regulations of Section 5-2222: Temporary Use Permits.) (Ord. 2001-015 § 1)

2-910 Additional Use Restrictions: PS District

In addition to the uses listed above, the following regulations shall apply: Nonconforming Uses shall be subject to the regulations of Article 20: Nonconforming Uses and Structures. (Ord. 2001-015 § 1)

2-912 Interim Uses

- A. Conversion of buildings and grounds of schools satisfying the requirements of the compulsory education laws of the State of California to any of the following uses is permitted provided such uses may only be approved for a maximum interim period of five (5) years; and provided further that such uses do not cause or result in the substantial alteration of any buildings or activity areas on the school site:
 - 1. Public assembly or dance;
 - 2. Instruction in skills or disciplines not otherwise required by the State of California;

3. Meetings and offices for community organizations;
4. Theater, concert or lecture;
5. Temporary or permanent display of works of art or of historical or cultural significance;
6. Church or other religious service;
7. Professional, administrative and executive offices;
8. Social counseling services;
9. Recreational classes;
10. Athletic contests or practices, including offices for athletic clubs or organizations;
11. Day nurseries, nursery schools, kindergarten and child care centers; and
12. Assembly and packaging of previously prepared materials provided such activity is conducted entirely within a completely enclosed building.

B. Any such conditional use may be approved for additional periods of up to five (5) years pursuant to Article 22: Use Permits and Variances. (Ord. 2001-015 § 1)

2-914 Property Development Regulations

Development regulations shall be as specified by the use permit, provided that if the use permit fails to regulate an element regulated by an abutting base district, the regulations of the nearest base district shall apply to each portion of a PS district. (Ord. 2001-015 § 1)

2-916 Review of Plans

Certain projects shall be subject to Site Plan Approval (See Article 25: Site Plan Approval). (Ord. 2001-015 § 1)

Exhibit G: Proposed Amended Article 16

(Note: underline and bolded text represents new text; ~~strike-through~~ text represents text to be eliminated)

Article 16 Development Regulations

Sections:

4-1600 Specific Purposes and Applicability

Division 1. Residential Districts

4-1602 Reserved
4-1604 Reserved
4-1606 Reserved
4-1608 Reserved
4-1610 Reserved
4-1612 Reserved
4-1614 Reserved
4-1616 Reserved
4-1618 Reserved
4-1620 Reserved
4-1622 Reserved
4-1624 Reserved
4-1626 Reserved
4-1628 Reserved

Division 2. Nonresidential Districts

4-1630 Fast Food Establishments
4-1632 Entertainment Activities
4-1634 Service Stations and Automobile Washing
4-1636 Hazardous Materials Storage
4-1638 Game Centers
4-1640 Reserved
4-1642 Walls Adjoining Residential Use
4-1644 Concurrent Sale of Motor Vehicle Fuel and Alcoholic Beverages
4-1646 Recycling Facilities

Division 3. All Districts

4-1648 Relocated Buildings
4-1650 Development on Lots Not Meeting Minimum Area or Width
4-1652 Development on Lots Divided by District Boundaries
4-1654 Building Projections into Yards and Courts
4-1656 Reserved
4-1658 Exceptions to Height Limits
4-1660 Reserved

4-1662	Outdoor Facilities and Storage/Loading Facilities
4-1664	Screening of Mechanical Equipment
4-1666	Refuse Storage Areas
4-1668	Underground Utilities
4-1670	Performance Standards
4-1672	Earth Station and Microwave Equipment
4-1674	Bed and Breakfast Inns
4-1676	Airport Safety Zones
4-1678	Restrictions on Use of Razor/Barbed Wire
4-1680	Site Remediation Screening Review
4-1682	Fences, Walls, and Hedges
4-1683	Adult-Oriented Business Regulations
4-1684	Hazardous Waste Facilities
4-1686	Wireless Telecommunications Facilities
4-1688	Cottage Food Operations
<u>4-1690</u>	<u>Community Gardens</u>

4-1600 Specific Purposes and Applicability

This article contains development regulations, other than parking, loading, and sign regulations that are applicable to development in all or several districts. These regulations shall be applied as specified in Part II: Base District Regulations, Part III: Overlay District Regulations, and as presented in this article. (Ord. 2001-015 § 1)

Division 1. Residential Districts

4-1602 through 4-1628 Reserved (Ord. 2001-015 § 1)

Division 2. Nonresidential Districts

4-1630 Fast Food Establishments

The following supplementary development regulations shall apply to Fast Food Establishments, Large Scale and Fast Food Establishments, Small Scale use classifications.

- A. No Exterior Walk-Up Service. Food shall be delivered to patrons within a car or within a building, or enclosed or covered outdoor eating area.
- B. Minimum Separation. Fast Food Establishment, Large Scale uses on separate free-standing sites that are: a) not associated as being either a part of or within a shopping center and b) have independent access to adjoining parking shall not be closer than five hundred (500) feet to a public or private school, park, library, or playground. This minimum separation requirement does not apply to the Fast Food Establishment, Small Scale classification.

- C. Litter Control. Fast Food Establishment operators shall be responsible for pick-up of patrons' litter within a minimum of one thousand (1,000) feet from the restaurant site. Identifiable containers and napkins shall be used for all carryout food, and all litter resulting shall be promptly removed. A condition of use or zoning permit approval may require the operator to retain a contract litter cleanup service or to take other litter clean-up measures if the Zoning Enforcement Official determines that a litter problem exists. (Ord. 2004-007 § 5; Ord. 2004-004 § 5; Ord. 2001-015 § 1)

4-1632 Entertainment Activities

The following regulations shall apply to any use offering entertainment activities as defined in Article 3, more than **six (6)** ~~three (3)~~ times per calendar year:

- A. Exits, not limited to emergency-use-only, shall not be opposite a Residential (R) District adjoining the site.
- B. A use permit shall establish conditions ensuring that no litter problem will exist.
- C. A use permit for entertainment activities shall apply only to the type of entertainment approved, and a different type of entertainment shall require approval of a new use permit.
- D. A use permit may limit hours, duration, or days on which entertainment activities is provided. (Ord. 2001-015 § 1)

4-1634 Service Stations and Automobile Washing

The following supplementary development regulations shall apply to the Service Stations and Automobile Washing use classifications.

- A. Site Layout. Conditions of approval of a use permit may require buffering, screening, planting areas, or limit hours of operation necessary to avoid adverse impacts on properties in the surrounding area.
- B. Planting Areas. Perimeter planting areas shall be provided, as required for parking lots by Article 17, except where a building adjoins an interior property line. Required interior planting areas may adjoin perimeter-planting areas.
- C. Storage of Materials and Equipment. The provisions of Section 4-1662: Outdoor Facilities shall apply, ~~except that a display rack for automobile products no more than four (4) feet wide may be maintained at each pump island of a service station. If display racks are not located on pump islands, they shall be placed within three feet of the principal building, and shall be limited to one per street frontage.~~ Storage of inop-

erative vehicles is prohibited. The location of display racks and vending machines shall be specified by the use permit.

- D. Automobile Washing. Automobile washing or cleaning shall not be permitted in conjunction with a service station unless specifically approved by the use permit. (Ord. 2001-015 § 1)

4-1636 Hazardous Materials Storage

- A. Definitions. For purposes of this section, “hazardous substances” shall include all substances on the comprehensive master list of hazardous substances compiled and maintained by the California Department of Health Services pursuant to Section 25282 of the California Health and Safety Code or the California Occupational Safety and Health Agency’s Hazardous Substances List; CCR Title 8, Division 1, Chapter 3.2, Supchapter 1, Article 5 Section 339.
- B. Permit Required. A use permit shall be required for any new commercial, industrial, or institutional use, or accessory use, or major addition or alteration to an existing use that involves the manufacture, storage, handling, or processing of hazardous substances in sufficient quantities that would require permits ~~as~~ for hazardous chemicals materials under the ~~San Leandro Uniform~~ Section 105 of the California Fire Code, with the following exceptions:
1. Underground storage of bulk flammable and combustible liquids complying with requirements of the San Leandro Fire Code;
 2. Hazardous substances in container sizes of ten (10) gallons or less that are stored or maintained for the purposes of retail or wholesale sales; and
 3. Any manufacture, storage, handling, or processing of hazardous substances which the Zoning Enforcement Official, after consultation with the Fire Marshall and review of any required hazardous materials response plan (“business plan”) determines is not likely to substantially and adversely affect property in the vicinity.
- C. Above-Ground Storage Tanks. Aboveground storage tanks for any flammable liquids shall not be allowed except as permitted in the ~~Uniform~~ California Fire Code. (Ord. 2001-015 § 1)

4-1638 Game Centers

The following supplemental regulations shall apply in addition to the requirements of Section 4-3-110 of the Municipal Code to the operation of game centers, including mechanical or electronic games or any other similar machine or device.

Exhibit G: Proposed Amended Article 16

- A. Restrictions. The Zoning Enforcement Official may impose reasonable restrictions on the physical design, location, and operation of a game center in order to minimize the effects of noise, congregation, parking, and other nuisance factors that may be detrimental to the public health, safety, and welfare of the surrounding community.
- B. Appeals. Any person may appeal the decision of the Zoning Enforcement Official on an application for an initial permit or a renewal of a permit for a game center to the Board of Zoning Adjustments. (Ord. 2001-015 § 1)

4-1640 Reserved (Ord. 2001-015 § 1)

4-1642 Walls Adjoining Residential Use

A solid masonry or concrete wall at least six (6) feet and not more than eight (8) feet high shall adjoin the property line of the site of a new nonresidential use abutting an existing ground-floor residential use. However, where the portion of the site within ten (10) feet of the property line is occupied by planting area or by a building having no openings except openings opposite a street property line, the Zoning Enforcement Official may grant an exception to this requirement. A wall within fifteen (15) feet of a street property line shall not exceed three (3) feet in height. (Ord. 2001-015 § 1)

4-1644 Concurrent Sale of Motor Vehicle Fuel and Alcoholic Beverages

No person shall engage in the concurrent sale of motor vehicle fuel and alcoholic beverages unless authorized as a conditional use in accord with Article 22, subject to the minimum standards for approval established by this Section and any additional conditions of approval determined by the Board of Zoning Adjustments to be reasonable and necessary.

- A. Minimum Standards for Approval. All persons applying for conditional use approval to engage, and all persons actually engaged as of January 1, 1988, in the concurrent sale of motor vehicle fuel and alcoholic beverages shall comply with all of the following minimum standards:
 - 1. No alcoholic beverages shall be displayed within five (5) feet of the cash register or the front door of the establishment, unless it is in a permanently affixed cooler;
 - 2. No sale of alcoholic beverages shall be made from a drive-up window;
 - 3. No display of alcoholic beverages shall be made from an ice tub;
 - 4. No alcoholic beverage advertising shall be located on motor fuel islands or otherwise visible from outside the building in which the alcoholic beverage is sold; and

5. Employees on duty between the hours of 10:00 p.m. and 2:00 a.m. shall be at least twenty-one (21) years of age to sell alcoholic beverages.

B. Conditions of Approval. In addition to the minimum standards set forth, the Board of Zoning Adjustments may provide that any approvals for the concurrent sale of motor vehicle fuel and alcoholic beverages be contingent upon acceptance and observance of specified conditions or limitations determined by the Board to be reasonable and necessary in order to make the required findings, including but not limited to any of the following conditions or limitations relating to:

1. Additional limitations on advertising and display of alcoholic beverages;
2. Banning of video game machines and/or jukeboxes or similar devices where concurrent sale of motor vehicle fuel and alcoholic beverages take place;
3. Limitations on hours of operation and on amount of shelf space devoted to alcoholic beverages;
4. Requirement for security guards and other security devices on the premises;
5. Minimum parking lot lighting and fencing;
6. Minimum training for sales personnel and/or security guards;
7. Policies to discourage drinking alcoholic beverages outside the premises; or
8. A minimum distance required between businesses engaged in the concurrent sale of motor vehicle fuel and alcoholic beverages. (Ord. 2001-015 § 1)

4-1646 Recycling Facilities

A. Definitions.

1. "Recycling" means the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become solid waste, and returning them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace.

~~2.1.~~ "Recyclable Material" is reusable material, including but not limited to metals, glass, plastic, and paper, which are intended for reuse, remanufacture, or reconstitution for the purpose of using the altered form. ~~Recyclable material does not include refuse or hazardous materials, but may include used motor oil collected and transported in accordance with Section 25250.11 and 25143.2(b)(4) of the California Health and Safety Code.~~

Exhibit G: Proposed Amended Article 16

Page 6

Note: underline and bolded text represents new text; ~~strike through~~ text represents text to be eliminated

~~3.2.~~ “Recycling Facility” is a center for the collection and/or processing of recyclable materials: **and includes facilities for the drop-off, buyback, deposit, or return for redemption, of recyclable material. Recyclable material is reusable material including but not limited to metals, glass, plastic, and paper which is intended for remanufacture or reconstitution for the purpose of using the altered form. A recycling facility consists of a reverse vending machine, collection facility, or processing facility, as defined below. A recycling collection facility may also consist of a facility for the collection of reusable household goods or clothes by a charitable organization.** ~~. A certified recycling facility or certified processor means a recycling facility certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986.~~

- a. “Collection Facility” is a center for the acceptance by donation, redemption, or purchase of recyclable materials from the public.
 - i. “Small collection facilities” occupy less than five hundred (500) square feet and may include:
 - ~~— A mobile unit;~~
 - Bulk reverse vending machines or a grouping of reverse vending machines occupying more than fifty (50) square feet;
 - Kiosk-type units that may include permanent structures; or
 - Unattended containers placed for the donation of recyclable materials.
 - ii. “Large collection facilities” occupy more than five hundred (500) square feet and may include permanent structures as well as mobile units, bulk reverse vending machines, Kiosk-type units.
- b. “Processing Facility” is a building or enclosed space used for the collection and processing of recyclable materials. Processing means the preparation of material for efficient shipment, or to an end-user’s specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing.
 - i. A “light-processing facility” occupies less than forty-five thousand (45,000) square feet, **and all activities are conducted entirely within an enclosed building, and** includes equipment for baling, briquetting, crushing, compacting, grinding, shredding and sorting of source-separated recyclable materials, except ferrous metals other than food and beverage containers, and repairing of reusable materials. **(See Section “B” Permits Required.**

- ii. A “heavy-processing facility” is any processing facility other than a light-processing facility.

~~4.3.~~ “Reverse Vending Machine(s)” is an automated mechanical device that accepts at least one or more types of empty beverage containers such as aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip. A reverse vending machine may sort and process containers mechanically, provided that the entire process is enclosed within the machine.

- a. A “single-feed reverse vending machine” is designed to accept individual containers one (1) at a time.
- b. A “bulk reverse vending machine” is designed to accept more than one (1) container at a time and to compute the refund or credit due on the basis of weight.

~~4. “Mobile Recycling Unit” means an automobile, truck, trailer, or van and appurtenant bins, boxes or containers used for the collection of recyclable materials.~~

5. “Small Scale Hazardous Waste Center” means a center **for the collection, short-term storage, transfer, or limited processing of hazardous waste from households, small businesses or other small-scale generators,** as defined in Article 3: Definitions, Section 1-304, under “Recycling Centers.”

B. Permits Required. No person shall permit the placement, construction, or operation of any recycling facility without first obtaining a permit as follows:

Type of Facility	Districts Permitted	Permit Required
Single-Feed Reverse Vending Machine(s)	All C, NA, SA, P , I, I (AU) , DA-1 and DA-2	Zoning Permit Admin. Review
Bulk Reverse Vending Machine	CN, CC, CS, NA, SA-1, SA-2, SA-3, and I, and I (AU)	Zoning Permit Admin. Review
Small Collection	CC, CS, CN, SA-1, SA-2, and SA-3	Admin. Review
Small Scale Hazardous Waste Center	CS	Use Permit Admin. Review
Large Collection	CC, CS, IG, IL , and IP, IG(AU), IL(AU), and IP(AU)	Use Permit Admin. Review
Light Processing	IL, IL (AU) , and IG, and IG (AU)	Use Permit Admin. Review ₁
Heavy Processing	IG, IG (AU)	Use Permit

1. The Zoning Enforcement Official shall be the decision-maker but may refer to the Board of Zoning Adjustments for a Conditional Use Permit.

Exhibit G: Proposed Amended Article 16

Note: **underline and bolded** text represents new text; ~~strike through~~ text represents text to be eliminated

C. Permits for Multiple Sites.

1. The Zoning Enforcement Official may grant a single zoning permit to allow more than one reverse vending machine or small collection facility located on different sites under the following conditions:
 - a. The operator of each of the proposed facilities is the same;
 - b. The proposed facilities are determined to be similar in nature, size, and intensity of activity; and
 - c. All the applicable criteria and standards set forth in Section 4-1646.D are met for each such proposed facility.

D. Design Criteria and Standards.

1. Reverse Vending Machine(s).

- a. Each machine shall be located so as not to obstruct pedestrian or vehicular circulation.
- b. No required parking space shall be occupied, and machine shall not encroach into aisles.
- c. Each machine shall occupy no more than fifty (50) square feet of space, including any protective enclosure, and shall not exceed eight (8) feet in height.
- d. Each machine shall be clearly marked to identify the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative.
- e. The maximum sign area is four (4) square feet per machine, exclusive of operating instructions of Subsection 4-1646.D.1.d, above;
- f. Adequate nighttime lighting shall be provided, if warranted.

2. Small Collection Facilities.

- a. Small collection facilities shall be no larger than five hundred (500) square feet, shall be set back at least ten (10) feet from a front or side property line, and twenty (20) feet from an R district boundary or lot developed for residential use, and shall not obstruct pedestrian or vehicular circulation **or parking**

areas. Small collection facilities shall be located no closer than one-half mile distance from one another.

b. Applicants of Small Collection Facilities shall submit an Administrative Review application, along with a site plan showing the proposed location and written authorization from a property or business owner for each separate facility location.

~~c.b.~~ No power-driven processing equipment shall be used except for reverse vending machines.

~~d.e.~~ All containers shall be constructed and maintained with durable waterproof and rustproof material, covered when the site is not attended, secured from unauthorized entry or removal of material, and of a capacity sufficient to accommodate materials collected.

~~e.d.~~ All recyclable material shall be stored in containers or in a mobile unit vehicle.

~~f.e.~~ Attended facilities located within one hundred (100) feet of the boundary of an R district shall operate only between 7 a.m. and 7 p.m.

~~g.f.~~ Containers shall be clearly marked to identify the type of material that may be deposited; the facility shall be clearly marked to identify the name, **address, website** and telephone number of the facility operator **or organization** and the hours of operation, and display a notice stating that no material shall be left outside the recycling enclosure or containers.

~~h.g.~~ The maximum sign area shall be sixteen (16) square feet exclusive of informational requirements and operational instruction of Subsection (~~b.c~~) above. Directional signs bearing no advertising message may be installed if necessary to facilitate traffic circulation, or if the facility is not visible from the public right-of-way.

~~i.h.~~ No additional parking spaces will be required for customers of a small collection facility located at the established parking lot of a host use. One (1) space may be provided for the attendant, if needed.

~~j.i.~~ Mobile recycling units shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present.

~~k.j.~~ No required parking spaces shall be occupied by the facility.

3. Large Collection Facilities.

- a. A large collection facility shall be located at least two hundred (200) feet from an R district.
- b. Each facility shall be in an enclosed building or within an area enclosed by a fence at least eight (8) feet in height that substantially screens the site.
- c. Six (6) parking spaces shall be for customers and one (1) parking space shall be provided for each commercial vehicle operated by the recycling facility.
- d. Power-driven processing, including aluminum foil and can compacting, baling, plastic shredding, or other light-processing activities necessary for efficient temporary storage and shipment of material may be allowed if noise and other conditions are met.

4. Processing Facilities.

- a. **Light** Processors shall operate in a wholly enclosed building except for incidental storage, **in compliance with the regulations set forth in Section 4-1662, "Outdoor Facilities and Storage/Loading Facilities."**
- b.** **Heavy Processors shall operate in a wholly enclosed building, except for incidental storage** or within an area enclosed on all sides by an opaque fence or wall not less than eight (8) feet in height and landscaped on all street frontages located at least one hundred fifty (150) feet from an R district.
- ~~**c.b.** Power-driven processing shall be permitted provided all noise-level requirements are met. Light-processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting of source-separated recyclable materials and repairing of reusable materials.~~
- d.e.** If the facility is open to the public, space shall be provided for a minimum of ten (10) customers or the peak load, whichever is higher, except where the Zoning Enforcement Official determines that allowing overflow traffic is compatible with surrounding businesses and public safety.
- e.d.** One (1) parking space will be provided for each commercial vehicle operated by the processing center.

5. All Collection and Processing Facilities.

- a. No facility shall occupy a required front or corner side yard, and all regulations applicable to the principal structure on the site shall apply to collection and processing facilities except as provided in this Section.
- b. A large collector or processing facility may accept used motor oil for recycling from the generator in accordance with ~~Section 25250.14~~ of the California Health and Safety Code.
- c. All exterior storage of material shall be in sturdy containers or enclosures that are covered, secured, and maintained in good condition. Storage containers for flammable material shall be constructed of non-flammable material. No storage, excluding truck trailers and overseas containers, will be visible above the height of the fencing.
- d. Noise levels shall not exceed sixty decibels (60 dBA) as measured at the property line of an R district or otherwise shall not exceed seventy decibels (70 dBA).
- e. All facilities shall be administered by on-site personnel during hours the facility is open. If a large collection or processing facility is located within five hundred (500) feet of an R district, it shall not be in operation between 7 p.m. and 7 a.m.
- f. Any containers provided for after-hours donation of recyclable materials shall be of sturdy, rustproof construction; shall have sufficient capacity to accommodate materials collected; and shall be secure from authorized entry or removal of materials.
- g. The site of the facility shall be kept free of litter and any other undesirable material. Containers shall be clearly marked to identify the type of material that may be deposited. A notice stating that no material shall be left outside the recycling containers shall be displayed.
- h. Sign requirements shall be those provided for the zoning district in which the facility is located. In addition, each facility shall be clearly marked with the name and phone number of the facility operator and the hours of operation.
- i. No dust, fumes, smoke vibration or odor above ambient level may be detectable on neighboring properties. (Ord. 2008-013 § 1; Ord. 2004-007 § 5; Ord. 2001-015 § 1)

Division 3. All Districts

4-1648 Relocated Buildings

In addition to the requirements of San Leandro's Municipal Code, Title IV, Article 5, Moving Buildings, Oversized Vehicles or Objects, a permit for relocation of a building shall be required. This permit, to be issued by the Zoning Enforcement Official, shall establish conditions necessary to ensure that the relocated building and its new site will be compatible with its surroundings in terms of architectural character, height and bulk, and quality of exterior appearance. (Ord. 2001-015 § 1)

4-1650 Development on Lots Not Meeting Minimum Area or Width

A legally created lot having a width or area less than required for the base district in which it is located may be occupied by a permitted or conditional use if it meets the following requirements:

- A. R Districts. Such lots shall be subject to the same yard, setback, density, and FAR requirements as a standard lot. One (1) dwelling unit may be located on a lot of less than required area or width if it conforms to all requirements for a single-family dwelling in the RS District. A use permit shall be required for any other proposed new use.
- B. Other Districts. A use permit shall be required for any proposed new use. (Ord. 2004-007 § 5; Ord. 2001-015 § 1)

4-1652 Development on Lots Divided by District Boundaries

The regulations applicable to each district shall be applied to the area within that district, and no use other than parking serving a principal use on the site shall be located in a district in which it is not a permitted or conditional use. Pedestrian or vehicular access from a street to a use shall not traverse a portion of the site in a district in which the use is not a permitted or conditional use. (Ord. 2004-007 § 5; Ord. 2001-015 § 1)

4-1654 Building Projections into Yards and Courts

Projections into required yards or required open space shall be permitted as follows. In addition, all development proposals in the SA Districts shall be reviewed by City staff to ensure general consistency with the provisions contained in the Design Guidelines in the East 14th Street South Area Development Strategy.

- A. Cornices, eaves, mechanical equipment, and ornamental features: two (2) feet.

- B. Uncovered porches, terraces, platforms, decks, subterranean garages, and patios not more than thirty (30) inches in height: three (3) feet in a side yard, and six (6) feet in a front or rear yard for a length of ten (10) feet parallel to the adjoining property line.
- C. Balconies, stairs, canopies, awnings, and covered porches: six (6) feet into a front or rear yard, and two (2) feet into an interior side yard.
- D. Fire escapes: three and one-half (3½) feet.
- E. Bay windows: two and one-half (2½) feet for a width of no more than eight (8) feet.
- F. Chimneys: two (2) feet, except where the required setback from an interior property line is three (3) feet or less in which case no projection is permitted.
- G. Wheelchair Ramps. Ramps constructed as part of an accessible route are permitted in required front or side yard (for corner properties) setbacks with administrative approval. Ramps shall not be allowed to encroach into the City right-of-way. In addition, ramps shall not block access to or encroach into any required off-street parking space or driveway leading to such place; unless there is no other feasible location for the ramp. Ramps may be constructed of concrete and wood or galvanized metal/aluminum and shall comply with the Uniform Federal Accessibility Standards (UFAS) Section 4.8 Ramps. Wood railings shall be stained or painted to be compatible with the color/trim of the home. Metal handrails, spindles and hardware shall be powder-coated to be compatible with the color/trim of the home. (Ord. 2006-011 § 1; Ord. 2001-015 § 1)

4-1656 **Reserved** (Ord. 2001-015 § 1)

4-1658 **Exceptions to Height Limits**

Towers, spires, cupolas, chimneys, elevator penthouses, water tanks, flagpoles, monuments, theater scenery lofts, radio and television antennas, transmission towers, fire towers, and similar structures and necessary mechanical appurtenances covering not more than ten percent (10%) of the ground area covered by the structure to which they are accessory may exceed the maximum permitted height in the district in which the site is located by no more than ten (10) feet, unless the Board of Zoning Adjustments approves a variance that authorizes additional height. (Ord. 2001-015 § 1)

4-1660 **Reserved** (Ord. 2001-015 § 1)

4-1662 **Outdoor Facilities and Storage/Loading Facilities**

- A. Outdoor Storage—Where Permitted.

1. IG District—Permit Not Required. Outdoor storage of materials or equipment is allowed in the IG district, subject to the screening requirements prescribed in Subsection C below. Outdoor storage of materials or equipment shall be strictly related to the operation of the principal use. In no case shall this section permit outdoor storage or display of merchandise, goods, or materials for retail or wholesale sales, unless a Temporary Use Permit is obtained in accordance with Section 5-2222. **If the outdoor sales exceed ninety (90) consecutive days in duration, an Outdoor Facilities Permit shall be required, per Subsection 2 below.**

 2. Other Commercial and Industrial Districts—Outdoor Facilities Permit Required. Outdoor storage and display of merchandise, materials, or equipment, including display of merchandise, materials, and equipment for customer pick-up shall be subject to approval of an Outdoor Facilities Permit by the Zoning Enforcement Official in the CN, CC, ~~CG~~, CS, CR, DA-1, DA-2, DA-3, DA-4, DA-5, DA-6, C-RM, NA-1, NA-2, SA-1, SA-2, SA-3, **IG**, IL, and IP Districts subject to screening requirements prescribed in Subsection C below. Sidewalk cafés and outdoor food service accessory to an Eating and Drinking Establishment or a retail use shall be permitted subject to approval of an Outdoor Facilities Permit by the Zoning Enforcement Official in the CN, CC, DA-1, DA-2, DA-3, DA-4, DA-5, DA-6, CR, C-RM, NA-1, NA-2, SA-1, SA-2, SA-3, P, PHD, **IG**, IL, IP, and OS Districts and shall be subject to subsection (B) below. Temporary displays for Outdoor Retail Sales may be allowed with a Temporary Use Permit **up to ninety (90) days** in accordance with Section 5-2222, consistent with the applicable base district land use regulation, as modified by an overlay district.
- B. Outdoor Facilities Permits—Conditions of Approval and Grounds for Denial. The Zoning Enforcement Official may impose conditions of approval on any permit for outdoor storage, display, or food service issued under this Section, including requirements for yards, screening, or planting areas where it is determined by the Zoning Enforcement Official that such conditions are necessary to prevent adverse impacts on surrounding properties and uses. If the Zoning Enforcement Official determines that such impacts cannot be adequately mitigated, the permit shall be denied.
- C. Outdoor Storage and Loading Facilities—Screening Required:
1. Outdoor storage areas, and truck bays/loading docks areas, shall be screened by the placement of a solid wall, fence, landscaping, and/or building location in order to substantially obscure visibility from a public street. Limited visibility of truck staging areas, as necessary only for truck access to and from the site, may be permitted if no other alternative layout is practical.

 2. The storage of merchandise, materials, and/or equipment at height above the screening wall is not permitted, unless administrative approval is given by the

Zoning Enforcement Official, who in order to give approval shall find that: a) the limitation in storage would not be practical for the subject business, and b) such stored items would not be visually obtrusive from a public street or neighboring property.

- D. Exemptions. Notwithstanding the permit regulations of Subsections A and B above, and the screening requirements prescribed in Subsection C above, unscreened outdoor storage and display may be permitted, subject to any restrictions and/or limitations within project specific conditions attached to a use permit, site plan approved pursuant to Article 2, or zoning approval, in conjunction with the following use classifications in districts where they are permitted or conditionally permitted, and provided outdoor storage and display shall be limited to vehicles or equipment:
1. Vehicle/Heavy Equipment Dealers, New
 2. Vehicle/Heavy Equipment Dealers, Used
 3. Vehicle/Heavy Equipment Rentals
- E. Vehicles/Equipment as Advertisement. No vehicle or equipment shall be stored with mast arms in an elevated position. (Ord. 2008-003 § 8; Ord. 2004-007 § 5; Ord. 2001-015 § 1)

4-1664 Screening of Mechanical Equipment

- A. General Requirement. Except as provided in Subsection B below, all exterior mechanical equipment, except solar collectors in any district and operating mechanical equipment in an IG District located more than five hundred (500) feet from a C, NA, SA, R, PS, PD, or OS district boundary, shall be screened from view on all sides. Except to the extent restricted by public utility companies, equipment to be screened includes but is not limited to heating, air conditioning, refrigeration equipment, plumbing lines, ductwork, and transformers. The Zoning Enforcement Official may waive the screening requirement in C, NA, SA, or I district for equipment not visible from a public street or R district.
- B. Utility Meters. Utility meters shall be screened from view from public rights-of-way, but need not be screened on top or when located on the interior side of a single-family dwelling. Meters in a required front yard or in a side yard adjoining a street shall be enclosed in subsurface vaults.
- C. Screening Specifications. Screening materials may have evenly distributed openings or perforations averaging fifty percent (50%) of the surface area and shall effectively screen mechanical equipment, so that it is not visible from a street or adjoining lot. (Ord. 2001-015 § 1)

4-1666 Refuse Storage Areas

Except as exempted by the Zoning Enforcement Official, a refuse storage area screened on all sides by a six (6) foot solid wood or masonry wall or located within a building, shall be provided prior to occupancy for all commercial, industrial, and public/semipublic uses. Locations, horizontal dimensions, and general design parameters of refuse storage areas shall be in accord with standards established by the Zoning Enforcement Official, subject to appeal to the Planning Commission. The Zoning Enforcement Official may waive the screening requirement for dumpsters and equipment for refuse collection and storage in a CS, DA-1, DA-2, DA-3, DA-4, DA-5, DA-6, or I District, which are not visible from a public street or from an R district. (Ord. 2008-003 § 9; Ord. 2001-015 § 1)

4-1668 Underground Utilities

All new electrical, telephone, CATV, and similar distribution lines providing direct service to a development site, and any existing such service on the site, shall be installed underground within the site unless the Zoning Enforcement Official finds such installation is unfeasible. (Ord. 2001-015 § 1)

4-1670 Performance Standards

The following performance standards shall apply to all use classifications in all zoning districts:

- A. Noise. All uses and activities shall comply with the provisions of the San Leandro Noise Regulations (Title IV, Chapter 1 of the Municipal Code).
- B. Vibration. No use, activity, or process shall produce vibrations that are perceptible without instruments by a reasonable person at the property lines of a site.
- C. Dust. No use, process, or activity shall produce objectionable dust that is perceptible without instruments by a reasonable person at the property lines of a site.
- D. Glare.
 1. From Glass. Mirror or highly reflective glass shall not cover more than twenty percent (20%) of a building surface visible from a street unless an applicant submits information demonstrating to the satisfaction of the Zoning Enforcement Official that use of such glass would not significantly increase glare visible from adjacent streets or pose a hazard for moving vehicles.
 2. From Outdoor Lighting. Parking lot lighting shall comply with Article 17. Security lighting in any district may be indirect or diffused, or shall be shielded or directed

away from an R district within five hundred (500) feet. Lighting for outdoor court or field games within three hundred (300) feet of an R district shall require approval of a use permit.

- E. Combustibles and Explosives. The use, handling, storage, and transportation of combustibles and explosives shall comply with the provisions of the San Leandro Uniform Fire Code (Title III, Chapter 3 of the Municipal Code) and any other applicable laws.
- F. Radioactive Materials. The use, handling, storage, and transportation of radioactive materials shall comply with the provisions of the California Radiation Control Regulations and any other applicable laws.
- G. Hazardous and Extremely Hazardous Materials. The use, handling, storage, and transportation of hazardous and extremely hazardous materials, including biologically hazardous material, shall comply with the provisions of the California Hazardous Materials Regulations and the San Leandro Uniform Fire Code.
- H. Heat and Humidity. Uses, activities, and processes shall not produce any unreasonable, disturbing, or unnecessary emissions of heat or humidity, at the property line of the site on which they are situated that cause material distress, discomfort, or injury to a reasonable person.
- I. Electromagnetic Interference. Uses, activities, and processes shall not cause electromagnetic interference with normal radio or television reception or with the function of other electronic equipment beyond the property line of the site on which they are situated.
- J. Evidence of Compliance. The Zoning Enforcement Official may require such evidence of ability to comply with performance standards as he or she deems necessary prior to issuance of a zoning permit or any other required permit. (Ord. 2001-015 § 1)

4-1672 Earth Station and Microwave Equipment

- A. Purpose. To ensure that amateur radio antennas and satellite and microwave dish earth stations and equipment do not have an adverse impact on aesthetic values and public safety in residential, commercial, and industrial areas, installation of these earth stations and equipment is governed by the following controls. The intent of these regulations is only to locate such earth stations and equipment where they are least visible from public rights-of-way in the vicinity, while not burdening adjacent property owners with adverse visual impacts. The intent is not to discriminate against dish earth stations in favor of other communications facilities.
- B. Permit Required. A zoning permit shall be required for the installation of amateur radio antennas, a satellite or microwave-receiving earth station, and a use permit shall

be required for the installation of microwave transmitting and relay equipment. In considering a permit application, the Zoning Enforcement Official or Board of Zoning Adjustments shall balance the imposition of all applicable codes, regulations, and standards of the City of San Leandro with the applicant's right to receive satellite transmissions without unreasonable limitations on transmission reception or the imposition of costs which are excessive in light of the purchase cost of the equipment.

C. Location Criteria: Amateur Radio. An amateur radio antenna may be installed on a lot in any district if it complies with the following criteria:

1. Setbacks. Five (5) feet from interior side or rear property line.
2. Maximum Height. Ten (10) feet above the district height limit, provided that additional height may be authorized with a use permit.
3. Surface Materials and Finishes. Highly reflective surfaces shall not be permitted.

D. Location Criteria: Satellite. A satellite earth station may be installed on a lot in any zoning district if it complies with the following criteria:

1. Placement on Lot. The preferred placement of a satellite earth station shall be in the rear yard or interior side yard of a given parcel, no closer than five (5) feet to the side or rear property line, or to the front street-side setback line. The placement of a satellite earth station on a roof, shall be allowed only upon proof, presented to the satisfaction of the Zoning Enforcement Official by the property owner at the time of application for a permit, that placement of the earth station at other preferred locations would unreasonably limit reception of satellite transmission.
2. Maximum Height. Ten (10) feet, measured from ground level, or the point of attachment on the roof, immediately under the earth station to the highest point of the earth station or any appurtenance attached to it.
3. Screening.
 - a. If other than roof-mounted, the satellite earth station must be effectively screened by a solid screen fence, wall, or hedge six (6) feet in height, so as not to be visible from public streets. The fence, wall, or hedge shall be located no closer than five (5) feet to the satellite earth station.
 - b. If roof-mounted, the satellite earth station must be effectively screened so as not to be visible from public streets. Where possible, all roof-mounted satellite earth stations shall be painted to match the existing roof color. No satellite earth stations shall be more than ten (10) feet in height above the point

of attachment, or four (4) feet in height above any peak of a pitched roof or parapet of a flat roof unless it is demonstrated that this height limit unreasonably restricts reception of a signal.

The above requirements for screening shall not apply in an "I" District unless the earth station is readily visible from an R District.

4. Undergrounding. All wires and/or cables necessary for operation of the earth station or reception of the signal shall be placed underground, except for wires or cables attached flush with the surface of a building or the structure of the earth station.
 5. Surface Materials and Finishes. Highly reflective surfaces shall not be permitted, nor shall any lettering or emblem be allowed, except the name of the manufacturer in letters not to exceed two (2) inches in height.
- E. Locational Criteria. Microwave Receiving. Microwave receiving earth stations may be installed if they comply with the following criteria:
1. CC, ~~CG~~, CS, NA-1, NA-2, SA-1, SA-2, SA-3, and I Districts. Installation is prohibited in any required front or street side setback area, and all wires or cables necessary for the operation of the earth station or reception of the signal shall be placed underground, except those wires or cables attached flush with the surface of a building or structure of the earth station. Landscaping or solid screening shall be placed around the base of any tower to screen the tower from view and to provide a physical separation between the tower and any pedestrian or vehicular circulation.
 2. CN, DA-1, DA-2, DA-3, DA-4, DA-5, DA-5, DA-6 and P Districts. Installation is permitted only if the earth station is attached to the rear half of a roof or is fully screened from view from any adjacent public street or R district.
- F. Location Criteria: Microwave Transmitting and Relay Equipment. Microwave transmitting and relay equipment may be installed in any zoning district subject to the requirements of a use permit and the criteria of Subsection E above. (Ord. 2008-003 § 10; Ord. 2004-007 § 5; Ord. 2001-015 § 1)

4-1674 Bed and Breakfast Inns

The following regulations shall apply to bed and breakfast inns.

- A. Where Permitted. Bed and breakfast inns are conditionally permitted in the CN, CC, DA-1, DA-2, DA-3, DA-4, DA-5, DA-6, CR, P, PHD, NA-1, NA-2, SA-1, SA-2, and RM districts or in any L Overlay District in owner-occupied landmark buildings.

Exhibit G: Proposed Amended Article 16

- B. Use Permit Required. A use permit issued by the Board of Zoning Adjustments shall be required for bed and breakfast inns. Applications shall be submitted to the Planning Division accompanied by: the required fee; plans and elevations showing any proposed modifications to the existing exterior of the structure, descriptions of landscaping, exterior finishes, signs, and parking to be provided; and any other information required by the Zoning Enforcement Official to determine whether the proposed bed and breakfast inn conforms to all the requirements of this ordinance.

The Board of Zoning Adjustments shall approve a bed and breakfast inn after a duly noticed public hearing upon finding that:

1. The bed and breakfast inn will be operated by a property owner or resident manager living on the premises;
2. The bed and breakfast inn conforms to the design and development standards of Subsection C of this Section and is compatible with adjacent buildings in terms of building materials, colors and exterior finishes; and
3. Public and utility services including emergency access are adequate to serve the bed and breakfast inn.

C. Design and Development Standards.

1. Number of Guest Rooms. No more than six (6) rooms shall be rented for lodging.
2. Parking. A minimum of one (1) independently accessible, off-street parking space shall be provided for each guest room plus one (1) for the resident owner. This requirement may be reduced to one (1) space for each two (2) rooms for a bed and breakfast inn provided that the Board of Zoning Adjustments finds that on-street parking in the vicinity is not subject to time restrictions that would interfere with the hours normally required for guest parking.
3. Signs. No identifying sign shall be displayed other than one (1) sign no larger than six (6) square feet per frontage identifying the name of the establishment. The face of the sign may be indirectly illuminated by an exterior light source entirely shielded from view, but no illumination from an internal light source shall be permitted. (Ord. 2008-003 § 11; Ord. 2004-007 § 5; Ord. 2001-015 § 1)

4-1676 Airport Safety Zones

The following regulations shall apply to land uses occurring within airport safety zones established for Metropolitan Oakland International Airport by the Alameda County Airport Land Use Commission (ALUC) and set forth in the Airport Land Use Policy Plan. Maps of

airport safety zone boundaries as established by the Airport Land Use Policy Plan are kept on file with the Zoning Enforcement Official. The airport safety zone boundaries shall also be delineated on the Zoning Map with reference to applicable regulations.

- A. Purposes. The specific purposes of the Airport Safety Zone regulations are to ensure land use compatibility with airport operations in proximity to San Leandro and to provide for the safe operation of aircraft. The airport safety zone consists of two (2) areas, an inner portion and an outer portion, for which different land use regulations apply. The four air safety considerations addressed by these regulations are:
1. Height Limits. The prevention of obstacles to air navigation caused by tall objects, structures, or buildings.
 2. Hazards. The prevention of hazards to air navigation caused by smoke, glare, electrical interference, bright or concentrated beams of light, and concentrations of birds.
 3. Ground Safety. The exposure of persons on the ground to accidents, especially where land uses are characterized by concentrations of persons.
 4. Noise. The exposure of persons on the ground to noise from aircraft operations, especially jet aircraft.
- B. Inner Portion. Within the inner portion of the airport safety zone, extending to fourteen hundred (1,400) feet from the end of the runway, the following uses and structures are not permitted:
1. Permanent structures or objects projecting above the level (elevation) of the primary surface of the runway.
 2. Any land use that on a regular basis would result in a concentration of persons exceeding twenty-five (25) persons per net acre.
 3. Compatible land uses in this portion of the safety zone include limited horticulture provided that no nursery equipment or materials shall be stored and no structures erected, open space for natural resources (wetlands), open space for the managed production of resources (water areas necessary to commercial fisheries), and open space for public health and safety (uses related to flood control such as retention ponds, drainage easements, or flood plains).
- C. Outer Portion. Within the outer portion of the airport safety zone, extending beyond fourteen hundred (1,400) feet to five thousand three hundred (5,300) feet, new uses shall be nonresidential low-density.

1. Uses which will have a density of more than twenty-five (25) persons per net acre over an eight (8) hour period or a density of more than fifty (50) persons per net acre for more than two (2) hours per day are considered incompatible and shall not be allowed. In addition, retail sales, eating and drinking establishments, schools, hospitals, places of public or religious assembly, and detention facilities are prohibited land uses.
 2. Compatible land uses include all those allowed in the inner portion of the airport safety zone. Additional compatible land uses are open space for outdoor recreation, limited warehousing and storage, vehicle storage, and limited industry provided these land uses comply with density regulations specified in Subsection C.1 above and height restrictions on structures and facilities contained in FAR Part 77, including Subpart D. (FAR Part 77 is included in Appendix C to the Airport Land Use Policy Plan and kept on file with the Zoning Enforcement Official.)
 3. Within the overall density limits established in Subsection C.1 above, clustering of uses within a parcel may be compatible where such clustering provides emergency landing areas, avoids concentration of development along the extended runway centerline, and does not pose a hazard to air navigation.
 4. Flammable liquids, as defined in the Uniform Fire Code, shall be stored underground.
- D. Use Permit Required. Any new development proposed for a parcel located within the airport safety zone must secure a use permit from the Board of Zoning Adjustments. The Board shall approve a use permit if it makes the findings required by Section 5-2212 and determines that the proposed development is a compatible land use in that portion of the safety zone in which the project will be located and meets the requirements of this section.
- E. Noise and Aviation Easement. No land division shall be approved nor shall a permit of any type be issued for any development within the airport safety zone until the City is provided with a noise and aviation easement permitting the right of flight in the airspace above the site. Such easement shall be supplied in a form prescribed by the City Attorney and shall be recorded on the title of the property. The purpose of the easement is to ensure that prospective property owners and developers are informed and aware of the potential impacts of airport over-flights and operations.
- F. Recorded Notice of Aircraft Over-flight Required. No land division shall be approved nor shall a permit of any type be issued for any development activity within the airport safety zone until a notice has been recorded in the Office of the County Recorder, stating that the property is subject to aircraft over-flight. Such a notice shall include a map showing the boundaries of the airport safety zone as adopted by the Alameda County Airport Land Use Commission. (Ord. 2001-015 § 1)

4-1678 Restrictions on Use of Razor/Barbed Wire

- A. Razor/barbed wire materials, such as wire strips or coiled (“concertina”) wire attached to a fence or a building. The installation of razor wire shall be permitted only in the ~~CG~~, CS, IL and IG zoning districts, prohibited in all other zoning districts, and is subject to the following restrictions where permitted and must meet the following criteria:
1. Razor/barbed wire, on either a fence, wall or building, is prohibited within three hundred (300) feet of the public street frontage, unless such installations will not be visible from any public street as to be determined by and subject to the approval of the Zoning Enforcement Official prior to installation.
 2. Razor/barbed wire shall not extend over a property line or over the public right-of-way.
 3. Razor/barbed wire shall not be located within two hundred (200) feet of a residential district.
 4. The height of the fence, with the razor/barbed wire, cannot exceed the fence height limits established in the fence regulations.
- B. Removal of Nonconforming Razor/Barbed Wire. In regards to use and/or development applications for properties with razor/barbed wire installations, which are not in compliance with the regulations prescribed in Subsection A, the nonconforming razor/barbed wire shall be removed as a condition of approval for any zoning permit, conditional use permit, or site plan approval given after August 15, 2001. (Ord. 2001-015 § 1)

4-1680 Site Remediation Screening Review

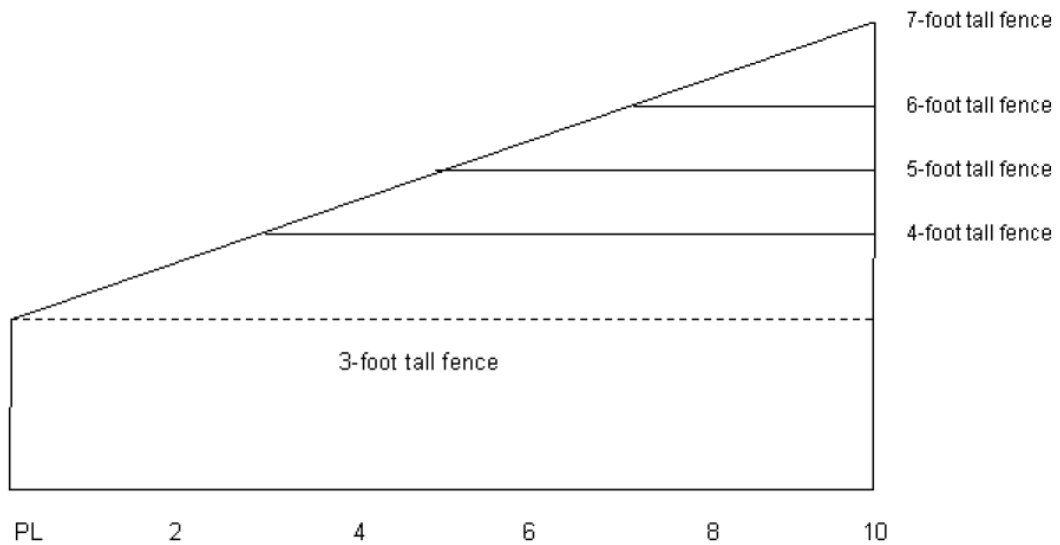
Prior to the removal or on-site remediation of contaminated soil or water, details on screening of the site and noise mitigation measures for any mechanical equipment used in the process shall receive approval of the Community Development Director if the removal or remediation process will exceed twenty-one (21) days in length. Screening of the site shall be by an obscure material and allowable noise shall not exceed the levels provided in the General Plan. This Section shall apply in all zoning districts. (Ord. 2001-015 § 1)

4-1682 Fences, Walls, and Hedges

- A. Residential, Open Space and Public/Semi-Public Districts. Except as provided for in Paragraphs 1, 2 and 3 below, the maximum height of a fence, wall, or hedge shall be seven (7) feet except in required front or corner side yards abutting a street where the maximum height shall be three (3) feet. All fences, walls, and hedges shall be subject

to the driveway visibility requirements of Article 17, Off-Street Parking and Loading Requirements.

1. RO District. The maximum height of a fence, wall, or hedge in the RO District shall be six (6) feet except in required front or corner side yards abutting a street where the maximum height shall be three (3) feet.
2. Corner lots in the RO, RS, RS-40, RS-VP, and RD Districts. Starting from the back wall of the house, the maximum height of a fence, wall, or hedge on a corner lot in the RO, RS, RS-40, RS-VP or RD District shall follow the gradient formula diagram below, which allows for an increase in height of one (1) foot for each two and one-half (2 1/2) feet back from the street side property line, up to a maximum of six (6) feet in the RO District, and seven (7) feet in the RS, RS-40, RS-VP and RD Districts. The area in front of the fence shall be required to be planted with a combination of groundcovers, shrubs, and/or small trees and shall also have irrigation installed. Over-height fences along the side of the house shall continue to require review and approval of a Fence Modification.



Gradient Fence Formula (illustrative)

(Where PL = Property Line and 2-10 indicates feet back from Property Line)

3. RS-VP District. In order to protect the existing view corridor, the maximum height of a solid fence, wall or hedge in the RS-VP District shall be no more than three (3) feet above finished grade. The portion of a permitted fence between the heights of three (3) feet to seven (7) feet shall be constructed with glass to allow for continued enjoyment of the view. Transparent materials do not include chain link, mini-mesh, chicken wire, wood or lattice materials. Non-transparent structural materials necessary for the support of the fence are permitted every four (4) feet.

The views currently enjoyed by neighbors shall be respected. The proposed construction shall not unreasonably block or diminish neighbors' views of distant and scenic features, such as the San Francisco Bay and surrounding open spaces and skylines, while balancing the applicant's ability to improve the subject property in accordance with the applicable restrictions. Fences proposed in side and rear yards where no views as defined above are significantly affected are not subject to this section. as determined by the Zoning Enforcement Official.

The Zoning Enforcement Official may modify the standards referenced herein subject to the approval of a Fence Modification Permit.

B. Commercial, Professional and Industrial Districts.

1. Maximum Height. The maximum height of a fence, wall, or hedge shall be eight (8) feet except in required front or corner side yards where the maximum height shall be three (3) feet.
2. Minimum standards for fences along street frontages. Fences that are adjacent to the required minimum front, corner side and/or rear yard with frontage along a public street frontage shall be constructed of either: a) tubular steel, or of equally high quality "visually transparent" style, or b) a solid architectural wall compatible with the building colors and materials.

In addition, all fences, walls, and hedges shall be subject to the driveway visibility requirements of Article 17: Off-Street Parking and Loading Requirements. Walls adjoining residential uses shall be subject to the regulations of Section 4-1642: Walls Adjoining Residential Use.

C. Fence Modifications. Approval to vary from the standards of this Section may be granted with the approval of a fence modification application.

1. The Zoning Enforcement Official May Approve Modifications. The Zoning Enforcement Official in a hearing following informal notice as specified in Paragraph 4 below may modify the requirements for the maximum height, minimum setback, and material of construction for fences as established in the Zoning Code.
2. Noticing Requirements. Notice of the time, place, and purpose of the hearing shall be posted at least ten (10) days prior to the date of the hearing, on or adjacent to the property involved, and mailed at least ten (10) days prior to the hearing to the owners of adjacent property.
3. Standards for Approval.
 - a. The fence is not detrimental to adjacent property;

- b. The fence is compatible with the neighborhood in terms of aesthetics;
 - c. The fence does not create a site distance hazard; and
 - d. The fence is not detrimental to the public health, safety, or welfare.
4. Referrals and Appeals. The Zoning Enforcement Official may refer a fence modification request to the Board of Zoning Adjustments. The Board of Zoning Adjustments shall also review fence modification(s) requests that are made in conjunction with an application for either a conditional use permit or variance. Appeals of the decision of the Zoning Enforcement Official approving or denying a fence modification shall be heard by the Board of Zoning Adjustments, pursuant to the requirements of Article 28. (Ord. 2012-001 § 3; Ord. 2008-001 § 1; Ord. 2001-015 § 1)

4-1683 Adult-Oriented Business Regulations

- A. Purpose and Intent. It is the intent of this article to prevent community wide adverse economic impacts, increased crime, decreased property values, and the deterioration of neighborhoods which can be brought about by the concentration of Adult-Oriented Businesses in close proximity to each other or proximity to other incompatible uses such as schools for minors, churches, and residentially zoned districts or uses. The City Council finds that it has been demonstrated in various communities that the concentration of Adult-Oriented Businesses causes an increase in the number of transients in the area, and an increase in crime, and in addition to the effects described above can cause other businesses and residents to move elsewhere. It is, therefore, the purpose of this Article to establish reasonable and uniform regulations to prevent the concentration of Adult-Oriented Businesses or their close proximity to incompatible uses, while permitting the location of Adult-Oriented Businesses in certain areas.
- B. Location Standards.
- 1. Subject to the provisions of this chapter, Adult-Oriented Businesses shall be permitted only in the Industrial Park (IP), Industrial Limited (IL) and Industrial General (IG) Districts, provided:
 - a. Each Adult-Oriented Business shall, prior to commencement or continuation of such business, first apply for and receive zoning approval from the Community Development Department.
 - b. Each such Adult-Oriented Business must, prior to commencement or continuation of such business, first apply for and receive an Adult-Oriented Business License.
 - c. Each such Adult-Oriented Business must comply with all applicable development and design regulations of the applicable Zone.

- d. No Adult-Oriented Business shall be located in any zoning district with an overlay zone.
 - e. No Adult-Oriented Business shall be located on any parcel that contains frontage on Merced Street, Alvarado Street, Williams Street, Doolittle Drive or Fairway Drive.
2. No Adult-Oriented Business shall be established or located within one thousand (1,000) feet of the following:
- a. Any place of religious assembly;
 - b. Any residentially zoned land, whether in the City of San Leandro, in an adjoining City, or within the unincorporated area;
 - c. Any public park, or property zoned, planned, or otherwise designated for such use by City action, and a public or private educational facility including, but not limited to, child day care facilities, libraries, nursery schools, pre-schools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, secondary schools, continuation schools, special education schools, junior colleges, and universities; schools includes the school grounds, but does not included facilities used primarily for another purpose and only incidentally as a school;
 - d. Any boys club, girls club, or similar youth organization; or
 - e. Any large family, general, or limited day care facility licensed by the State of California.
 - f. Any establishment that holds a state license for the sale or consumption of alcohol beverages, except this definition shall not include restaurants that have a bar on site so long as more than 50% of the customer seating is dedicated to restaurant patrons. This definition applies solely to the location criteria of this Section.

The uses and zones set forth herein shall be collectively known as “impacted uses.”

3. No Adult-Oriented Business may be established or located within one thousand (1,000) feet of any other Adult-Oriented Business, whether in the City of San Leandro, in an adjoining city, or within the unincorporated area.
4. If any portion of a property fails to meet the distance criteria set forth above, the entire property shall be ineligible for an Adult-Oriented Business use.

- C. Design Standards. Per Zoning Code Section 2-700E, the purpose of the industrial district regulations include ensuring that “the appearance and effects of industrial uses are compatible with the character of the area in which they are located.” The Zoning Enforcement Official shall review and approve all plans and elevations of buildings housing Adult-Oriented Businesses to determine whether they meet this standard. This review will consider building color, massing, architectural features and other exterior details. A decision on this design compliance for a new business shall be given within 30 days of the granting of an Adult-Oriented Business Regulatory Permit; any changes to the exterior of the building after the initial review shall also be subject to review and approval by the Zoning Enforcement Official.
- D. Appeal. Any decision of the Zoning Enforcement Official made pursuant to this Article may be appealed to the Planning Commission pursuant to Article 28. Any administrative action made pursuant to this Article may be appealed to a court of competent jurisdiction. (Ord. 2001-015 § 1)

4-1684 Hazardous Waste Facilities

- A. Intent. The purpose of this Section is to establish uniform standards, land-use regulations and a permit process for controlling the location, design, maintenance and safety of off-site hazardous waste facilities. These standards, regulations and processes are intended to be consistent with Article 8.7 of the California Health and Safety Code, applicable portions of the Alameda County Hazardous Waste Management Plan and the City of San Leandro General Plan.
- B. Applicability.
 - 1. The specific requirements of this ordinance are applicable to the siting and development of off-site hazardous waste treatment, storage, or transfer facilities. Off-site hazardous waste facilities mean those facilities which treat, store, recycle, incinerate or transfer hazardous wastes from at least two (2) producers of hazardous wastes which are not located on the same property of the hazardous waste facility. Consistent with the Alameda County Hazardous Waste Management Plan, off-site hazardous waste facilities only include those facility types as defined by the Plan for small-scale transfer and storage including hazardous waste collection facilities, industrial transfer, storage and treatment facilities, and residual repositories.
 - 2. The off-site facility definition does not apply to:
 - a. Transportable Treatment Units (TTUs), which are designed to be moved either intact or in modules and which are intended to be operated at a given location for a limited period of time; or

- b. Permanent on-site hazardous waste facilities at locations where hazardous waste is produced and which are owned by, leased to, or under the control of the producer of the waste.
- 3. All such facilities (i.e., off-site, on-site, household hazardous waste collection, and TTUs) shall obtain all necessary state licensing **and Certified Unified Program Agencies (CUPA) approvals** to install and operate.
- 4. A conditional use permit for a hazardous waste facility shall be granted for only those substances and quantities identified in the conditions of approval. No additional types of wastes or increases in the quantity of approved wastes shall be allowed beyond those specified in the approved permit, unless a separate application is made, which shall satisfy the same procedures and contents as those required in an initial application.
- C. Procedure. Applications for hazardous waste facilities as defined by this Section shall follow the procedure specified by Article 8.7 of the State Health and Safety Code and Article 22 of the Zoning Ordinance pertaining to use permits.
- D. Application Requirements.

The information listed below is required at the time a hazardous waste facility application for an off-site facility is submitted to the Community Development Department:

- 1. A complete development case application signed by the property owner or their authorized representative.
- 2. A non-refundable deposit or fee as set forth by ordinance or resolution of the City Council.
- 3. Any deposit for technical assistance pursuant to Section 25199.7 (g) of the State Health and Safety Code.
- 4. A letter of justification describing the proposed project and explaining how it will satisfy the findings in Section 4-1684.J.
- 5. Information required for public meetings and hearings, as determined by the Community Development Director.
- 6. A scaled, fully-dimensioned site plan and development plan drawn in sufficient detail to clearly describe the following:
 - a. Physical dimensions of property and structures;

- b. Location of existing and proposed structures;
 - c. Setbacks;
 - d. Methods of circulation and location of truck routes;
 - e. Ingress and egress;
 - f. Utilization of property under the requested permit;
 - g. The distance from the project property lines to the nearest residential structure;
 - h. Proximity of the project to one hundred (100) year floodplain areas;
 - i. Proximity of the project to any known earthquake fault zones;
 - j. The relationship of the proposed project to all aboveground water supplies, as well as known underground aquifers that could conceivably suffer contamination;
 - k. Topographic description of the property and surrounding area;
 - l. Existing and proposed utilities that service or will be needed to service the facility;
 - m. Identification of surrounding zoning and land uses;
 - n. Landscape plans showing theme and location of all landscape areas;
 - o. Building elevations showing building height, exterior materials, and architectural theme; and
 - p. Other information as required by the Community Development Director.
7. A preliminary geological study of the property and surrounding area, which includes a soils analysis down to the depth of the deepest known aquifers, regardless of the potability of those aquifers.
 8. Identification of all wastewater, treated and untreated, generated by the proposed facility and the method and place of final discharge.

9. Identification of the amounts (tonnage) and types of hazardous wastes to be treated at the proposed facility; the sources of these wastes; the ultimate disposition of the wastes; and the anticipated life of the facility. Information shall be provided on the amount, sources, and types of hazardous wastes to be treated based on an actual survey of the industries to be served and, thereby, be representative of the wastes that will be processed at the facility.
10. A plan that clearly delineates all public involvement with the proposed project prior to any formally advertised and scheduled public hearings. Said plan will provide for adequate public testimony on the project in an effort to mitigate all public concerns prior to the approval body reviewing the case.
11. A plan that identifies an ongoing monitoring program to ensure no unintentional release of any hazardous substance from the site. This shall include any ongoing monitoring necessary by other permitting agencies such as State Department of Health Services, the Bay Area Air Quality Management District (BAAQMD), Environmental Protection Agency (EPA), San Francisco Bay Regional Water Quality Control Board, etc.
12. A preliminary contingency plan for emergency procedures designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water. The plan shall provide for its immediate implementation whenever there is a fire, explosion, or release of hazardous waste constituents, which could threaten human health or the environment. The preliminary contingency plan shall address the requirements included in Section 4-1684.G.3.
13. Other information as required by the Community Development Director to demonstrate compliance with the facility siting criteria as outlined in Section 4-1684.F.

E. Environmental Review.

1. The project shall be subject to environmental analysis according to the City's environmental guidelines pursuant to the California Environmental Quality Act (Public Resources Code Sections 21000-21177; 15000-15387).
2. The environmental analysis shall address, but not be limited to, the following:
 - a. Describe at least two (2) reasonable alternative sites to the project; these alternatives shall be reviewed pursuant to the California Environmental Quality Act [Public Resources Code, Section 15060(d)].

- b. An analysis of visual, noise, and any olfactory impacts associated with the project and recommended mitigation measures.
- c. An analysis of all anticipated air quality impacts associated with the project and proposed mitigation to ensure no degradation of air quality in the area.
- d. A health and safety assessment that analyzes in detail all probabilities of accidents or spills at the site, as well as transportation-related accidents from the point of origin to the facility. Such analysis shall identify mitigation measures to reduce identified risks. The health and safety assessment shall identify the most probable routes for transporting hazardous wastes to the facility within Alameda and, if applicable, Contra Costa or Santa Clara counties.
- e. An analysis of traffic impacts associated with the project and recommended mitigation measures.
- f. An analysis of all anticipated water quality impacts associated with the project and proposed mitigation to ensure no degradation of water quality in the area.
- g. Other information as required by the California Environmental Quality Act (CEQA).

F. Facility Siting Criteria and Permitting Requirements.

The following siting criteria has been established for use by hazardous waste facility project proponents in locating and designing suitable facility sites and appropriate facilities and by the City in evaluating proposed sites and facility projects. The purpose of the criteria is to reduce public health and environmental risks and governmental costs associated with development of off-site hazardous waste facilities.

- 1. Protect the Residents of Alameda County (and the City of San Leandro).
 - a. Health and Safety Assessment.
 - i. All Facilities. Facilities shall be sited so as not to create significant risks or cause adverse impacts to the health and safety of populations in surrounding public and private areas, as determined by a health and safety assessment. A health and safety assessment by a qualified preparer is required for a proposed facility prior to approval of a local permit, to provide technical and environmental evaluation of the proposed facility, site, and surrounding area. A health and safety assessment will provide the information and analysis needed to

demonstrate compliance of the proposed facility with the siting criteria. The scope of the assessment will vary according to the size, type, and proposed location of the facility. It is not intended that the health and safety assessment duplicate information developed for environmental impact reports or risk assessments required under local, state or federal regulations. When environmental impact reports and health risk assessments are required, their scopes should provide the information and analysis required, and, thereby, suffice for the health and safety assessment.

- ii. The health and safety assessment shall evaluate the potential impact of the proposed facility on existing and planned residences and immobile populations, at minimum, the buffer area prescribed by the Alameda County Hazardous Waste Management Plan. Immobile populations include those in schools, hospitals, convalescent homes, jails, and other similar facilities within the area of potential impact. The health and safety assessment must consider the quantities and the physical and chemical characteristics of the specific types of waste that would be handled, the facility design features, and planned operations practices. The justification for any reduction in buffer areas of the facility from residential areas or immobile populations than that prescribed by the Alameda County Hazardous Waste Management Plan will be identified. The assessment must include a hydrologic evaluation and must assess risks due to physical hazards, such as flooding and earthquakes and potential water or air pollution. The assessment will detail credible potential accidents, including the distance over which effects would carry a variety of options for reducing risks, and procedures for dealing with the effects. The assessment will identify the capabilities (including equipment and trained personnel) and response times of existing emergency services with regard to accidents at the facility and will provide an emergency evacuation plan. If existing emergency services are deemed inadequate, the local agency may require the developer to supplement those services with on-site trained personnel and equipment.
- iii. Avoidance or mitigation of potential significant health or safety risks must be demonstrated to the satisfaction of the local permitting agency and the California Department of Health Services.

b. Distance from Populations.

All Facilities. Facilities shall comply with local minimum zoning code setbacks, unless a greater buffer distance from other uses is deemed necessary based on a required health and safety assessment.

2. Ensure the Structural Stability of the Facility.

a. Floodplains.

- i. All Facilities. Facilities must be designed, constructed, operated and maintained to preclude failure due to flooding, per flood control authorities and requirements. Provisions must be made to contain and test storm runoff prior to discharge in areas subject to contamination by waste or treated material. The required health and safety assessment will address flooding risks associated with the facility.
- ii. Treatment, Recycling and Collection Facilities. Facilities may be located in areas subject to one hundred (100) year flooding only if protected by offsetting engineered improvements, such as berms or raising the facility above flood levels. This includes areas subject to flooding by dam or levee failure and natural causes such as river flooding, flash floods, rainfall or snowmelt, tsunamis (tidal waves), seiches (earthquake-induced waves in lakes), and coastal flooding. A structural analysis or engineering design study must be provided which shows methods to prevent undulation or washout.
- iii. Residuals Repositories. Repositories are prohibited from locating in floodplain areas subject to one hundred (100) year flooding from natural causes or dam failure, even with protection, per Code of Federal Regulation (CFR), Title 40, Section 264.18(b) and California Administrative Code (CAC), Title 22, Section 66391(a)(11)(b).

b. Earthquakes.

All Facilities. Facilities must have a minimum two hundred (200) foot setback from active or recently active earthquake faults, per the California Administrative Code (CAC), Title 22, Section 6391(a)(f11)A(1) and (2). The required health and safety assessment will address earthquake safety of the facility.

c. Unstable Soils.

- i. Treatment, Recycling and Collection Facilities. Facilities are prohibited from locating in areas of potential rapid geologic change unless the facility and its containment structures have engineered design features to assure structural stability. This includes areas with unstable soils, steep slopes, and areas subject to liquefaction, subsidence, or other severe geologic constraints. The required health and safety assessment

will include a geologic report defining any such constraints and engineered solutions.

- ii. Residual Repositories. Repositories are prohibited from locating in areas within twenty-five percent (25%) slope or greater or in areas subject to liquefaction or subsidence.

3. Protect Surface and Groundwater Quality.

a. Groundwater.

- i. All Facilities. Facilities shall be fully enclosed by containment structures of impermeable materials, which would contain any unauthorized release of hazardous material. Facilities shall be equipped with leak detection and spill control and recovery capability.
- ii. Facilities are also encouraged to locate outside of areas where groundwater is within twenty (20) feet of the natural land surface. Facilities may locate in these areas only with increased engineered design features such as horizontal and vertical containment and monitoring systems to ensure protection. Subsurface storage or treatment operation is prohibited.
- ~~iii. Industrial Facilities. Groundwater monitoring wells must be located around each facility to determine background vadose zone and groundwater quality, and to detect leaks and spills from the facility unless demonstrated to be safe without them through the health and safety assessment. An ongoing groundwater monitoring program should be developed in consultation with local, state, and water district representatives.~~

b. Surface Water Quality.

All Facilities. Developers, **Operators and Owners** shall comply with the requirements of the **Statewide General Stormwater Permits; the Municipal Regional Stormwater Permit and** Alameda Countywide Clean Water Program **requirements**.

c. Wastewater.

All Facilities. Facilities operating wastewater should locate in areas with adequate industrial sewer capacity. The quality of wastewater must meet all federal, state, and local sewerage agency discharge requirements, and the facility must obtain a valid industrial wastewater discharge permit.

4. Protect Air Quality.

a. Air Quality Non-Attainment and PSD Areas.

All Facilities. Facilities may be sited in non-attainment and PSD (prevention of significant deterioration) areas only if they meet the requirements of the Bay Area Air Quality Management District. The required health and safety assessment will identify air emissions, impacts and mitigation associated with the facility.

5. Protect Environmentally Sensitive Areas.

a. Wetlands.

All Facilities. Facilities are prohibited from locating in wetlands, such as salt-water, fresh water and brackish marshes, swamps and bogs, as defined in local regional and state plans and policies (generally, areas inundated by surface water or groundwater with a frequency to support, under normal circumstances, a prevalence of vegetative or aquatic life, which requires saturated soil conditions for growth and reproduction).

b. Animal and Plant Habitats.

All Facilities. Facilities are prohibited from locating within critical habitats of endangered species, defined as areas known to be inhabited permanently or seasonally or known to be critical at any stage in the life cycle of any species of wildlife or vegetation identified or being considered for identification as “endangered” or “threatened” by the U.S. Department of Interior or the State of California.

c. Prime Agricultural Lands.

All Facilities. Facilities are prohibited from locating on prime agricultural lands, as defined in California law and local plans, unless an overriding public need is served and demonstrated.

d. Recreational, Cultural, and Aesthetic Resources.

i. Small-Scale Transfer and Storage Facilities. Low-volume transfer and storage facilities may locate in protected, recreational, cultural, or aesthetic resource areas, as defined by local, regional, state, or national

plans or policies, only if necessary to handle hazardous wastes generated by workers, residents, or visitors in these areas.

- ii. Industrial Facilities and Residuals Repositories. Facilities are prohibited from locating in protected recreational, cultural and aesthetic resource areas, as defined by local, regional, state, or national plans or policies.

- e. Mineral Resource Areas.

All Facilities. Facilities are prohibited from locating on lands containing significant mineral deposits, as classified by local plans or California's mineral land class maps and reports, if the extraction of the mineral deposit would be precluded.

6. Ensure Safe Transportation of Hazardous Waste.

- a. Proximity to Waste Generation Areas.

- i. Treatment, Recycling and Collection Facilities. Facilities shall locate in Light Industrial and General Industrial Districts at locations close to sources of hazardous waste generation to minimize the risks of transportation.

- ii. Residuals Repositories. Repositories may be located more distant from waste generation sources than other facilities because of the need for large land areas.

- b. Proximity and Access to Major Routes.

All Facilities. Facilities shall locate to minimize distance from major transportation routes. Facilities must have good access by roads designed to accommodate heavy vehicles. Travel routes from facilities to major transportation routes shall be on industrial streets, accessible to designated truck routes, not pass through residential neighborhoods, shall minimize residential frontages, and shall be demonstrated as safe with regard to road design and construction, accident rates, excessive traffic, etc. The required health and safety assessment will evaluate risks associated with transportation of hazardous wastes.

7. Protect the Social and Economic Goals of the Community.

- a. Consistency with General Plan and Zoning.

All Facilities. Facilities must be consistent with local planning policies, including the City General Plan and zoning ordinance.

b. Fiscal Impact.

All Facilities. A facility's fiscal impact to the City, whether positive or negative, must be demonstrated.

c. Socioeconomic Impacts.

All Facilities. The City may require the facility developer to fund an independent study on socioeconomic impacts of the facility.

d. Proximity to Public Services.

All Facilities. Facilities shall be served by necessary public services, including but not necessarily limited to sewer, water, electricity, gas, and telephone. Potential adverse impacts which could occur because of proximity to public facilities shall be determined as a part of the risk assessment conducted in the permitting process. This should consider the physical and chemical characteristics of the wastes that will be handled and the design features of the facility. Proximity to other public facilities such as corporation yards, utilities, roads, and state school lands in remote areas may be acceptable. The response time from the nearest fire station shall also be considered.

e. Consistency with Alameda County Hazardous Waste Management Plan.

All Facilities. Facilities shall be consistent with the goals and policies of the Alameda County Hazardous Waste Management Plan, and must demonstrate compliance with the siting criteria established by this Section. Facilities shall be consistent with the fair-share principal, and with any inter-jurisdictional agreements on hazardous waste management. Local needs are to be the primary basis for facility siting criteria decisions, along with regional commitments; facilities are to be designed and sized primarily to meet the hazardous waste management needs of Alameda County, or to meet the county's broader regional commitments under an inter-jurisdictional agreement.

G. Special Development Requirements.

1. General Conditions.

The City may impose conditions on the granting of a conditional use permit for a hazardous waste facility in order to achieve the purposes of this Chapter and the General Plan and to protect the health, safety and general welfare of the community.

2. Safety and Security.

- a. The owner or operator shall prevent the unknowing entry and minimize the possibility for the unauthorized entry of persons or livestock onto any portion of the facility.
- b. The operator shall provide a twenty-four (24) hour surveillance system (e.g., television monitoring or surveillance by guards or facility personnel), which continuously monitors and controls entry onto the facility.
- c. An artificial or natural barrier (e.g., a wall or a wall combined with a landscaped berm) shall be constructed to completely surround the facility.
- d. All gates or other entrances into the facility shall be provided with adequate means to control entry at all times. Signs with the legend, "Danger - Hazardous Waste Area - Unauthorized Personnel Keep Out," shall be posted at each entrance to the facility and at other locations in sufficient numbers to be seen from any approach. The legend shall be written in English, Spanish, and any language predominant in the area surrounding the facility and shall be legible from a distance of at least twenty-five (25) feet. Existing signs with a legend other than "Danger - Unauthorized Personnel Keep Out" may be used if the legend on the sign indicates that only authorized personnel are allowed to enter the active portion and that entry onto the active portion can be dangerous.

3. Contingency Plan.

- a. The hazardous waste facility is required to have a contingency plan designed to minimize hazards to human health and the environment from fires, explosions, or unplanned release of hazardous waste to air, soil, or surface water. The plan shall be carried out immediately whenever a fire, explosion, or unplanned release occurs.
- b. The contingency plan shall include:
 - i. The actions employees must take in response to a fire, explosion, or unplanned release of hazardous waste.

- ii. Arrangements agreed to by local emergency response officials.
 - iii. The names, addresses, and telephone numbers (office and home) of all persons qualified to act as emergency coordinator. [If more than one (1) name is listed, the order in which they may assume authority shall be given, with one (1) person designated as primary coordinator.] The emergency coordinator shall be available to respond to all emergency response measures. The emergency coordinator shall be familiar with all aspects of the contingency plan, all operations and activities of the facility, the location and characteristics of wastes handled, and general facility layout. The emergency coordinator shall have the authority to commit the resources needed to carry out the contingency plan.
 - iv. A listing of all emergency equipment at the facility, including its location and an outline of its capabilities.
 - v. An evacuation plan for employees where evacuation may be necessary, including signals used to begin evacuation, primary evacuation routes, and alternate routes.
- c. Facility emergency coordinator responsibilities shall be identified in the contingency plan to include, at minimum, the following:
- i. In the event of a fire, explosion, or release of any hazardous material, the emergency coordinator shall immediately activate facility alarms to notify employees and shall contact appropriate state or local emergency response agencies.
 - ii. In the event of a fire, explosion, or release of any hazardous material, the emergency coordinator shall immediately identify the character, exact source, amount, and aerial extent of any released materials. Concurrently, the emergency coordinator shall assess possible hazards, both direct and indirect, to human health or the environment that may result from the emergency.
 - iii. If the emergency coordinator determines that the facility has had a release, fire, or explosion which could threaten human health and the environment outside the facility, the emergency coordinator shall report his or her findings as per the following Subsections 4 and 5.
 - iv. If evacuation is necessary, local officials shall be so notified.

- v. The emergency coordinator shall in every situation notify the State Office of Emergency Services and the Alameda County Fire Department, providing the following information:
 - (a) Name and telephone of person reporting;
 - (b) Name and address of facility;
 - (c) Time and type of incident;
 - (d) Name and quantity of material(s) involved;
 - (e) Extent of injuries; and
 - (f) Possible hazard to human health and the environment outside facility.
- vi. During the emergency, the emergency coordinator shall take all reasonable measures to ensure that fires, explosions, and releases do not occur or spread, including such measures as:
 - (a) Stopping operations;
 - (b) Collecting and containing released waste; and
 - (c) Removing or isolating containers.
- vii. If the facility stops operations during an emergency, the emergency coordinator shall monitor for leaks, pressure build-up, gas generation, or ruptures in valves, pipes or other equipment as appropriate.
- viii. Immediately after an emergency, the emergency coordinator shall provide for treating, storing or disposing of recovered waste, contaminated soil or surface water, or any other material resulting from a release, fire, or explosion.
- ix. Other activities required of the emergency coordinator after an emergency are:
 - (a) No wastes incompatible with the released material is handled until cleanup is completed; and
 - (b) Emergency equipment is cleaned and ready for use before operations are resumed.

- d. Owner/operator responsibilities shall be identified in the contingency plan to include, at minimum, the following:
 - i. Notify the State Department of Health Services and appropriate state and local authorities that the above requirements have been met before operations are resumed in the affected area.
 - ii. Record the time, date and details of any incident, which requires implementing the contingency plan.
 - iii. Within fifteen (15) days, submit a written report on the incident to the State Department of Health Services. The report shall include:
 - (a) Name, address and telephone number of owner/operator;
 - (b) Name, address and telephone number of the facility;
 - (c) Date, time, and type of incident;
 - (d) Name and quantity of materials involved;
 - (e) Extent of injuries;
 - (f) Assessment of actual or potential hazards to human health or the environment, where applicable; and
 - (g) An estimate of the quantity of material recovered and its disposition.
 - iv. A copy of the contingency plan shall be maintained at the facility. A copy shall be sent to City of San Leandro Hazardous Materials Division, surrounding hospitals, Alameda County Health Care Agency, and other regulatory agencies as deemed appropriate.
 - v. The contingency plan shall be reviewed and amended when any of the following occur:
 - (a) The facility permit is revised.
 - (b) Applicable regulations are revised.
 - (c) The plan fails in an emergency.

- (d) Operations at the facility change in a way that materially increases the potential of fire, explosion, or unplanned release of hazardous waste.
- (e) The list of emergency coordinators changes.
- (f) The list of emergency equipment changes.

4. Monitoring.

- a. Upon reasonable notice, the City, their designated representatives of other agencies, may enter a parcel on which a conditional use permit for a hazardous waste facility has been granted for the purpose of monitoring the operation of the facility.
- ~~b. The holder of a conditional use permit for a hazardous waste facility shall report quarterly to the City the amount, type, and disposition of all wastes processed by the facility. Included in the report will be copies of all manifests showing the delivery and types of hazardous waste materials.~~

b.e. All structures shall remain accessible for inspection purposes.

5. Closure Plan.

The owner or operator of a hazardous waste management facility shall submit a written closure plan. A copy of the approved plan and all revisions to the plan shall be kept at the facility until closure is completed. The plan shall identify steps necessary to completely or partially close the facility at the end of its intended operating life. The closure plan shall include at least:

- a. A description of how and when the facility will be partially closed, if applicable, and finally closed. The description shall identify the maximum extent of the operation that will be open during the life of the facility.
- b. An estimate of the maximum inventory of wastes in storage and in treatment at any time during the life of the facility.
- c. A description of the steps needed to decontaminate facility equipment during closure.
- d. An estimate of the expected year of closure and a schedule for final closure. The schedule shall include, at a minimum, the initial time required to close the facility and the time required for intervening closure activities, which will allow tracking of the progress of closure.

The owner or operator may amend his or her closure plan at any time during the active life of the facility. (The active life of the facility is that period during which wastes are periodically received.) The owner or operator shall amend the plan whenever changes in operating plans or facility design affect the closure plan or whenever there is a change in the expected year of closure. When the owner or operator requests a permit modification to authorize a change in operating plans or facility design, a modification of the closure plan shall be requested at the same time.

- e. The plan shall clearly indicate an effective and ongoing use for the facility after closure. The plan will identify how the subject property will be used after the anticipated life of the project, the nature and type of reclamation, provisions for maintenance of the project, and, finally, the requirements for long-term monitoring of the reclaimed area to ensure no hazardous materials are leaking from the site.
- f. The plan shall indicate financial arrangements (irrevocable trust or other form of security arrangement) for the purpose of providing funds for the closure of its site and its long-term, post-closure monitoring maintenance, per Section 4-1684.~~G.6~~ **H.3** below.

H. Financial Responsibility.

The owner/operator shall show proof of liability insurance as follows:

1. The types, amounts, periods of coverage, and provisions for periodic review as to adequacy of coverage shall be specified in the conditions of approval. Required insurance shall include, but not be limited to: general liability insurance, automotive liability insurance, environmental impairment liability insurance, and architect's and engineer's professional liability insurance.

All such insurance shall name the City as an additional insured and shall be maintained for the life of the site and such additional periods as shall be specified in the conditions of approval.

2. Additionally, coverage will be provided for workers compensation insurance and such other insurance as may be required. Said insurance will name the City as either additional insured or as an additional loss payee. Certificates of insurance will be submitted to the City annually.
3. An irrevocable trust will be established to provide funds for closure of the site and its long-term post-closure and monitoring and maintenance. Funds for this trust would be provided by the owner/operator of the facility quarterly, based on quan-

tity and types of percentage of gross income. The terms of the trust would be as agreed upon by the project owner/operator and the City. The terms will be reviewed annually in regards to the amount of funds in the trust and anticipated closure monitoring and maintenance costs. Applicants shall provide a bond in an amount to be determined by the City for purposes of closure of the site.

4. The owner/operator shall defend, indemnify, and hold harmless the City, its officers, agents, servants, and employees, from all claims, actions, or liabilities arising out of the issuance of this permit, operations at the facility, and transportation of wastes to and from the facility.

I. Local Assessment Committee (LAC).

1. Pursuant to Section 25199.7 (d) of the State Health and Safety Code, the City Council shall appoint a seven (7) member Local Assessment Committee (LAC). The membership, responsibilities, and duties shall be consistent with the provisions of Section 25199.7 of the State Health and Safety Code. The LAC shall cease to exist after the final administrative action has been taken by the state and local agencies on the permit applications for the project for which the LAC was formed.
2. The City Council shall provide staff resources to assist the LAC in performing its duties. (Requirement of Section 25199.7(d)(3) of the California Health and Safety Code.)
3. If the LAC and the applicant cannot resolve any differences through the meetings specified by state law, Office of Permit Assistance (OPA) may assist in this resolution pursuant to Section 25199.4 of the California Health and Safety Code. (Requirement of Section 25199.7(h) of the California Health and Safety Code.)

J. Hearings and Notice.

Hearings and public notices shall be consistent with the applicable requirements of Article 8.7 of the State Health and Safety Code and Article 22: Use Permits, Variances, and Parking Exceptions, of the City of San Leandro Zoning Ordinance.

K. Findings.

In order for the Board of Zoning Adjustments to approve a hazardous waste facility application, the Board must act on this application prior to approving a conditional use permit for a hazardous waste facility. The Board of Zoning Adjustments shall find that:

1. The project is consistent with the City's General Plan and zoning ordinance.

2. The project is not detrimental to the public health, safety or general welfare of the community.
3. The project site is or will be adequately served by roads and other public or private service facilities.
4. The project is consistent with the regional fair-share facility needs assessment and siting policies established in the Alameda County Hazardous Waste Management Plan.
5. The project complies with the facility siting criteria per Section 4-1684.F.

L. Appeal.

An applicant or an interested person may file an appeal of a land-use decision made by the City to the Governor's Appeal Board within thirty (30) days after the date the City takes final action on the land-use decision pursuant to California Health and Safety Code Section 25199.9. Procedures for filing an appeal are outlined in Section 25199.14 of the California Health and Safety Code.

M. Time Limits.

1. A conditional use permit granted for an off-site hazardous waste facility shall be exercised within two (2) years from the effective date thereof, or within such additional time as may be set in the conditions of approval, which shall not exceed a total of seven (7) years; otherwise, the permit shall be null and void. The term "exercised" shall mean the beginning of substantial construction of the use that is authorized, which construction must thereafter be pursued diligently to completion.
2. Permit review and renewal shall be determined at the time of approval and shall not exceed five (5) years.

N. Household Hazardous Waste Collection Facilities.

Household hazardous waste collection facilities which meets the requirements of Article 10.8 of the State Health and Safety Code shall meet the requirements of this Section provided that the Community Development Director may exempt informational or analysis requirements of Sections 4-1684.D, 4-1684.F, and 4-1684.G where the data are determined to be nonessential for the approval of the permit.

O. Conflicts with Industrial Zone Standards.

Where conflicts in standards and requirements may exist between this section and Article 7: Industrial Districts, the provisions of this Section shall take precedence.

P. Severability.

In the event that any one (1) or more of the phrases, sentences, clauses, paragraphs, or sections contained in this ordinance shall be declared invalid or unenforceable by a valid judgment or decree of a court of competent jurisdiction, such invalidity or unenforceability shall not affect any of the remaining phrases, sentences, clauses, paragraphs, or sections of this ordinance which are hereby declared as several and shall be interpreted to carry out the intent hereunder. (Ord. 2001-015 § 1)

4-1686 Wireless Telecommunications Facilities

A. Title, purpose and applicability. The provisions of this chapter shall be known as the Wireless Telecommunications Facilities regulations. The purpose and intent of these regulations are to provide a uniform and comprehensive set of standards for the development, location, siting, design and installation of wireless telecommunications facilities. These regulations are intended to balance the needs of the wireless communications providers, the regulatory functions of the City of San Leandro, the mandates of State and Federal law and the potential impacts on the community and neighboring property owners in the design and siting of wireless facilities. The regulations are designed to promote and protect the public health, safety, and welfare and visual quality of the City of San Leandro while encouraging the appropriate development of telecommunications activities and site sharing throughout the City. These regulations shall apply to telecommunications projects.

B.A- Definitions. As used in this Section, the following terms shall have the meanings indicated, **as they relate to wireless telecommunications facilities:**

1. **“Alternative tower structure” shall mean freestanding support structures, such as man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers so that the purpose of the freestanding facility or structure is not readily apparent to the casual observer.**
2. **“Antenna” shall mean any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves. communications equipment that transmits and receives radio-frequency signals used in the provision of all types of wireless telecommunication services.**

- 3. “Architecturally-Integrated” shall mean that the wireless telecommunications facility is designed to closely blend into the surrounding environment and to be minimally visible to the casual observer. Antennas and related equipment are either not readily visible beyond the property on which it is located, or if visible, appear to be part of the existing building or environment rather than a wireless facility. The wireless facility may be incorporated into a building’s architectural features, such as a steeple, parapet wall, clock tower, flagpole, cupola, chimney, vent pipe or light standard or be screened by an equipment screen or other equally suitable method. It may include alternative tower structures, such as freestanding flagpoles, treepoles, windmills, signs and similar support structures that conceal the presence of a wireless facility within that structure. Related equipment shall be designed to match the architecture of adjacent buildings and/or be screened from public view by walls, fences, parapets, landscaping, and similar treatments.**
- 4. “Co-location” shall mean the location of two or more wireless telecommunications facilities on a single, existing, previously-approved tower, building or other support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.**
- 5.3. “FAA” shall mean the Federal Aviation Administration.**
- 6.4. “FCC” shall mean the Federal Communications Commission.**
- 7.5. “Governing authority” shall mean the City Council of the City of San Leandro.**
- 8. “Ground-mounted facility” shall mean a wireless telecommunications facility consisting of one or more poles or posts mounted on the ground that are used to support antennas. Any ground-mounted facility that is over fifteen (15) feet in height shall be considered a monopole.**
- 9.7. “Height” shall mean, when referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.**
- 10. “Minor modification” shall mean a change to an existing wireless telecommunications facility, whether emergency or routine, provided there is little or no change in the visual appearance and does not constitute a substantial modification, as defined herein (See Subsection B.13). Minor modifications are those modifications to conforming wireless telecommunications facilities that meet the performance standards set forth in these regulations.**

- 11. “Monopole” shall mean a single, freestanding pole, treepole, flagpole, post, tower or alternative tower structure over fifteen (15) feet in height that is used to support equipment associated with a wireless telecommunications facility.**
- 12.6** ~~“Pre-existing wireless telecommunications facility” towers and antennas” shall have the meaning set forth in Subsection B(4) of this Section.~~ **any wireless telecommunications facility for which a permit has been properly issued prior to the effective date of this Section and shall not be required to meet the requirements of this Section, other than the requirements of Subsection C.4. Any such facility shall be referred to in this Section as “pre-existing wireless telecommunications facility.”**
- 13. “Substantial modification” shall mean changing an existing wireless telecommunications facility, such that it: (i) increases the existing vertical height by more than ten percent (10%) or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas; or (ii) involves adding an appurtenance to the silhouette of a tower that would protrude horizontally from the edge of the tower more than twenty (20) feet, or more than the width of the tower structure as seen from an elevation perspective, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable; or (iii) involves the installation of more than the standard number of new equipment cabinets necessary for the technology involved, not to exceed four, or more than one new equipment shelter, unless specified in the Conditional Use Permit.**
- 14.8** ~~“Tower” shall mean any structure that is designed and constructed primarily for the purpose of supporting one or more **wireless telecommunications facilities** antennas, including self-supporting lattice towers, guy towers, **utility poles, treepoles,** or ~~monopoles,~~ **alternative tower structures, or architecturally-integrated facilities,** towers. The term includes, **but is not limited to,** radio and television transmission towers, microwave towers, ~~common-carrier towers,~~ **and co-locations,** cellular telephone towers. ~~alternative tower structure and the like~~~~
- 15. “Wireless telecommunications facility” shall mean a commercial facility that is licensed by the FCC to transmit and/or receive electromagnetic or radio-frequency waves, including, but not limited to towers, existing tower structures, monopoles, utility poles, alternative tower structures, architecturally-integrated facilities, antennas, and distributed antenna systems. It**

includes all related equipment which is ancillary to the transmission and reception of a wireless telecommunications facility, including, but not limited to coaxial cable, electrical and telco conduit and connectors, electrical meters, equipment cabinets, and equipment compounds and shelters. Amateur radio operators are not included in this definition.

C.B. Applicability Exclusions. The following activities shall be exempt from these regulations:

1. **District Height Limitations.** The requirements set forth in this Section shall govern the location of **wireless telecommunications facilities** ~~towers~~ that exceed, and ~~antennas~~ that are installed at a height in excess of the height limitations specified for each zoning district. The height limitations applicable to buildings and structures shall not apply to **wireless telecommunications facilities.** ~~towers and antennas.~~
2. **Public Property. Wireless telecommunications facilities** ~~Antennas or towers~~ located on property owned, leased or otherwise controlled by the City shall be exempt from the requirements of this Section, provided a license or lease authorizing such **facility** ~~antenna or tower~~ has been approved by the City.
3. **Amateur Radio: Receive-Only Antennas.** This Section shall not govern any tower, or the installation of any antenna, that is less than ten (10) feet in height above the district height limit and is owned and operated by a federally-licensed amateur ("**ham**") radio station operator or is used exclusively for receive-only antennas.
4. **Pre-Existing Wireless Telecommunications Facility Towers and Antennas.** Any **wireless telecommunications facility** ~~tower or antenna~~ for which a permit has been properly issued prior to the effective date of this Section shall not be required to meet the requirements of this Section, other than the requirements of Subsection ~~F. C.5.~~ Any such **facilities** ~~towers or antennas~~ shall be referred to in this Section as "pre-existing **wireless telecommunications facilities.**" ~~towers~~ or "pre-existing antennas."
5. **Satellite Earth Station Antenna.** This Section shall not apply to any satellite ~~earth station~~ antenna placed in residential zones that are ~~less than~~ one meter **or less** in diameter nor to any other satellite ~~earth station~~ antenna located in any other zone that are ~~less than~~ two meters **or less** in diameter.

D. Restrictions. The following restrictions shall apply to wireless telecommunications facilities:

- 1. No new unscreened wireless telecommunications facility shall be permitted three hundred (300) feet or less away from any residential property line or residential zoning district boundary.**

E.C. General Guidelines and Requirements. All wireless telecommunications facilities must comply with the following except when impractical or technologically infeasible. The burden shall be on the applicant to provide evidence as part of the application showing why and how complying with these standards would be impractical or technologically infeasible.

- ~~1. Purpose and Goals. The purpose of this Section is to establish general guidelines for the siting of towers and antennas. The goals of this Section are to: (i) encourage the location of towers in nonresidential areas and minimize the total number of towers throughout the City; (ii) encourage strongly the co-location at new and existing tower sites; (iii) encourage providers of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal; (iv) encourage providers of towers and antennas to configure design them in a way that minimizes the adverse visual impact of the towers and antennas; and (v) enhance the ability of the providers of telecommunications services to provide such services to provide such services to the community quickly, effectively and efficiently and to comply with federal legislation governing co-locations.~~

- 1.2. Principal or Accessory Use. Wireless telecommunications facilities** Antennas and towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of **a wireless telecommunications facility** ~~an antenna or tower~~ on such lot. For purposes of determining whether the installation of a **wireless telecommunications facility** ~~tower or antenna~~ complies with zoning district development regulations, including, but not limited to, set-back requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the **wireless telecommunications facility** ~~antennas or towers~~ may be located on leased parcels within such lots.

- ~~3. Inventory of Existing Sites. Each applicant for an antenna and/or tower shall provide to the Planning Division an inventory of its existing towers that are either within the jurisdiction of the City or within one-quarter mile of the border thereof, including specific information about the location, height, and design of each tower. The Planning Division may share such information with other applicants applying for administrative approvals or special use permits under this ordinance or other organizations seeking to locate antennas within the jurisdiction of the City, provided, however, that the Planning Division is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.~~

2. Co-location. All new wireless telecommunications facilities shall co-locate with other, existing or with planned, new wireless telecommunications facilities whenever feasible and when doing so will minimize potential visual impacts. Co-locations shall be processed in accordance with the prevailing Federal guidelines.

F.4. Specific Design Criteria. Aesthetics; Lighting. The **following design standards** guidelines set forth in this Subsection C.4. shall govern the **siting, design and location of all wireless telecommunications facilities** towers, and the installation of all antennas, governed by this Section; provided, however, that the Board of Zoning Adjustments may waive these requirements if it determines that the goals of this Section are better served thereby.

1. Freestanding Towers and Ground-Mounted Facilities

a. Freestanding towers and ground-mounted wireless telecommunications facilities shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, **as determined by the City**, so as to reduce **visual impacts** obtrusiveness. **and blend into the landscape or visual backdrop against which they will be seen to the greatest extent possible, unless otherwise required by the FAA.**

b. Freestanding and ground-mounted wireless telecommunications facilities shall incorporate camouflaging techniques, such as alternative tower structures, wherever feasible and shall be located in areas where existing topography, vegetation, buildings or other structures provide the greatest amount of screening to minimize visual impacts.

~~c. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible; and must be sited and designed to appear as an integral part of the structure, to the extent feasible.~~

c. Alternative tower structures, such as treepoles shall incorporate enough architectural branches (including density, needle count and vertical height), three dimensional bark cladding, and other design materials or appropriate techniques to cause the structure to appear as a natural element of the environment. Treepoles shall be integrated into the surrounding environment through the planting of trees and/or

shrubs distributed around the entire facility to appear as a naturally occurring or integrated landscape element.

d. Alternative tower structures, such as flag poles shall be tapered to maintain the appearance of an actual flag pole. A flag shall be flown from the wireless facility and properly lighted and maintained at all times, in accordance with the U.S. Flag Code.

e.b. Freestanding ~~At a towers~~ **and ground-mounted facility sites**, ~~the design of the~~ shall incorporate ancillary buildings and equipment, such as ~~related structures,~~ equipment shelters that, shall to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment.

f.d. Freestanding ~~towers~~ **and ground-mounted facilities** shall not be artificially lighted, unless required by the FAA or other applicable authority or unless they contain a U.S. Flag. If lighting is required, the **Zoning Enforcement Official** ~~Board of Zoning Adjustments~~ may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views. Any exterior lighting shall be manually operated or on an automatic timer and used only during night, during periods of maintenance or during an emergency situation, unless otherwise required by applicable federal law. Lighting shall be shielded or directed to minimize glare as viewed from off-site locations.

g. Freestanding towers and alternative tower structures shall incorporate coaxial cable and electrical and telco conduits inside the pole structure and underground, whenever feasible.

2. Building-Mounted Facilities

a. Building-mounted wireless telecommunications facilities shall be architecturally-integrated into the building design and otherwise made as unobtrusive as possible, whenever feasible. Antennas shall be located entirely within an existing or newly created architectural feature so as to be completely screened from view. Where feasible, antennas can be placed directly above, below or incorporated with the vertical design elements of a building and painted to match the background color of the building to help in camouflaging the facility (see Subsection B.3 "Architecturally-Integrated").

b. Building-mounted designs shall ensure that the antenna(s) and ancillary equipment, such as cable trays and coaxial cables and electrical and telco conduits are located within existing building walls, whenever feasible, or inside cable trays painted a color that is identical to, or

closely compatible with, the background color of the supporting building or structure so as to make them as visually unobtrusive as possible. All ancillary equipment shall be sited and designed to appear as an integral part of the building or structure (see Subsection B.3 “Architecturally-Integrated”).

c.e. Building-mounted and roof-mounted wireless telecommunications facilities, including any screening devices, may not exceed a height of fifteen (15) feet above the roof or parapet, whichever is higher, of the building on which it is mounted unless approved through a Conditional Use Permit.

d. Building-mounted and roof-mounted wireless telecommunications facilities located on the façade of the building parapet or rooftop penthouse shall be painted and/or textured to match the background color of the existing structure. Façade-mounted or flush-mounted wireless telecommunications facilities shall not extend more than twenty-four (24) inches out from the building face. If a building-mounted wireless telecommunications facility is mounted flush against a building wall, the color and material of the antenna and other equipment shall match the exterior of the building. If there is a discernible gap between the antenna and the facade, the antenna shall be screened so as to hide the gap.

e. Roof-mounted antennas and associated equipment shall maintain a 1:1 ratio (i.e., a ten-foot high antenna requires a ten-foot setback from facade; a six-foot high cabinet requires a six-foot setback from façade) and shall be located as far back from the edge of the roof as is technically feasible in order to minimize visibility from residences, public rights-of-way street locations and significant view corridors. Where appropriate, construction of a rooftop parapet or wall to hide the antenna or equipment may be required to minimize visual impacts. Roof-mounted facilities shall also be screened from above, if visible from adjacent properties.

f. Building-mounted facilities and support structures may not be illuminated unless specifically required by the FAA or other governmental agencies.

3. Equipment.

a. The ancillary equipment, such as equipment cabinets, shelters and compounds, for all wireless telecommunications facilities shall use materials, colors and textures, screening, and landscaping that will blend the equipment into the natural setting and built environment as much as possible.

- b. Related equipment for co-located wireless telecommunications facilities shall be located within an existing equipment enclosure or compound, whenever feasible, or located as close to the existing equipment enclosure or compound as possible and shall match the materials, color, and texture of the existing enclosure as much as possible.**
- 4. Noise. Wireless telecommunications facilities operating in excess of the maximum sound levels permitted by the City's Noise Ordinance shall be enclosed to achieve compliance with the Noise Ordinance. Back-up generators or similar equipment that operates only during power outages or other emergencies are exempt from this requirement. Testing of such back-up generators or similar equipment may only occur during standard daytime hours.**
- 5. Dimensions. Wireless telecommunications facilities shall be no greater in diameter or any other cross-sectional dimension than is reasonably necessary for the proper functioning and physical support of the facility and future co-location of additional wireless telecommunications facilities.**
- 6. Security Fencing. Freestanding wireless telecommunications facilities and alternative tower structures shall be enclosed by security fencing not less than six (6) feet in height. Such facilities shall also be equipped with an appropriate anti-climbing device, provided however, that the Zoning Enforcement Official may waive such requirements, as appropriate. Chain-link fencing material is only permitted in association with a wireless telecommunications facility in an industrial zone where the fence is not visible from the public right-of-way or adjacent non-industrial zone. Preferred fencing materials shall consist of wood, tubular steel or other architecturally-appropriate fencing material.**
- 7. Landscaping. Facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the facility from adjacent off-site properties. Wireless telecommunications facilities adjacent to residential uses shall incorporate landscaping that will maximize screening of the site from those residences. The standard buffer shall consist of a landscaped strip at least five (5) feet wide outside the perimeter of the facility to provide a visual buffer of any ground-mounted ancillary equipment. These requirements may be waived by the Zoning Enforcement Official if the goals of this Section would be better served thereby. Consideration shall also be given to the fact that vegetation can impede radio-frequency signals.**
- 8. Signage. All wireless telecommunications facilities shall post a sign in a readily visible location identifying the name and phone number of a party to**

contact in the event of an emergency. No signs, flags, banners, or any form of advertising shall be attached to a wireless telecommunications facility except for government-required certifications, warnings, or other required seals or signs.

9.5. Federal and State Requirements. All **wireless telecommunications facilities** ~~towers~~ must meet or exceed current standards and regulations of the FAA, the FCC, the California Public Utilities Commission and any other agency of the Federal or State government with the authority to regulate **wireless telecommunications facilities** ~~towers and antennas~~. If such standards and regulations are changed, then the owners of the **wireless telecommunications facilities** ~~towers and antennas~~ governed by this Section shall bring such **wireless telecommunications facilities** ~~towers and antennas~~ into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal or state agency. Failure to bring **wireless telecommunications facilities** ~~towers and antennas~~ into compliance with such revised standards and regulations shall constitute grounds for the removal of the **wireless telecommunications facilities** ~~tower or antenna~~ at the owner's expense.

Table 1. Table Summarizing the Review Process for a Wireless Telecommunication Facility based on the Zoning District

<u>Zoning Districts</u>	<u>New Monopoles and Towers</u>	<u>Architecturally -Integrated Antennase</u>	<u>Co-Locations on Existing Tower Structures</u>
<u>RS Res. Single-Family</u>	<u>NP</u>	<u>CUP</u>	<u>CUP</u>
<u>RO Residential Outer</u>	<u>NP</u>	<u>CUP</u>	<u>CUP</u>
<u>RD Res. Duplex</u>	<u>NP</u>	<u>CUP</u>	<u>CUP</u>
<u>RM Res. Multi-Family</u>	<u>NP</u>	<u>AR</u>	<u>AR</u>
<u>CN Comm. Neighborhood</u>	<u>CUP</u>	<u>AR</u>	<u>AR</u>
<u>CC Comm. Community</u>	<u>CUP</u>	<u>P</u>	<u>P</u>
<u>CS Comm. Services</u>	<u>CUP</u>	<u>P</u>	<u>P</u>
<u>CR Comm. Recreation</u>	<u>CUP</u>	<u>P</u>	<u>P</u>
<u>C-RM Comm. Regional Mall</u>	<u>CUP</u>	<u>P</u>	<u>P</u>
<u>P Professional</u>	<u>CUP</u>	<u>AR</u>	<u>AR</u>
<u>PHD Professional High Density</u>	<u>CUP</u>	<u>AR</u>	<u>AR</u>
<u>NA-1 North Area 1</u>	<u>CUP</u>	<u>AR</u>	<u>AR</u>
<u>NA-2 North Area 2</u>	<u>CUP</u>	<u>AR</u>	<u>AR</u>
<u>SA-1 South Area 1</u>	<u>CUP</u>	<u>AR</u>	<u>AR</u>
<u>SA-2 South Area 2</u>	<u>NP</u>	<u>AR</u>	<u>AR</u>
<u>SA-3 South Area 3</u>	<u>CUP</u>	<u>AR</u>	<u>AR</u>
<u>DA-1 Downtown Area 1</u>	<u>CUP</u>	<u>AR</u>	<u>AR</u>
<u>DA-2 Downtown Area 2</u>	<u>CUP</u>	<u>AR</u>	<u>AR</u>
<u>DA-3 Downtown Area 3</u>	<u>NP</u>	<u>AR</u>	<u>CUP</u>
<u>DA-4 Downtown Area 4</u>	<u>NP</u>	<u>AR</u>	<u>CUP</u>
<u>DA-5 Downtown Area 5</u>	<u>NP</u>	<u>AR</u>	<u>AR</u>
<u>DA-6 Downtown Area 6</u>	<u>NP</u>	<u>AR</u>	<u>AR</u>
<u>IL Industrial Limited</u>	<u>AR</u>	<u>P</u>	<u>P</u>
<u>IG Industrial General</u>	<u>AR</u>	<u>P</u>	<u>P</u>
<u>IP Industrial Park</u>	<u>AR</u>	<u>P</u>	<u>P</u>
<u>IL(AU) District</u>	<u>AR</u>	<u>P</u>	<u>P</u>
<u>IG (AU) District</u>	<u>AR</u>	<u>P</u>	<u>P</u>
<u>IP(AU) District</u>	<u>AR</u>	<u>P</u>	<u>P</u>
<u>OS Open Space</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>
<u>PS Public & Semipublic</u>	<u>CUP</u>	<u>AR</u>	<u>AR</u>

Table abbreviations:

P-Permitted, AR-Administrative Review, NP-Not Permitted, CUP-Conditional Use Permit

G.D. Permitted Uses.

1. ~~General.~~ The **wireless telecommunications facilities** uses listed as **“P”** in this ~~Subsection D-Table 1~~ are deemed to be permitted uses in **certain industrial and commercial-zoning districts, such as the CC, CS, CR, C-RM, IL, IL(AU), IG, IG(AU) IP, and IP(AU) Districts.** **These permitted wireless telecommunications facilities are to be architecturally-integrated or are co-located on an existing tower structure. Permitted uses** and shall not require **discretionary review** Board of Zoning Adjustments review unless the applicant seeks a modification of the **basic development standards set forth herein.** ~~guidelines set forth in Subsection C.4. Nevertheless, all such uses shall comply with Subsection C.4., unless a modification is granted, and Subsection C.4. of the Section and all other applicable legal provisions.~~ **Permitted uses shall comply with the general requirements of Subsection F, “Specific Design Criteria” as well as building permit requirements.**

2. **Specific Permitted Uses.** The following uses are specifically permitted:

- a. ~~Locating a tower or antenna, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna, in any industrial or commercial zoning district; provided, however, that such tower shall be set back from all existing off-site residences a distance at least equal to the height of the tower.~~
- b. ~~Installing an antenna on an existing structure in any nonresidential district other than a tower (such as a building, sign, light pole, water tower, or other free-standing nonresidential structure) that is fifty (50) feet in height or greater, so long as said additional antenna adds no more than twenty (20) feet to the height of said existing structure; and~~
- c. ~~Installing an antenna on any existing tower of any height, so long as the addition of said antenna adds no more than twenty (20) feet to the height of said existing tower and said existing tower is not a pre-existing nonconforming tower; provided, however, that such specific permitted use shall not include the placement of additional buildings or other supporting equipment used in connection with said antenna.~~

H.E. Administrative Review Applications Approvals.

1. ~~General.~~ **The wireless telecommunications facilities listed as “AR” in Table 1 are deemed to be allowable uses with an Administrative Review approval in certain zoning districts. New monopoles and towers are allowable uses in the IL, IG, IP, IL(AU), IG(AU), and IP(AU) Districts with an Administrative Review approval. Architecturally-integrated facilities are allowed in the RM, CN, P, PHD, NA-1, NA-2, SA-1, SA-2, SA-3, DA-1, DA-2, DA-3, DA-4, DA-5, DA-6 and PS Dis-**

tricts. And, co-locations on existing tower structures are allowed in the RM, CN, P, PHD, NA-1, NA-2, SA-2, SA-2, SA-3, DA-1, DA-2, DA-5, DA-6 and PS Districts. Administrative Review applications shall be reviewed and approved by the Zoning Enforcement Official. Administrative Review approvals shall comply with the general requirements of Subsection F, "Specific Design Criteria" as well as building permit requirements.

~~a. The Planning Division may administratively approve the uses listed in this Subsection E.~~

~~b. Each applicant for administrative approval shall apply to the Planning Division, providing the information set forth in Subsections F.2. and F.4. of this Section.~~

~~a.e.~~The Planning Division shall respond to each **Administrative Review** such application within thirty (30) days after deeming the application complete by either approving or denying the application. If the Planning Division fails to respond to the applicant within thirty (30) days, then the application shall be deemed to be approved.

~~d. In connection with any such administrative approval, the Planning Division may, in order to encourage shared use, administratively waive any zoning district setback requirements by up to fifty percent (50%).~~

~~b.e.~~If an **Administrative Review application** approval is denied, the applicant may appeal said denial to the Board of Zoning Adjustments.

~~2. Specific Administratively Approved Uses. The following uses may be approved by the Planning Division after conducting an administrative review:~~

~~a. Installing an antenna on an existing structure other than a tower in nonresidential areas (such as a building, sign, light pole, water tower, or other free-standing nonresidential structure) that is less than fifty (50) feet in height, so long as such addition does not add more than twenty (20) feet to the height of the existing structure;~~

~~b. Installing an antenna on an existing tower of any height in nonresidential areas, including a pre-existing tower and further including the placement of additional buildings or other supporting equipment used in connection with said antenna, so long as the addition of said antenna adds no more than twenty (20) feet to the height of said existing tower;~~

~~c. Locating any alternative tower structure in a zoning district other than industrial or heavy commercial, but not residential, that in the judgment of the~~

Planning Division is in conformity with the goals set forth in Subsection C.1. of this Section.

I.F. Conditional Use Permits Applications.

The wireless telecommunications facilities listed as “CUP” in Table 1 are deemed to be allowed by a Conditional Use Permit approval in certain zoning districts. New monopoles and towers are allowed with a Conditional Use Permit in the CN, CC, CS, CR, C-RM, P, PHD, NA-1, NA-2, SA-1, SA-3, DA-1, DA-2, OS and PS Districts. Architecturally-integrated antennas are allowed with a Conditional Use Permit approval in the RS, RO, RD, and OS Districts. Wireless telecommunications facilities co-located on existing tower structures are allowed with a Conditional Use Permit approval in the RS, RO, RD, DA-3, DA-4, and OS Districts. Conditional Use Permits shall be reviewed and approved by the Board of Zoning Adjustments. Conditional Uses shall comply with the general requirements of Subsection F, “Specific Design Criteria, Subsections J.10 to J.12” as well as building permit requirements.

a. The Planning Division shall respond to each Conditional Use Permit application within thirty (30) days after deeming the application complete. If the Planning Division fails to respond to the applicant within thirty (30) days, then the application shall be deemed to be approved.

b. If a Conditional Use Permit application is denied by the Board of Zoning Adjustments, it may be appealed to the City Council.

~~1. General. The following provisions shall govern the issuance of conditional use permits:~~

~~a. If the tower or antenna is not a permitted use under Subsection 4 of this Section or permitted to be approved administratively pursuant to Subsection E of this Section, then a conditional use permit shall be required for the construction of a tower or the placement of an antenna in all zoning districts.~~

~~b. In granting a conditional use permit, the Board of Zoning Adjustments may impose conditions to the extent it concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.~~

~~c. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical shall be certified by a licensed professional engineer.~~

J.2. Application Requirements.~~Informational Required.~~ Each applicant requesting an **Administrative Review** conditional use permit under this **O**rdinance shall submit **the following:**

- 1. A scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, radio frequency coverage, tower height requirements, dimensions of antennas, ancillary equipment and antenna support structures, setbacks, ingress and egress, drives, parking, fencing, landscaping, adjacent uses, and other information deemed by the Planning Division or Board of Zoning Adjustments to be necessary to assess compliance with this Section.**
- 2. A completed Planning application.**
- 3. A signed letter of authorization from the underlying property owner.**
- 4. Photo-simulations of the proposed facility that identifies potential visual impacts. Consideration should be given to views from nearby residential areas, public rights-of-way, parks and open space, and other public viewshed areas.**
- 5. Manufacturer's specification sheets for the proposed antennas and ancillary equipment.**
- 6. Photographs of the existing site conditions, as well as the surrounding land uses.**
- 7. A copy of the carrier's FCC license.**
- 8. A stamped and signed radio-frequency report prepared by a qualified engineer.**
- 9. A written description of the proposed project, including a description of the type of proposed installation and the location and dimensions of the proposed antennas, antenna support structures, and all ancillary equipment.**
- 10. For treepoles, provide bark cladding and branch with leaf/needle samples for review and selection.**

In addition to the requirements listed above, each applicant submitting a Conditional Use Permit application under this Ordinance shall submit the following additional application materials:

11. A **five-year** master plan, drawn to a reasonable scale, for all of the applicant's **existing,** planned or reasonably anticipated **wireless telecommunications facility** ~~tower or antenna~~ locations within the jurisdiction of the City or within one-quarter mile of the border thereof, indicating the service area covered by each such **facility** ~~tower or antenna~~ and including specific information about the location, height, and design of each **facility** ~~tower~~.
12. **An alternatives analysis that demonstrates what other sites were considered by the carrier within the coverage area.**
13. **Radio-Frequency Emissions. Within thirty (30) calendar days of activation of the facility, the applicant shall submit a Radio-Frequency Compliance Report demonstrating that the facility meets the FCC standards for radio-frequency emissions. This report is required in order to verify compliance with prevailing standards for public exposure and will be prepared by a qualified engineer. Such documentation shall include the following:**
 - a. **The make and model (or other identifying information) of the equipment tested;**
 - b. **The date and time of the inspection and the methodology used to make the determination;**
 - c. **The name and title of the person(s) conducting the tests, and a certification that the unit is properly installed and working within applicable FCC standards.**
 - d. **Documentation indicating that cumulative levels of radio-frequency emissions from the wireless telecommunications facility and all co-located wireless telecommunications facilities are in compliance with FCC standards, including but not limited to FCC Office of Engineering Technology Bulletin 65, Evaluating Compliance with FCC Guidelines for Human Exposure to Radio-frequency Electromagnetic Fields, as amended.**
 - e. **If the documentation demonstrates that the cumulative levels of radio-frequency emissions exceed or may exceed FCC standards, the Zoning Enforcement Official may require the applicant to modify the location or design of the wireless telecommunications facility and/or implement other mitigation measures to ensure compliance with FCC standards. The Zoning Enforcement Official may require additional independent technical evaluation of the wireless telecommunications facility, at the applicant's sole expense, to ensure compliance with FCC standards.**

~~K.3. Factors Considered in Evaluating Applications Granting Conditional Use Permits.~~ The City Board of Zoning Adjustments shall consider the following factors in determining whether to **approve an application** ~~issue a conditional use permit,~~ although the City Board may waive or reduce the burden on the applicant of one or more of these criteria if the City Board concludes that the goals of this Ordinance are better served thereby.

~~1.a.~~ Height of the proposed **wireless telecommunications facility tower.**

~~2.b.~~ Proximity of the **facility tower** to residential structures, **residential property lines**, residential district boundaries, **and elementary schools.**

~~3.c.~~ Nature of uses on adjacent and nearby properties. **Visual and other potential impacts to surrounding land uses.**

~~4.d.~~ Surrounding topography.

~~5.e.~~ Surrounding tree coverage and foliage.

~~6.f.~~ Design of the **facility tower** with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness. **impacts.**

~~7.g.~~ **Existing and proposed parking, as well as site** ingress and egress.

~~8.h.~~ Availability of suitable existing towers, **buildings** and structures **that would provide site sharing and co-location opportunities in the project vicinity.** ~~as discussed in Subsection F.4. of this Section.~~

~~L.4. Availability of Suitable Co-locations. Existing Towers or Other Structures.~~ No new **monopole or** tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the City Board of Zoning Adjustments that no existing **or planned** tower, **alternative tower structure, building** or structure can accommodate the applicant's proposed antenna(s). Evidence submitted to demonstrate that no existing tower, **alternative tower structure, building,** or structure can accommodate the applicant's proposed antenna ~~may consist of any of~~ **shall include, but not be limited to** the following:

~~1.a.~~ No existing towers, **alternative tower support structures, building-mounted or roof-mounted, or architecturally-integrated wireless telecommunications facilities** or structures are located within the geographic area required to meet applicant's **coverage objectives.** ~~engineering requirements.~~

- ~~2.b.~~ Existing **wireless telecommunications facilities** towers or structures are not of sufficient height to meet applicant's **coverage objectives**, engineering requirements.
- ~~3.e.~~ Existing **wireless telecommunications facilities** towers or structures do not have sufficient structural strength to support applicant's proposed antenna(s) and related equipment. **The City may, at its discretion, require the applicant to submit a structural report prepared by a qualified engineer as verification.**
- ~~4.d.~~ The applicant's proposed **wireless telecommunications facility** antenna would cause **radio-frequency** electromagnetic interference with **an** the antenna on the existing **facility** towers or structures, or the **existing facility** antenna on the existing towers or structures would cause interference with the applicant's proposed **wireless telecommunications facility** antenna.
- ~~e.~~ The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
- ~~5.f.~~ The applicant demonstrates that there are other limiting factors that render existing **wireless telecommunications facilities** towers and structures unsuitable.
- ~~5. Setbacks and Separation.~~ The following setbacks and separation requirements shall apply to all towers and antennas for which a conditional use permit is required, provided however, that the Board of Zoning Adjustments may reduce the standard setbacks and separation requirements if the goals of this Section would be better served thereby.
- ~~a.~~ Towers must be set back a distance equal to the height of the tower from any off-site residential structure.
- ~~b.~~ Towers, guys, and accessory facilities must satisfy the minimum zoning district setback requirements.
- ~~c.~~ In zoning districts other than industrial or heavy commercial zoning districts, towers over sixty (60) feet in height shall not be located within one-quarter of a mile from any existing tower that is over sixty (60) feet in height.
- ~~6. Security Fencing.~~ Towers shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with an appropriate anti-climbing de-

~~vice, provided however, that the Board of Zoning Adjustments may waive such requirements, as it deems appropriate.~~

- ~~7. Landscaping. The following requirements shall govern the landscaping surrounding towers for which a special use permit is required, provided however, that the Board of Zoning Adjustments may waive such requirements if the goals of this Section would be better served thereby.~~
- ~~a. Tower facilities shall be landscaped with a buffer of plant material that effectively screens the view of the tower compound from adjacent residential property. The standard buffer shall consist of a landscaped strip at least five (5) feet wide outside the perimeter of the compound.~~
 - ~~b. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived altogether.~~
 - ~~c. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited in large, wooded lots, natural growth around the property perimeter may be sufficient buffer.~~

M.G. Discontinued Facilities and Removal of Abandoned Antennas and Towers.

Any **wireless telecommunications facility** antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower **facility** shall remove same, and restore the site to its pre-installation condition, within ninety (90) days of receipt of notice from the Community Development Department Director notifying the owner of such abandonment. The notice shall specify that the owner has the opportunity to request a public hearing on the removal of the antenna or tower **facility**. If such antenna or tower is not removed within said ninety (90) days, the Community Development Director may remove such antenna or tower **facility** at the owner's expense. If there are two (2) or more users of a single tower **facility**, then this provision shall not become effective until all users cease using the tower. **Facility.** (Ord. 2001-015 § 1)

Any wireless telecommunications facility shall be removed within thirty (30) calendar days of the discontinuation of the use and shall be restored to its previous condition. The service provider shall provide the Community Development Department with a notice of intent to vacate the site a minimum of thirty (30) calendar days prior to vacation and shall obtain building permits prior to removal of equipment. For facilities located on City property, this requirement shall be included in the terms of the lease. For facilities located on other sites, the property owner shall be responsible for removal of all antennas, structures and related equipment within thirty (30) calendar days of the discontinuation of use.

4-1688 Cottage Food Operations

Cottage food operations are subject to the following regulations:

- A. Permitted Location. Cottage food operations shall be permitted in any dwelling in the City.
- B. Required Permits. Any dwelling can be used for a cottage food operation when the Zoning Enforcement Official has granted a cottage food operation permit.
- C. Cottage Food Operation Permit—Compliance with Standards. The Zoning Enforcement Official shall grant a permit for the cottage food operation only if after review of the application for such permit, inspection of the premises and any other necessary information, the Zoning Enforcement Official determines that the application complies with the following standards:
 - 1. Spacing. No cottage food operation shall be located within one hundred fifty (150) feet of any other cottage food operation, as measured from the exterior lot lines along the property frontages.
 - 2. On-Street Parking. No cottage food operation shall be located upon a lot having less than thirty-two (32) feet of legally permitted parking along the frontage of the lot.
 - 3. Employee Parking and Customer Parking Circulation Plan. The driveway of a cottage food operation may be used to provide off-street parking required by Article 17 if such use will not obstruct a sidewalk or other public right-of-way.

The applicant shall provide the Zoning Enforcement Official with a written plan for the administration of parking and traffic operations related to the proposed cottage food operation. This plan shall include controls for vehicle circulation, drop-off and pick-up of cottage food related products and parking for the employee so that parking, loading, unloading and turning movements are compatible with the residential environment in which the cottage food operation will be located.

- 4. Noise Control. The level of noise in connection with the operation of a cottage food operation shall not be persistently maintained at a level of fifty-five (55) decibels or greater, as measured from any point along or beyond the property line of the subject premises.
- 5. Traffic. A cottage food operation shall not create pedestrian, automobile, or truck traffic detrimental to property in the vicinity. All deliveries of materials related to a cottage food operation shall be by the U.S. Postal Service or similar carrier, or by

means of vehicles customarily kept on the site by the permit holder or family members in trucks or vans of three-quarter-ton or less in size.

6. Parking. A cottage food operation shall not result in a reduction or elimination of any required parking space. One off-street parking space shall be provided for employees, per Article 17, Section 4-1704. Said employee parking may be uncovered and located in a driveway.
 7. Vehicles. Any vehicle or vehicles used by the applicant in conjunction with the cottage food operation or with any related business activity shall be parked in a manner so as not to be visible from a public street. This limitation shall not apply to standard passenger vehicles or trucks and vans of three-quarter-ton or less in size.
 8. Required State Permits or Licenses. No permit issued pursuant to this section shall become operative until copies of the Alameda County application/permitting form and City business license have been filed with the Zoning Enforcement Official.
 9. Nontransferable. A permit issued pursuant to this section shall be nontransferable and shall not run with the land.
- D. Notwithstanding the above, standards C.1 and C.2 will not apply to a cottage food operation where the permit applicant declares on the application form that the cottage food operation will not be making any customer sales directly from the dwelling or property.
- Notwithstanding the above, standards C.1 and C.2 will not apply to a cottage food operation that operates in a location where there are two or more on-site, off-street, dedicated parking spaces for guests.
- E. Administrative Exception Provision. The Zoning Enforcement Official may approve an Administrative Exception, per Section 2-574, if an applicant cannot meet the provisions of Section 4-1688 C.1 through 7.
 - F. Appeals. In accord with Article 22, "Use Permits, Variances, and Parking Exceptions," decisions of the Zoning Enforcement Official may be appealed to the Board of Zoning Adjustments by the applicant or by any interested party. (Ord. 2013-006 § 3)

4-1690 **Community Gardens**

- A. **Intent. The purpose of this Section is to establish uniform standards, land-use regulations and a permit process for controlling the location, design, and maintenance of Community Gardens.**

Exhibit G: Proposed Amended Article 16

Page 68

Note: **underline and bolded** text represents new text; ~~strike through~~ text represents text to be eliminated

B. Site Criteria and Permitting Requirements.

The following siting criteria has been established for use by Community Garden project proponents in locating and designing suitable garden sites. The purpose of the criteria is to reduce public health and reduction of potential nuisance issues. Community Gardens are subject to the following regulations, and the following physical and operational standards shall apply:

- 1. Compost areas shall be setback at least 10 feet from property line or fifteen (15) feet from dwelling unit, whichever is greater. Compost storage is limited to ten (10) percent of total site area and must not be visible from adjacent properties. All organic materials must be managed to avoid rodents, pests, odors and leachates;**
- 2. If the Community Garden is enclosed by fencing, the fencing shall be wood fencing or ornamental fencing. If chain-link or woven wire fencing is proposed, over half of the fence area that borders a public right-of-way shall be covered by plant material or other vegetative screening within three (3) years of the fence installation. All fencing shall comply with height and setback requirements in Section 4-1682;**
- 3. Use of mechanized farm equipment is generally prohibited; provided, however, that during the initial site preparation of the land heavy equipment may be used. Landscaping equipment designed for household use shall be permitted;**
- 4. All farm equipment shall be enclosed or otherwise screened from sight. Chemicals and fuels shall be locked in a structure when site is unattended;**
- 5. Site drainage must be managed to comply with Alameda County Stormwater Permit regulations;**
- 6. Commercial deliveries and pick ups are limited to one time per day;**
- 7. Row crops that reach thirty-six (36) inches in height, except for trees, are not permitted in required front and corner side yards;**
- 8. Trash receptacles must be provided and screened on at least three (3) sides from public view;**
- 9. Structures shall not exceed five hundred (500) square feet in floor area and are limited to twelve (12) feet in height;**
- 10. All lighting shall be shielded to avoid glare and off-site impacts; and**

11. A Community Garden manager must be identified for each site and contact information for said manager shall be provided on a posted sign. Said signage shall be limited to two (2) square feet in area.

C. Application Requirements.

Administrative Review approval is required for all Community Gardens in accordance with Article 21. The information listed below is required at the time an application for an Administrative Review is submitted:

- 1. A scaled, fully-dimensioned site plan showing physical dimension of property and structures, distance from the project property lines to the nearest residential structure, existing and proposed utilities that service the proposed Community Garden, and proposed areas of compost, planting and storage;**
- 2. Identification of Community Garden manager and description of management plans, responsible parties, and proposed contact information signage;**
- 3. Description of proposed farm equipment and time periods for their use;**
- 4. Statement of intent to spray or use chemicals;**
- 5. Sediment and erosion control plan; and**
- 6. Other information as required by the Zoning Enforcement Official.**

Exhibit H: Proposed Amended Article 17

(Note: underline and bolded text represents new text; ~~strike-through~~ text represents text to be eliminated)

Article 17 Off-Street Parking and Loading Regulations

Sections:

- 4-1700 **Specific Purposes**
- 4-1702 **Basic Requirements for Off-Street Parking and Loading**
- 4-1704 **Off-Street Parking and Loading Spaces Required**
- 4-1706 **Collective Provision of Parking**
- 4-1708 **Reduced Parking for Other Uses**
- 4-1710 **Parking In-Lieu Payments**
- 4-1712 **Parking Spaces for the Handicapped**
- 4-1714 **Bicycle Parking**
- 4-1716 **Reserved**
- 4-1718 **Restrictions on Residential Parking Within Minimum Front or Side Yards**
- 4-1720 **Minimum Requirements for Parking Spaces and Drive Aisle Dimensions**
- 4-1722 **Specific Parking Area Design**
- 4-1724 **Parking Access from Street**
- 4-1726 **Reserved**
- 4-1728 **Driveways; Visibility**
- 4-1730 **Parking Area Screening: Walls and Fences**
- 4-1732 **Lighting**
- 4-1734 **Reserved**
- 4-1736 **Additional Design Standards for Parking Lots and Structures**
- 4-1738 **Reserved**
- 4-1740 **Location and Design of Off-Street Loading Spaces**
- 4-1742 **Parking Area Plan Required**

4-1700 **Specific Purposes**

In addition to the general purposes listed in Article 1, the specific purposes of the off-street parking and loading regulations are to:

- A. Ensure that off-street parking and loading facilities are provided for new land uses and for major alterations and enlargements of existing uses (except single-family and two-family uses) in proportion to the need for such facilities created by each use.
- B. Ensure that off-street parking and loading facilities are designed in a manner that will ensure efficiency, protect the public safety, and, where appropriate, insulate surrounding land uses from adverse impacts. (Ord. 2001-015 § 1)

4-1702 Basic Requirements for Off-Street Parking and Loading

- A. When Required. At the time of initial occupancy of a site, construction of a structure, or a “major alteration or enlargement” of a site or structure as defined below, off-street parking facilities and off-street loading facilities shall be provided in accord with the regulations prescribed in this Article.
1. Definition of “Major Alteration or Enlargement.” “Major alteration or enlargement,” as used in this Section, shall have the following meaning: Any expansion or enlargement of the site, any facilities on the site, or any change or expansion of uses on the site that increases the number of parking spaces or loading berths required under this Article by both **twenty (20)** ~~fifteen~~ percent (~~15%~~) or more and by five (5) spaces or berths or more.
 2. Change in Use. For the purpose of determining compliance with Paragraph 1, above, a “change of use” shall be considered to occur only when a new occupancy and/or new activity falls under a different “use classification category” than the former use. The use classification categories are as set forth in Section 4-1704, and are as follows: “Residential, General;” “Residential, Single-Family;” “Residential, Two-Family;” “Residential, Mixed-Use and Multi-Family;” “Public and Semipublic;” “Commercial;” and “Industrial”. A change of occupancy and/or activity that is within the same use classification category as the former use is not subject to the requirements to provide additional parking unless the Zoning Enforcement Official determines that the new use has the potential to create a new and significant parking impact on adjacent properties, business, and/or uses.
 3. Exemption for Expansion of Single-Family and Two-Family Residences. This Subsection does not apply to single-family and two-family residences undergoing major alterations or enlargements.
- B. Nonconforming Parking or Loading. Subject to Subsection A. above, no existing use of land or structure shall be deemed to be nonconforming solely because of the lack of off-street parking or loading facilities required by this Article provided that facilities being used for off-street parking and loading as of the date of adoption of this Article shall not be reduced.
- C. Spaces Required for Alteration or Enlargement Shall be in Addition to Existing. The number of parking spaces or loading berths required for an alteration or enlargement of an existing use or structure or for a change of occupancy shall be in addition to the number of spaces or berths existing prior to the alteration, enlargement, or change of occupancy unless the preexisting number is greater than the number prescribed in this Article. In this case, the number of spaces or berths in excess of the prescribed minimum shall be counted in determining the required number of spaces or berths.
- D. Spaces Required for Multiple Uses. Except as otherwise provided in this Code, if more than one use is located on a site, the number of off-street parking spaces and

loading berths to be provided shall be equal to the sum of the requirements prescribed for each use. This requirement applies not only to multiple uses under separate ownership but also to multiple uses in the same ownership. If the gross floor area of individual uses on the same site is less than that for which a loading berth would be required, but the aggregate gross floor area of all uses is greater than the minimum for which loading berths would be required, the aggregate gross floor area shall be used in determining the required number of loading berths.

- E. Joint Use. Off-street parking and loading facilities required by this Code for any use shall not be considered as providing parking spaces or loading berths for any other use except where the provisions of Section 4-1706: "Collective Provision of Parking" apply or a joint facility apply. Such a facility shall contain not less than the total number of spaces or loading berths as determined individually, subject to the provisions of Subsections F and H, below, or fewer spaces may be permitted where adjoining uses on the same site have different hours of operation and the same parking spaces or loading berths can serve both without conflict. A determination of the extent, if any, to which joint use will achieve the purposes of this Article shall be made by the Zoning Enforcement Official, who may require submission of survey or other data necessary to reach a decision.
- F. Location and Ownership. Parking required to serve a residential use shall be on the same site as the use served, except that subject to approval of the Zoning Enforcement Official, parking for Group Residential and Residential Care may be located on a different site under the same or different ownership within one hundred fifty (150) feet of the use served, measured from the parking facility to the public entrance of the use served via the shortest pedestrian route. Parking required to serve a nonresidential use may be on the same or a different site under the same or different ownership as the use served, provided that parking shall be within the following distances of the use served, measured from the near corner of the parking facility to the public entrance of the use served via the shortest pedestrian route:

<u>Customer/Visitor Spaces</u>	<u>Employee Spaces</u>
200 feet	400 feet

No enclosed parking space in any district shall have the entrance door less than twenty (20) feet from an existing public sidewalk, which distance shall be measured in a straight line from the center of the doorway of such parking structure to the center of the driveway at the sidewalk line. In the event there is no existing public sidewalk the entrance door to any enclosed parking structure shall be not less than twenty (20) feet from the street lot line. In no event shall the door of any such enclosed parking structure be closer than twenty (20) feet to an established right-of-way line.

- G. Life of Facility. Facilities for off-site parking shall be restricted to that use by a recorded deed, easement, lease, or agreement acceptable to the City Attorney and for a period of time consistent with the use permit requiring the parking, provided that the Zoning Enforcement Official may lift the restriction upon finding that substitute parking

facilities meeting the requirements of this Code are provided. No use shall be continued if the required parking is removed unless substitute-parking facilities are provided to the satisfaction of the Zoning Enforcement Official.

- H. Common Loading Facilities. The off-street loading facilities requirements of this Article may be satisfied by the permanent allocation of the prescribed number of berths for each use in a common truck loading facility provided that the total number of berths shall not be less than the sum of the individual requirements. As a requirement of approval, an attested copy of a contract between the parties concerned setting forth an agreement to joint use of a common loading facility shall be filed with the application for a zoning permit. The City may record the contract.
- I. Computation of Spaces Required. If after calculating the number of required off-street parking spaces, a quotient is obtained containing a fraction of one-half (0.5) or more, an additional space shall be required; if such fraction is less than one-half, it may be disregarded.
- J. Other Parking Specifications. All parking specifications not listed in this Article are found in specifications developed and maintained by the City Engineer. A copy of the parking specifications shall be available for public review during normal working hours at the Development Services Department counter.
- K. TOD Strategy Parking Requirements. New residential uses adjacent to the BART station (south of Davis Street, west of Carpentier Street, north of Thornton Street) shall be provided at a ratio of 1.0 space per dwelling unit. An allowance of unbundled flex parking of 0.25 to 0.50 parking space per unit may be provided above 1.0 space per unit, subject to approval of a Site Plan Review under Article 25. (Ord. 2011-003 § 1; Ord. 2008-014 § 1; Ord. 2007-020 § 2; Ord. 2001-015 § 1)

4-1704 Off-Street Parking and Loading Spaces Required

- A. Off-street parking and loading spaces shall be provided in accord with the following list. For off-street loading, references are to Table A, which sets space requirements and standards for different groups of use classifications and sizes of buildings. References to spaces per square foot are to be computed on the basis of gross floor area, unless otherwise specified, and shall include allocations of shared restroom, halls, and lobby area, and mechanical equipment or maintenance areas, but shall exclude area for vertical circulation, stairs, or elevators.
- B. Where the use is undetermined, or not specified herein, the Zoning Enforcement Official shall determine the probable use and the number of parking and loading spaces required. In order to make this determination, the Zoning Enforcement Official may require the submission of survey or other data from the applicant or have data collected at the applicant's expense.

OFF-STREET PARKING AND LOADING SPACES REQUIRED

Use Classification	Off-Street Parking Spaces	Off-Street Loading Spaces Per Group Classification (See Table A)
<i>Residential, General</i>		
Day Care, Large Family	1 per employee	
Day Care, Limited	1 space, may be uncovered	
Group Housing	1 per 2 beds; plus 1 per 100 sq. ft. used for assembly purposes, or as required by use permit or planned development approval	A
<i>Residential, Single-Family</i>		
Single-Family Dwelling (RS, RD, RO and RM)	2, non-tandem covered, per unit. New single-family dwellings or additions with more than 4 bedrooms or over 4,000 square feet of livable area shall require one additional space which may be uncovered and in tandem if it is located a minimum of 30 feet back from the front property line.	
<i>Residential, Two-Family</i>		
Two-Family Dwelling (RD, RO and RM)	2, including 1 covered, per unit	
Two-Family Dwelling (SA only)	2, including 1 covered, per unit (tandem allowed)	
Two-Family Dwelling (All DA Districts)	1 covered per unit for areas adjacent to BART; 1.5, including one covered, per unit for all other areas	
<i>Residential, Mixed Use & Multi-Family (3 or more units)</i>		
Studio or one-bedroom unit	1.5 per unit, including 1 covered	
Studio or one-bedroom unit (SA only)	1.0 covered space, plus 0.5 guest spaces, per unit (tandem may be considered)	
Two-bedroom unit	2.25 per unit, including 2 covered	
Two-bedroom unit (SA only)	1 covered space, plus 0.75 guest spaces, per unit (tandem may be considered)	
Three-bedroom or larger unit	2.5 per unit, including 2 covered	
Three-bedroom or larger unit (SA only)	1.0 covered spaces, plus 1.0 guest spaces, per unit (tandem may be considered)	
Live-Work (SA only)	2.0 per unit, including 1 covered, plus 0.75 space for guest/employee not residing in unit (tandem may be considered)	
Guest Parking	0.25 spaces per unit of the required space must be designated on the site for guest parking	
Guest Parking (SA only)	See requirements above	
DA Districts Only Except Adjacent to BART	1.5 spaces per unit; (0.25 to 0.50 spaces/unit may be unbundled flex parking)	
DA Districts Adjacent to BART	1.0 space per unit (plus allowance of unbundled flex parking of 0.25 to 0.50 spaces/unit at developer's option).	
Senior Citizen	1.2 per unit, including 1 covered space and one space per employee	
Senior Citizen (SA only)	0.6 per unit, plus 1.0 space per employee. All resident spaces to be covered.	
<u>Senior Citizen (DA Districts Adjacent to BART)</u>	<u>0.4 per unit, plus 1.0 space per employee. All resident spaces to be covered.</u>	
Residential Congregate Care	This classification is <u>not</u> a mixed or multi-family use. Parking requirement to be based on the unit's regular residential parking requirement.	
Type of Parking Facilities	Shared parking arrangements, parking structures and parking lift systems, subject to review and approval of the City are encouraged.	

Use Classification	Off-Street Parking Spaces	Off-Street Loading Spaces Per Group Classification (See Table A)
Public and Semipublic		
Assembly Uses	1 space per 50 sq. ft. used for assembly purposes	C
Convalescent Facilities	As specified by use permit	C
Cultural Institution	1 space per 300 sq. ft.	C
Day Care, General	1 space per 6 children or fraction thereof; maximum enrollment based on maximum occupancy load	
Detention Facilities	As specified by use permit	
Emergency Health Care	As specified by use permit	
Government Offices	1 space per 300 sq. ft.	B
Government Offices (SA only)	1 space per 333 sq. ft. for ground floor space, and 1 space per 500 sq. ft. for upper story space	B
Hospitals	1 space per 1.5 licensed beds	C
Maintenance and Service Facilities	1 space per 500 sq. ft.	A
Marinas	As specified by use permit	
Park and Recreation Facilities	As specified by use permit (for private facilities)	
Public Safety Facilities	As specified by use permit	C
Schools, Public or Private	As specified by use permit	A
Utilities, Major	As specified by use permit	A
Commercial		
Retail Commercial and Office Uses In the DA Districts only	Office: 2.0 spaces/1,000 sq. ft. Retail: 2.0 spaces/1,000 sq. ft. Retail <5,000 sq. ft.: Exempt	
Adult Oriented Businesses	As specified by zoning permit	A
Ambulance Services	1 per 500 sq. ft., plus 1 space for each emergency vehicle based at the site	A
Animal Boarding	1 space per 400 sq. ft.	A
Animal Grooming	1 space per 400 sq. ft.	A
Animal Hospitals	1 space per 400 sq. ft.	A
Animals, Retail Sales	1 space per 200 sq. ft.	A
Artists' Studios	1 space per 1,000 sq. ft.	
Automobile Washing	1 space per 200 sq. ft. of sales, office, or waiting area, plus queue for 5 cars per washing station	
Bed and Breakfast Inns	1 space per guest room, plus 1	
Building Materials and Services	1 space per 1,000 sq. ft. for lot area	A
Business Services	1 space per 400 sq. ft.	
Catering Services	1 space per 400 sq. ft.	A
Commercial Recreation		
Bowling Alleys	4 spaces per alley, plus 1 per 250 sq. ft. of public assembly and retail areas	A
Electronic Game Centers	1 space per 400 sq. ft.	
Skating Rinks	1 space per 5 fixed seats, or 1 per 35 sq. ft. seating area if there are no fixed seats; plus 1 space per 250 sq. ft. floor area not used for seating	A
Other Commercial Recreation	As specified by the Zoning Enforcement Official	
Communications Facilities	1 space per 500 sq. ft.	B
Convenience Stores	1 space per 200 sq. ft.	A
Drive-up Facility	Queue space for 5 cars per window	
Bars, Cafés, and Restaurants		
Having less than 4,000 sq. ft. of floor area	1 space per 100 sq. ft. of gross floor area	A
Having 4,000 sq. ft. or more	40 spaces, + one for each 50 sq. ft. of seating area over 4,000 sq. ft.	A

Use Classification	Off-Street Parking Spaces	Off-Street Loading Spaces Per Group Classification (See Table A)
Bars, Cafés, and Restaurants (SA only) Having less than 4,000 sq. ft. of floor area Having 4,000 sq. ft. or more	1 space per 200 sq. ft. of gross floor area 1 space per 100 sq. ft. of gross floor area	
Bars, Cafés, and Restaurants, with Entertainment Activities	1 space per 35 sq. ft. seating area; plus 1 space per 35 sq. ft. dance floor	A
Cottage Food Operation	1 uncovered space per employee	
Fast Food Establishments, Large Scale and Small Scale	1 space per 100 sq. ft.	A
Financial Institutions; Retail and Check Cashing/Personal Loan Services	1 space per 300 sq. ft., plus one space for each 200 sq. ft. of lobby and customer-waiting areas, and 3 spaces for each walk-up teller window and automatic teller machine	B
Financial Institutions; Retail and Check Cashing/Personal Loan Services (SA only)	1 space per 400 sq. ft., plus 1 space for each 200 sq. ft. of lobby and customer-waiting areas, and 3 spaces for each walk-up teller window and automatic teller machine	
Food Processing	1 space per 750 sq. ft.	
Furniture and Appliance Stores	1 space per 600 sq. ft.	
Hardware Stores	1 space per 600 sq. ft.	
Health and Fitness Centers	1 space per 200 sq. ft.	
Health and Fitness Centers (SA only)	1 space per 333 sq. ft.	
Horticulture, Limited	1 space per 2 acres	
Hotels, Motels and Time Share Facilities	1.1 spaces per guest room; plus 1 space per 50 sq. ft. banquet seating area plus parking for other uses and facilities as required by this schedule.	A
Instruction and Improvement Services	1 space per 250 sq. ft.	
Instruction and Improvement Services (SA only)	1 space per 333 sq. ft.	
Laboratories A	1 space per 500 sq. ft.	A
Maintenance and Repair Services	1 space per 500 sq. ft.	A
Marine Sales and Services	1 space per 350 sq. ft.	
Mortuaries	1 space per 50 sq. ft. seating area	A
Music Studio	1 space per 600 sq. ft.	
Neighborhood/Specialty Food Markets	1 space per 200 sq. ft.	A
Neighborhood/Specialty Food Markets (SA only)	1 space per 333 sq. ft.	
Nurseries	1 space per 1,000 sq. ft. lot area for first 10,000 sq. ft.; 1 space per 5,000 sq. ft. thereafter, plus 1 space per 250 sq. ft. sales floor area	
Nurseries (SA only)	1 space per 1,000 sq. ft. lot area for first 10,000 sq. ft.; 1 space per 5,000 sq. ft. thereafter, plus 1 space per 333 sq. ft. sales floor area	
Offices, Business and Professional	1 space per 300 sq. ft.	B
Offices, Business and Professional (SA only)	1 space per 333 sq. ft. for ground floor; 1 space per 500 sq. ft. for upper stories	
Offices, Medical and Dental	1 space per 200 sq. ft.	B
Offices, Medical and Dental (SA only)	1 space per 333 sq. ft.	
Pawn Shops	1 space per 250 sq. ft.	A

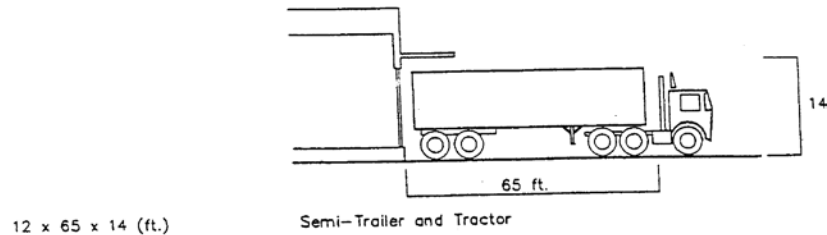
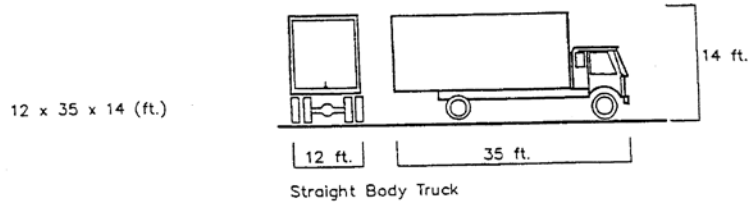
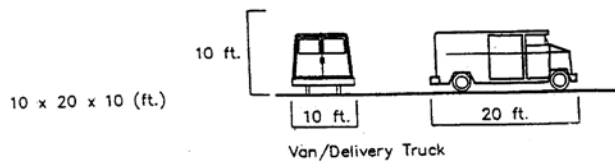
Exhibit H: Proposed Amended Article 17

Note: **underline and bolded** text represents new text; ~~strike-through~~ text represents text to be eliminated

Use Classification	Off-Street Parking Spaces	Off-Street Loading Spaces Per Group Classification (See Table A)
Regional Malls	Parking requirements in the C-RM District are calculated on the basis of a regional mall being a single use and not on the individual uses or tenancies thereof, and shall be based on a ratio of five (5) spaces for each thousand sq. ft. of gross leasable floor area (GLFA) for the first one million sq. ft. and four (4) spaces for each thousand sq. ft. of GLFA over one million sq. ft. Parking requirements may be modified to accommodate construction or phased development if provision for such modification is incorporated in a development agreement for the regional mall that has been adopted and is in effect.	
Research and Development Services	1 space per 400 sq. ft.	
Residential Hotels	1.1 space per guest room	
Retail Sales, General	1 space per 200 sq. ft. for the first 5,000 sq. ft.; 1 space per 250 sq. ft. for the area over 5,000 sq. ft.	A
Retail Sales, General (SA only)	1 space per 333 sq. ft. for the first 5,000 sq. ft.; 1 space per 250 sq. ft. for the area over 5,000 sq. ft.	A
Retail Services	1 space per 300 sq. ft.	A
Retail Services (SA only)	1 space per 400 sq. ft.	A
Service Stations	1 space per 2,500 sq. ft. of lot area, plus 1 space per 500 sq. ft. of service bay and storage area	
Supermarkets	1 space per 200 sq. ft.	
Supermarkets (SA only)	1 space per 333 sq. ft.	
Theaters, and Theatres, Small Scale	1 space per 4 fixed seats, or 1 per 35 sq. ft. seating area if there are no fixed seats	A
Travel Services	1 space per 400 sq. ft.	
Vehicle/Equipment Repair	1 space per 300 sq. ft.	A
Vehicle/Heavy Equipment, Rentals	1 space per 400 sq. ft.	A
Vehicle/Heavy Equipment Dealers, New and Used	1 space per 1,000 sq. ft. lot area	A
Vehicle and Boat Storage	3 spaces or 1 space per 500 sq. ft. of building area, whichever is greater; plus a minimum of 2 spaces outside any perimeter fence or secure area	
Industrial		
Industry, Custom and General	1 space per 1,000 sq. ft.	C
Industry, Limited	1 space per 750 sq. ft.	C
Industry, Research and Development	1 space per 400 sq. ft.	C
Parcel Processing and Shipping Centers	1 space per 1,500 sq. ft. or as required by administrative approval	A
Public Storage	1 space for the exclusive use of a resident manager plus 4 spaces for up to 150 storage units; 6 spaces for 151 to 500 storage units; 10 spaces for 501 to 1,000 storage units, and one additional space for each 500 storage units (or portion thereof) in excess of 1,000	
Trucking Terminals	As specified by use permit	
Warehousing, Distributions and Storage Facilities	1 space per 1,500 sq. ft.	A

TABLE A: OFF-STREET LOADING SPACES REQUIRED

Gross Floor Area (sq. ft.)	Number of Spaces Required		
	10' x 20' x 10' VC*	12' x 35' x 14' VC	12' x 65' x 14' VC
Use Classification Group A			
3,001 to 15,000		1	
15,001 to 50,000		1	1
50,001 and over		2	1
Use Classification Group B			
0 to 10,000	1		
10,001 to 20,000		1	
20,001 and over	1	1	
Use Classification Group C			
0 to 30,000		1	
30,001 to 100,000		1	1
100,000 and over		2	1
*VC = Vertical Clearance			



OFF-STREET LOADING SPACE DIMENSIONS

(Diagram is illustrative)

(Ord. 2013-006 § 3; Ord. 2007-020 § 2; Ord. 2007-005 § 4; Ord. 2007-001 § 2; Ord. 2004-007 § 6; Ord. 2004-004 § 6; Ord. 2001-015 § 1)

4-1706 Collective Provision of Parking

Notwithstanding the provisions of Section 4-1702 E, a use permit may be approved for collective provision of parking on a site that serves more than one (1) use or site and is located in a district in which parking for the uses served is a permitted or conditional use. A use permit for collective off-street parking may reduce the total number of spaces required by this Article if the following findings are made:

- A. The spaces to be provided will be available as long as the uses requiring the spaces are in operation; and
- B. The adequacy of the quantity and efficiency of parking provided will equal or exceed the level that can be expected if collective parking is not provided.

An applicant for a use permit for collective parking may be required to submit survey data substantiating a request for reduced parking requirements. A use permit for collective parking shall describe the limits of any area subject to reduced parking requirements and the reduction applicable to each use. (Ord. 2001-015 § 1)

4-1708 Reduced Parking for Other Uses

A use permit may be approved reducing the number of spaces to less than the number specified in the schedules in Section 4-1704, provided that the following findings are made:

- A. The parking demand will be less than the requirement in Section 4-1704; and
- B. The probable long-term occupancy of the building or structure, based on its design, will not generate additional parking demand; or
- C. Existing buildings are converted to new uses, leading to finding A or B.

In reaching a decision, the Board of Zoning Adjustments shall consider survey data submitted by an applicant or collected at the applicant's or Zoning Enforcement Official's request and the applicant's expense. (Ord. 2001-015 § 1)

4-1710 Parking In-Lieu Payments

- A. Within designated parking districts established by the City and shown on the zoning map and subject to prior approval by the City in each case, a parking requirement serving nonresidential uses on a site may be met by a cash in-lieu payment to the City prior to issuance of a building permit or a certificate of occupancy if no permit is required. The fee shall be to provide public off-street parking in the vicinity of the use.

- B. In establishing such parking districts, the City may set limitations on the number of spaces or the maximum percentage of parking spaces required for which an in-lieu fee may be tendered. Determinations as to whether an in-lieu fee will be accepted and the factors used to calculate the amount of the fee, e.g., estimated values for land and improvement costs for parking spaces, shall be at the sole discretion of the City. (Ord. 2001-015 § 1)

4-1712 Parking Spaces for the Handicapped

All parking facilities shall comply with the requirements of the California Code of Regulations and with the sign requirements of the California Vehicle Code, Sections 22511.7 and 22511.8. (Ord. 2001-015 § 1)

4-1714 Bicycle Parking

- A. Where Required. Bicycle parking may be required as part of Site Development or Use Permit approval and may, if so specified by the Site Development Sub-Committee or Board of Zoning Adjustments, be used as a substitute to automobile parking spaces.
- B. Number Required.
1. Public and Semipublic Use Classifications. As specified by use permit.
 2. Commercial Use Classifications. Five percent (5%) of the requirement for automobile parking spaces, except for the following classifications, which are exempt:
 - a. Ambulance Services
 - b. Animal Boarding
 - c. Animal Grooming
 - d. Catering Services
 - e. Commercial Filming
 - f. Horticulture, Limited
 - g. Funeral and Internment Services
 - h. Vehicle/Equipment Sales and Services (all classifications)
- C. Design Requirements. All required bicycle parking spaces shall permit the locking of the bicycle frame and one wheel with a u-type lock and support the bicycle in a stable position without damage to wheels, frame or components. Bicycle parking facilities shall be securely anchored so that they cannot be easily removed and shall be of sufficient strength to resist vandalism and theft. (Ord. 2008-003 § 12; Ord. 2001-015 § 1)

4-1716 Reserved (Ord. 2001-015 § 1)

4-1718 Restrictions on Residential Parking Within Required Minimum Front or Side Yards

- A. Parking, Other Than on Driveway, Is Prohibited. Except as provided in Subsection B, no vehicles, whether motorized or non-motorized, shall be parked within the minimum required front yard or street-side side yard (i.e., within that portion of the front and street side yard required as a minimum building setback) in either a residential district or on a parcel in a nonresidential district with a single-family or two-family dwelling use unless on a paved driveway which provides access to a parking space, covered or uncovered, that is required by this Article.
- B. Parking Adjacent to Driveway May Be Permitted. Additional paved area for parking is allowed provided such parking area is constructed and maintained with a paved surface in conformance with design and construction standards established by the City Engineer and located adjacent to such paved driveways, and provided further that such parking area when added to the paved driveway would not exceed fifty percent (50%) of the width of the subject property or thirty (30) feet, whichever is less, as measured at the front setback line.
- C. Allowable Paving in the Required Front Yard. Paving or impervious surfaces for walkways, parking areas and vehicular access shall not collectively occupy more than fifty percent (50%) of the required front setback area. (Ord. 2012-001 § 3; Ord. 2001-015 § 1)

4-1720 Minimum Requirements for Parking Spaces and Drive Aisle Dimensions

The minimum dimensions for drive aisles, all uncovered parking spaces, and required covered parking spaces shall conform to the standards established by the City Engineer. (Ord. 2001-015 § 1)

4-1722 Specific Parking Area Design

When an applicant can demonstrate to the satisfaction of the City Engineer the necessity for variations on the dimensions otherwise required by this Article, a specific parking area design may be approved under the following limitations:

- A. The area affected by the specific design shall be for parking by persons employed on the site only. Visitor parking stalls shall meet the dimensions required.
- B. The surface area available for parking shall not be less than would be required to accommodate the minimum required number of stalls for large and small cars.
- C. That alternative parking technologies be considered, such as parking lift systems, subject to the approval of the City and related public safety agencies. (Ord. 2004-007 § 6; Ord. 2001-015 § 1)

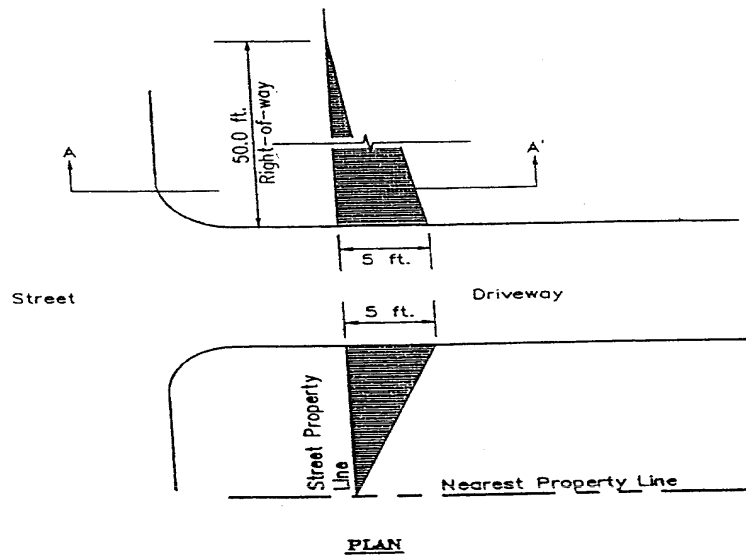
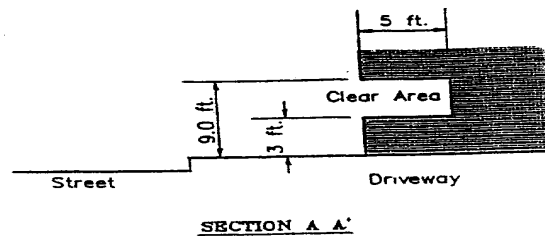
4-1724 Parking Access from Street

All spaces in a parking facility shall be accessible without re-entering a public right-of-way unless it is determined by the Traffic Engineer to be physically impossible to provide for such access. However, an alley may be used as maneuvering space for access to off-street parking. Off-street parking shall generally be located so as to be more convenient and accessible than on-street parking with respect to entrances of buildings and pedestrian circulation on the site served. (Ord. 2001-015 § 1)

4-1726 Reserved (Ord. 2001-015 § 1)

4-1728 Driveways; Visibility

Visibility of a driveway crossing a street property line shall not be obstructed between a height of three (3) feet and seven (7) feet. The obstruction restriction area includes all the land in a triangular area on either side of the driveway measured ten (10) feet from the street property line along the driveway and ten (10) feet from the driveway along the street property line.



DRIVEWAY VISIBILITY
(The diagram is illustrative)

4-1730 Parking Area Screening: Walls and Fences

- A. A parking area for five or more cars serving a nonresidential use shall be screened from an adjoining R district or a ground-floor residential use by a solid concrete, solid wood, or masonry wall six (6) feet in height, except that the height of a wall adjoining a required front yard in an R district shall be three (3) feet. A carport or open parking area for five (5) or more cars serving a residential use shall be screened from an adjoining lot in an R district or a ground-floor residential use by a solid wall or fence six (6) feet in height, except that the height of a wall or fence adjoining a required front yard in an R district shall be not less than two (2) feet or more than three (3) feet.
- B. Where the parking area abuts a street separating the area from property classified for residential use, an architectural screen wall not less than three (3) feet in height above the parking surface shall be installed and maintained not less than three (3) feet from the property line that separates the parking area from the street.
- C. Allowable Modification. The Board of Zoning Adjustments may modify these requirements in accord with the procedures and findings established by Section 4-1682. (Ord. 2001-015 § 1)

4-1732 Lighting

Outdoor lighting in a landscaped parking area shall not employ a light source higher than twelve (12) feet. Outdoor parking area lighting shall create no cone of direct illumination greater than sixty degrees (60°) from a light source higher than six (6) feet and shall not directly shine onto an adjacent street. Maximum illumination at ground level shall be three (3) foot candles and shall not exceed one-half (½) foot candles in an R district. (Ord. 2001-015 § 1)

4-1734 Reserved (Ord. 2001-015 § 1)

4-1736 Additional Design Standards for Parking Lots and Structures

- A. Parking lots shall be paved with an impervious surface and have, drainage, wheel stops, lighting, space marking, and directional signs, which shall be subject to approval of the Zoning Enforcement Official.
- B. In reviewing the design of parking structures in connection with a zoning approval, the Zoning Enforcement Official, Site Development Sub-Commission, Board of Zoning Adjustments, or Planning Commission shall consider the compatibility of the design with adjacent buildings or uses. (Ord. 2001-015 § 1)

4-1738 Reserved (Ord. 2001-015 § 1)

4-1740 Location and Design of Off-Street Loading Spaces

- A. Required spaces shall not be within a building, but shall be on the site of the use served or on an adjoining site. On a site adjoining an alley, a required loading space shall be accessible from the alley unless alternative access is approved by the Zoning Enforcement Official. A required loading space shall be accessible without backing a truck across a street property line unless the Zoning Enforcement Official determines that provision of turn-around space is infeasible and approves alternative access. An occupied loading space shall not prevent access to a required off-street parking space. A loading area shall not be located in a required yard.
- B. Except in an I district, a loading area visible from a street shall be screened on three sides by a fence, wall, or hedge at least six (6) feet in height. (Ord. 2001-015 § 1)

4-1742 Parking Area Plan Required

Prior to the construction of an off-street parking area for a nonresidential use or multi-family dwelling with more than four (4) units, a plan shall be submitted to the Zoning Enforcement Official for the purpose of indicating compliance with the provisions of this Section. This plan shall include:

- A. The location and placement of required landscaped areas, including a computation of the required area.
- B. A planting plan including a list of plants by name and size keyed to their location on the parking area.
- C. Location and description of fencing and architectural screen walls.
- D. Layout and method of irrigation of landscaped areas.
- E. Location and placement of parking stalls, including bumpers, striping and circulation, and directional signs, all dimensioned to permit comparison with approved parking standards.
- F. Location and placement of lights provided to illuminate the parking area.
- G. A drainage plan showing drainage to a public way in accordance with the requirements of the City Engineer. (Ord. 2001-015 § 1)

Exhibit I: Proposed Amended Article 18

(Note: underline and bolded text represents new text; ~~strike-through~~ text represents text to be eliminated)

Article 18 Signs

Sections:

- 4-1800 Specific Purposes**
- 4-1802 Administrative Review of Signs**
- 4-1804 Exempt Signs**
- 4-1806 Regulations for On-Premises Signs**
- 4-1808 Regulations for Off-Site Advertising Signs**
- 4-1810 Master Sign Programs and Sign Exceptions**
- 4-1812 Reserved**
- 4-1814 Sign Permit or Temporary Sign Permit Required**
- 4-1816 Uniform Sign Code**
- 4-1818 Construction**
- 4-1820 Fire Safety**
- 4-1822 Maintenance**

4-1800 Specific Purposes

In addition to the general purposes listed in Article 1, the specific purposes of sign regulations are to:

- A. Provide each sign user an opportunity for effective identification by limiting the number and area of signs permitted on all sites.
- B. Limit off-premise signs in order to maintain the visibility of on-premise signs.
- C. Maintain and enhance the quality of the City's appearance by avoiding clutter and by subjecting certain signs to design review.
- D. Enable users of goods and services to identify establishments offering services to meet their needs.
- E. Regulate the number and size of signs according to standards consistent with the types of establishments in each zoning district or in different portions of a zoning district.
- F. Protect residential districts adjoining nonresidential districts from adverse impacts of excessive numbers or sizes of nearby signs. (Ord. 2001-015 § 1)

4-1802 Administrative Review of Signs

All signs regulated by this Article shall be subject to the review and approval of the Community Development Director or person so designated by the Director. The general purpose of this review is to ensure the objectives of the General Plan to maintain quality and attractive business areas. To approve signs, the Community Development Director must make all of the following findings:

- A. The sign's copy and graphics are limited to the information essential to provide adequate business identification, so that the sign does not appear cluttered and does not distract from the identification of other signs in the area. Supplemental copy, such as the advertising of products, services, phone numbers, and web site addresses not part of the business name is ~~generally discouraged.~~ **not allowed.**
- B. The sign provides an attractive graphic composition and is of a high quality material, which is compatible with the surrounding business area and the objectives of the General Plan.
- C. The sign uses compatible colors and avoids the use of garish colors or combinations of colors.
- D. The sign's construction, size, colors, and method of illumination are aesthetically compatible with the site's architecture and architectural context. (Ord. 2001-015 § 1)

4-1804 Exempt Signs

- A. Exempt Signs. The following signs are exempt from the regulations of this Code. However, this exemption does not apply to the Building Division requirement of a sign permit for changes in the face or copy of a sign.
 - 1. Official notices of any court, public body, or officer.
 - 2. Notices posted by a utility or other quasi-public agent in the performance of a public duty or by any person giving due legal notice.
 - 3. Street address numbers.
 - 4. Public transit seating signs and public information, directional, and warning signs erected by a public agency.
 - 5. District identification signs approved by the Site Development Sub-Commission and names of buildings, dates of erection, monumental citations, commemorative tablets, and the like made an integral part of the structure.
 - 6. One construction sign per frontage with a maximum sign area of thirty-two (32) square feet located on a construction site during the course of construction.

7. On-premises parking and other directional signs, not exceeding one double-faced sign per entrance, not exceeding four (4) square feet in area and five (5) feet in height or ten (10) square feet if more than one hundred (100) feet from a public way.
8. Signs manufactured as a standard, integral part of a mass-produced product accessory to a commercial or public or semipublic use, including telephone booths, vending machines, automated teller machines, and gasoline pumps.
9. Credit card, trading stamp, or trade association signs not exceeding one-half (½) square foot each.
10. One governmental flag of any governmental agency per occupancy.
11. Signs within a building not visible from a public street and window signs not to exceed twenty-five percent (25%) of the visible area of a window.
12. Holiday lights and displays not advertising a product or sale, erected no sooner than forty-five (45) days before the holiday and removed within fourteen (14) days following the holiday.
13. Nameplates not over two (2) square feet in area, displaying the name and profession of the occupant of the building and/or the address.
- ~~14. Signs approved by the Redevelopment Agency in a Redevelopment Project Area, except that such signs shall be subject to the provision of Section 4-1810 and Section 4-1814.~~
- 14. Older signs that are viewed as having historical significance and that are valued by the community may be considered exempt from these regulations.**
- 15.** Except as otherwise specifically set forth herein, the regulations of this Article do not apply to official traffic or government signs; signs that are not visible from a public right-of-way or area readily accessible to the public; product dispensers and point-of-purchase displays; scoreboards on athletic fields; gravestones; barber poles; religious symbols; commemorative plaques; the display of street numbers; or any display or construction not defined as a sign in Section 1-304. (Ord. 2001-015 § 1)

4-1806 Regulations for On-Premises Signs

The following regulations apply to all non-exempt on-site signs visible from a public right-of-way for each zoning district. **All signs in the DA districts shall be consistent with the Downtown San Leandro Design Guidelines.**

Exhibit I: Proposed Amended Article 18

Page 3

Note: **underline and bolded** text represents new text; ~~strike-through~~ text represents text to be eliminated

A. Maximum Total Sign Area. The maximum total sign area per tenant occupancy, excluding temporary signs and exempt signs, shall be as follows:

RO, RS, and RD Districts	24 square feet for permitted nonresidential uses, subject to prior approval of the Zoning Enforcement Official.
RM District	8 square feet for residential uses, per frontage unless a greater area, not to exceed 32 square feet, is approved as a condition of a use permit, as reasonable and necessary for identification of a development or use on a site over 2 acres. 12 square feet for permitted nonresidential uses subject to prior approval of the Zoning Enforcement Official.
P, PHD Districts	40 square feet per frontage.
CN, CC, DA-1, DA-2, DA-3, DA-4, DA-5, DA-6, CS, NA-1, NA-2, SA-1, SA-2, SA-3, IL, IG, IP Districts	2 square feet per lineal foot of frontage up to 55 feet of frontage; 15 times square root of frontage for sites with more than 55 feet of frontage.
CR, OS, PS, and PD Districts	As prescribed by use permit.

1. Only the frontage that is developed or will be developed with an approved building permit shall be counted for purposes of determining the maximum allowable sign area; vacant land reserved for future development may not be used in determining the maximum allowable sign area.
2. The sign area may be allocated between wall signs, freestanding signs, and projecting signs, provided that each sign conforms to the applicable regulations of this Section.
3. No sign or sign area permitted on one frontage shall be transferred to another frontage except in accord with a Master Sign Plan prepared pursuant to Section 4-1810.

B. Wall Signs.

1. Wall signs shall not project above an eave or parapet of the wall on which the sign is mounted, including the eave of a mansard roof.
2. A wall sign opposite an interior property line shall be five (5) feet or one-tenth (1/10) the lot width from the property line, whichever is greater, ~~and shall not exceed thirty (30) feet in height.~~
3. A wall sign shall not project more than two (2) feet from the face of the building.

4. Cabinet or “Can type” signs are prohibited in the DA, SA, and NA districts.

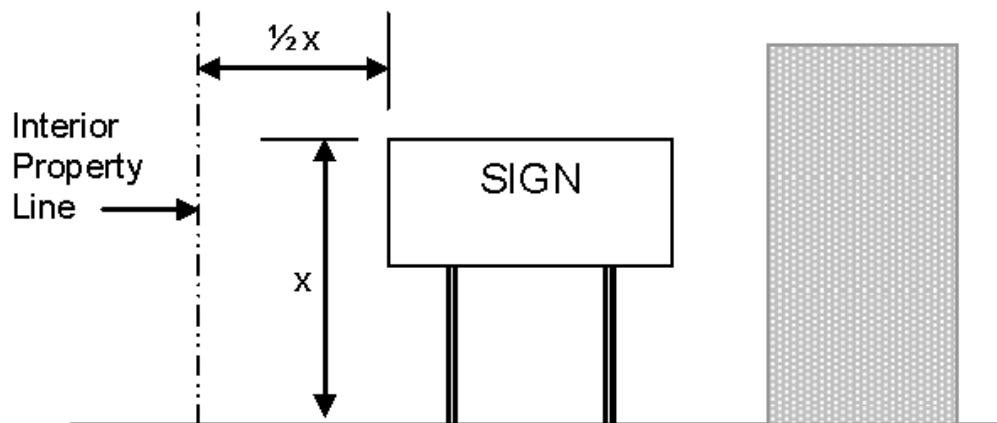
C. Window Signs.

1. For the purpose of this section, a window shall be defined as that portion of a first or second floor façade consisting of a glass-like material designed to provide viewing of the interior from an adjacent exterior walkway and which shall be no less than seventy-five (75) percent transparent from the exterior during daylight hours. Window area is defined as contiguous window panels separated by dividers less than six (6) inches in width.
2. A window sign is considered a permanent sign painted on a store front window or door, or temporary signs attached thereto indicating the name of the business, advertising images, accessory services or products, or both.
3. Window signs may not exceed a total of twenty five (25) percent of the window in which they are located.
4. Window signs include any interior signs or advertising images within eight (8) feet of the window excluding merchandise display.
5. No more than two (2) window signs are permitted per ground floor establishment with frontage on, visible from, and direct exterior pedestrian access to a public right-of-way, internal circulation route or common parking area. Second story establishments in a two-story building with frontage on and visible from a public right-of-way, internal circulation route or common parking area may be permitted one window sign per window.

D.G. Freestanding Signs.

1. For multi-family and nonresidential uses permitted in R districts, one freestanding sign not exceeding five (5) feet in height is permitted on a lot.
2. In P and PHD districts, one freestanding sign not exceeding twenty-five (25) square feet in area or five (5) feet in height.
3. In C, NA, SA, **DA**, and I districts, one freestanding sign not exceeding sixty-four (64) square feet is permitted on each frontage. For large lots, a freestanding sign, not exceeding sixty-four (64) square feet, shall be allowed for each two hundred fifty (250) feet of frontage. The maximum height of freestanding signs shall not exceed eight (8) feet in the CN, CC, DA-1, DA-2, DA-3, DA-4, DA-5, DA-6, NA-1, NA-2, SA-1, SA-2, and SA-3 districts and twelve (12) feet in other C and I districts, except when reviewed and approved as part of a Master Sign Plan.

4. In OS, PS, and PD districts, the number and size of freestanding signs shall be as prescribed by the use permit for the principal use.
5. A freestanding sign shall not be closer to any ~~an interior~~ property line than one-half its height.
6. A freestanding sign shall not be closer than fifteen (15) feet to another freestanding sign or projecting sign on the same site. A freestanding sign shall not be closer than thirty (30) feet to another freestanding sign on an adjacent site or closer than thirty (30) feet to a projecting sign on an adjacent site.
7. A freestanding sign shall not extend over a public right-of-way and shall not be located on the same frontage as a projecting sign extending over a public right-of-way.
8. All freestanding signs shall be no closer than ten (10) feet to the curb and placed within a landscaped area of not less than seventy-five (75) square feet in CC districts and fifty (50) square feet in other districts.

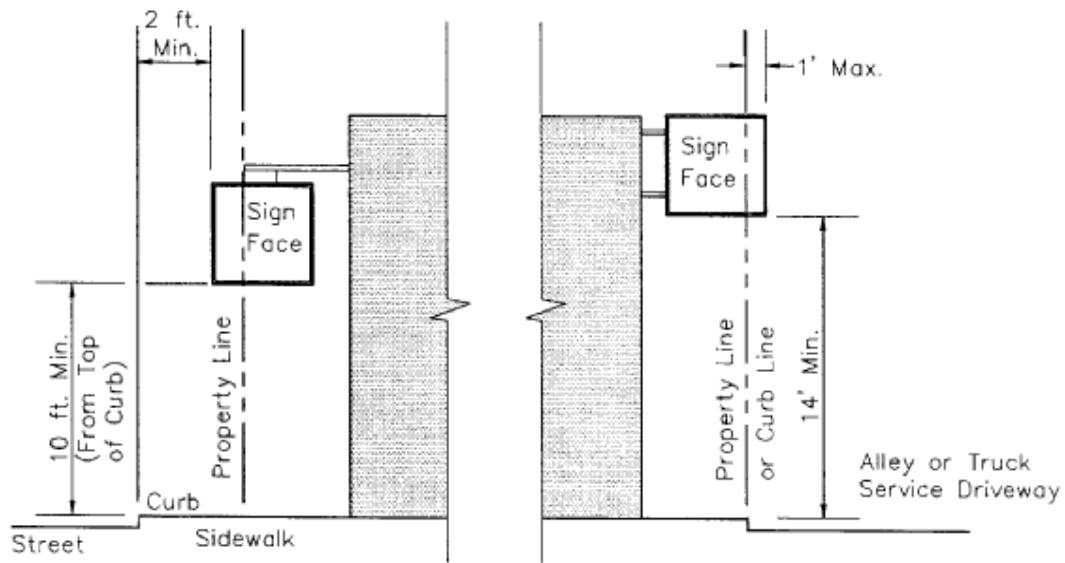


Freestanding Sign: Interior Property Line Minimum Setback
(The diagram is illustrative)

9. A freestanding sign in a required yard adjoining a street property line shall comply with the requirements of Section 4-1728: Driveways; Visibility. At intersections, no freestanding sign shall create a visual obstruction within a vertical space between three (3) feet and seven (7) feet above the curb. Two (2) vertical supports with no horizontal dimensions greater than sixteen (16) inches are permitted. The obstruction restriction area includes all the land in a triangular area measured thirty (30) feet from the intersection along each street property line.

E.D. Projecting Signs.

1. The maximum size shall be eight (8) square feet in P districts, twenty-five (25) square feet in C districts, thirty-two (32) square feet in I districts and three (3) square feet in other districts.
2. No portion of a projecting sign shall be less than ten (10) feet above the surface over which it projects, or less than fifteen (15) feet above a vehicular passageway, or project more than five (5) feet into a public right-of-way.
3. No sign shall project into an alley or truck service driveway more than one foot or be less than fourteen (14) feet above the roadway surface over which it projects.



Projecting Signs: At Public R.O.W. and at Alley Way
(The diagram is illustrative)

This will provide adequate clearance for trucks.

4. No sign shall project closer than two (2) feet to a curb.
5. A projecting sign shall be setback five (5) feet from an interior property line.
6. No portion of a projecting sign shall project above an apparent eave or parapet, including the eave of a simulated mansard roof.
7. No portion of a projecting sign shall exceed thirty (30) feet in height measured from finished grade.
8. Signs on awnings, canopies or marquees shall not have letters exceeding eight (8) inches in height or symbols exceeding four (4) feet in any dimension, provided that theaters and cinemas shall be exempt from this requirement.

F.E. Multistory Office Identification. Multistory office buildings may be identified under the following conditions:

1. Only a single company name or logo of an organization or enterprise occupying office space within the office building shall be permitted.
2. Subject to approval of the Site Development Sub-Commission, multistory office building signs shall be located below the parapet at a height and scale architecturally in harmony with the building.
3. Only one multistory office identification sign shall be permitted per building.
4. Individual channel-letters, internally illuminated letters, and/or logos are allowed. "Can-type" signs are prohibited.

G.F. Construction Signs. The maximum size of temporary construction signs shall be thirty-two (32) square feet per frontage, except in the RO, RS, and RD districts where the maximum size shall be eight (8) square feet. Construction signs shall be removed within thirty (30) days following the issuance of a certificate of occupancy.

H.G. Real Estate Signs.

1. The maximum size of temporary real estate signs shall be six (6) square feet, exclusive of riders, in the RO, RS, RD, and RM districts and one sign per listing broker shall be allowed per frontage. Riders shall be limited to no more than three (3) square feet.
2. The maximum size of temporary real estate signs in all C and I Districts shall be based on frontage as listed below:

Frontage	Sign Size
0 - 49 feet	12 square feet
50 - 199 feet	24 square feet
200+ feet	32 square feet

Back to back signs shall be considered one sign. There shall be a maximum of one (1) two (2) foot by three (3) foot window sign allowed for each vacancy. All signs shall be non-illuminated. One sign shall be allowed for each frontage. Any sign structure shall be painted a neutral or matching color. Signs exceeding these limitations may be administratively approved by the Zoning Enforcement Official. All signs and sign structures shall be maintained in good condition and free of graffiti.

I.H. Temporary Political Signs. The maximum size of temporary political signs shall be sixteen (16) square feet unless the sign meets structural and design requirements prescribed by the Uniform Sign Code for signs other than temporary signs. This requirement is intended to prevent installation of structurally unsafe signs. ~~Temporary political signs shall be removed within ten (10) days following the election pertaining to a candidate, ballot measure or issue addressed by the sign.~~ Prior to the installation of any temporary political sign **anywhere in the City**, the person intending to install the sign or the person on whose behalf the signs are to be installed shall, at least two (2) days prior to the installation, file a declaration of intent to install with the Zoning Enforcement Official or the Zoning Enforcement Official's designee. The declaration shall contain an agreement to remove **any sign that is installed in violation of any provisions of the Zoning Code or the Municipal Code**, ~~such signs within ten (10) days after the election~~ and to pay **the City's costs of removal**. ~~any costs incurred by the City as a result of the declarant.~~ If a person installs temporary political signs without having filed a declaration of intent, that person or the person on whose behalf the signs are installed, shall be notified to remove the signs and shall immediately remove such signs or pay the cost of removal by the City.

J.I. Illumination; Movement.

1. Signs in an R, P, PHD, CR, OS, PD, or PS district shall, if lighted, have white or amber lighting and shall be indirectly illuminated.
2. Signs shall not have exposed fluorescent tubes or incandescent bulbs exceeding fifteen (15) watts, unless such signs are approved as part of a Master Sign Plan or a use permit for a cinema or theater. **Neon signs are allowed if in conformance with Section 4-1802.**
3. Signs both visible from and within one hundred (100) feet of an R district shall not be illuminated between 10 p.m. and 7 a.m. unless they identify an establishment open for business during those hours.
4. No movement or apparent movement of or in a sign or change in intensity of illumination of a sign shall be permitted, provided that a time or temperature sign or a theater canopy sign consistent with other regulations of this Article and including no changeable text shall be permitted. Very rapidly flashing or stroboscopic lights or signs are prohibited. Flashing signs are not permitted in R, P, CR, or OS districts.
5. **Reader board signage is allowed for trade schools with instructional programming and community organizations. Text is limited to scheduling of events or classes, only.**

K.J. Temporary and Miscellaneous Signs.

1. Temporary signs, banners, flags, outdoor display of merchandise, and other advertising devices may be placed by individual tenants on a site for a maximum of two fifteen (15) day periods each calendar year, subject to the approval of the Zoning Enforcement Official, provided the total temporary and permanent sign area shall not exceed one hundred fifty percent (150%) of permitted permanent sign area, and provided that temporary devices do not create safety hazards or block signs identifying adjoining establishments.
 - a. Such signs are subject to prior approval by the Zoning Enforcement Official and number, type, duration, and other aspects may be restricted or conditioned by the Zoning Enforcement Official.
 - b. Up to two additional thirty (30) day periods may be approved by the Zoning Enforcement official provided such extensions are determined to be reasonably necessary to achieve business identity and are consistent with the purposes of this Code.
- ~~2. Non-commercial murals, non-commercial large graphic designs, and statuary shall be subject to review by the Zoning Enforcement Official for the sole purpose of ensuring that such displays will not pose a hazard to public health, safety, or welfare.~~
- ~~2.3.~~ A use permit for a theater or cinema may authorize signs deviating from the standards of this Article, subject to development plan review under the provisions of Article 25. The Site Development Sub-Commission may approve marquee signs, animated signs, changeable copy signs, brighter lights, and other features for cinema or theater signs not otherwise authorized by this Article if such modifications are consistent with the style and character of existing signs on the site and adjacent property, and will not be readily visible from an R district.
- ~~3.4.~~ Open house signs advertising real estate open for inspection for prospective sale may be installed on private property in all zoning districts from 10:00 a.m. to 6:00 p.m. with the consent of the person in possession and control of the property. Such signs may state the name of the person or firm sponsoring the open house and may not exceed five (5) square feet each in face area or five (5) in number for any one (1) sale.

L.K. Prohibited Signs. The following signs are prohibited:

1. Canvas signs, banners, pennants, streamers, balloons or other temporary or wind signs except as provided in Subsections J.1 or D.8.
2. Mobile, A-frame, and portable signs except as provided in Subsection ~~J.4.~~ **K.3**

3. Roof or canopy signs extending to a height more than four (4) feet above the roofline.
4. Signs which resemble any official marker erected by the City, State, or any governmental agency, or which, by reason of position, shape, color or illumination would conflict with the proper functioning of any traffic sign or signal or would be a hazard to vehicular or pedestrian traffic.
5. Signs which produce odor, sound, smoke, fire, or other such emissions.
6. Window or contiguous window panes covered by paper, painted or other signs which exceed twenty-five percent (25%) of the total area of that window at any time.
7. A vehicle or equipment stored with mast arms in an elevated position with intent to advertise.
8. Abandoned signs.

M.L. Prohibited Locations.

1. No sign shall be affixed to any vehicle or trailer on a public street or public or private property unless the vehicle or trailer is intended to be used in its normal business capacity and not for the sole purpose of attracting business. (See “Visibility Requirements for Signs at Intersections.”)
2. No sign shall be erected within an airport approach zone, airport turning zone, or airport transition zone designated by the Oakland Airport Land Use Commission (ALUC), such that it would project above the approach surface, conical surface, or the transitional surface designated by the ALUC; make it difficult for flyers to distinguish between airport lights and others; result in glare; impair visibility; or otherwise interfere with or endanger the landing, take off, or maneuvering of aircraft. (Ord. 2008-003 § 13; Ord. 2001-015 § 1)

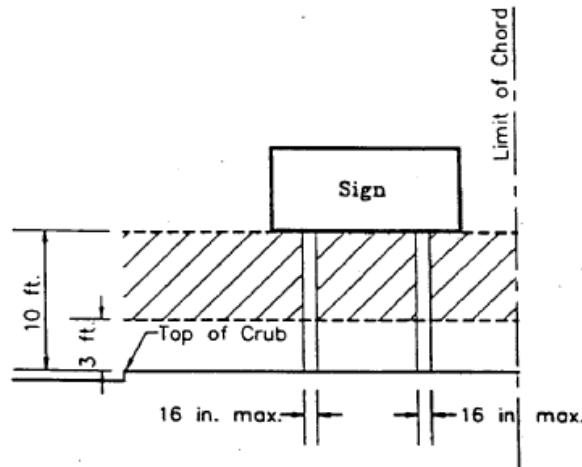
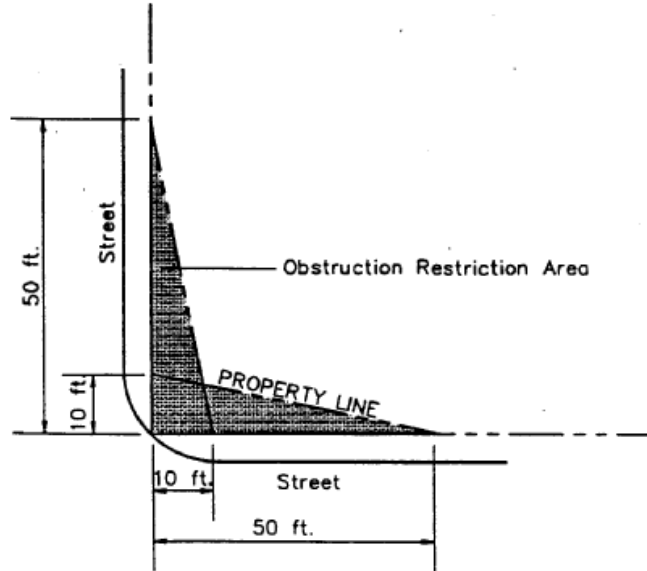
4-1808 Regulations for Off-Site Advertising Signs

Off-site advertising signs are not permitted within the City. Any nonconforming off-site advertising sign may only be reconstructed or relocated pursuant to a relocation agreement between the City and the sign owner, consistent with Section 5412 of the California Business and Professions Code. Real estate and development signs otherwise allowed in this Article are not considered off-site advertising signs. (Ord. 2001-015 § 1)

4-1810 Master Sign Programs and Sign Exceptions

- A. Master Sign Programs Required. Any development that will have/has: a) either three (3) or more nonresidential occupants, or occupying two (2) acres or more, and b) re-

quires Site Plan Approval as per the requirements of Article 25, shall submit a Master Sign Program application. Such plan must be approved by the Zoning Enforcement Official prior to issuance of any permit for signs. Each new tenant would have to meet the requirements of the new Master Sign Program.



Visibility Requirements for Signs at Intersections

(The diagram is illustrative)

- B. Exceptions May be Proposed. Any sign application, including both individual sign applications and Master Sign Programs, may propose exceptions from the standards of this Article (i.e., an individual sign or sign program that would exceed the size and height limitations of Section 4-1806: Regulations for On-Premise Signs). Exceptions approved as part of a Master Sign Program will apply to the signage of subsequent tenants.

- C. Application Requirements. Applications for approval of either a Master Sign Program and/or Sign Exception shall be submitted to the Planning Division and shall include the following:
1. A site plan, drawn to scale, delineating the site proposed to be included within the signing program and the general locations of all signs;
 2. Drawings and/or sketches indicating the exterior surface details of all buildings on the site on which wall signs, directory signs, or projecting signs are proposed;
 3. A scale drawing of the proposed sign(s), indicating dimensions of all structures, cabinets and/or letter height, and proposed color schemes; and
 4. If a Sign Exception is requested, a statement of the reasons for any requested modifications to the regulations or standards of this Article.
- D. Review and Approval Authority. The Zoning Enforcement Official shall be the decision-maker, unless the Zoning Enforcement Official defers action to the Site Development Sub-Commission. The Zoning Enforcement Official or Site Development Sub-Commission shall approve, conditionally approve or deny the requested Master Sign Program/Sign Exception. The decision-maker may require any reasonable conditions necessary to carry out the intent of this Section.
- E. Appeals. A decision by either the Zoning Enforcement Official or by Site Development Sub-Commission may be appealed to the Board of Zoning Adjustments pursuant to the requirements of Article 28.
- F. Standards for Approval. In addition to finding that the proposed Master Sign Program and/or Sign Exception meets the requirements for all signs as specified in Section 4-1802: Administrative Review of Signs, the decision-maker shall find:
1. That the proposed sign or sign program contributes to the design quality of the site and surrounding area, and that any proposed exception, will be superior to the quality that would result under the regulations and standards of Section 4-1806;
 2. That the proposed signs are compatible with the style or character of existing improvements on the site and are well-related to each other; and
 3. That any deviations from the standards of this Article are fully consistent with the purposes of the Article and this Code. (Ord. 2001-015 § 1)

4-1812 Reserved (Ord. 2001-015 § 1)

4-1814 Sign Permit or Temporary Sign Permit Required

No sign regulated by this Article shall be erected or displayed unless a sign permit or temporary sign permit is obtained. All temporary signs shall be subject to the provisions of Section 4-1806 J.1. (Ord. 2001-015 § 1)

4-1816 Uniform Sign Code

Signs shall be subject to the Uniform Sign Code requiring building permits for certain signs. (Ord. 2001-015 § 1)

4-1818 Construction

Lateral and columnar sign supports shall be designed so as to be architecturally integrated with the building to which they are attached or so that required extra bracing, including, but not limited to, angle irons, guy wires and cables, shall not be exposed to view from streets or public passageways. (Ord. 2001-015 § 1)

4-1820 Fire Safety

No sign shall be installed in such a manner that any portion of the sign or its support will unreasonably interfere with:

- A. The operations of the Fire Department in raising ladders to building roofs, windows, fire escapes, balconies or exits, or in taking hose lines or other fire-fighting or rescue equipment to any part of a building;
- B. The operations of the Fire Department in gaining access to any areas around buildings;
- C. The use of any standpipe or required door, ventilator or window. (Ord. 2001-015 § 1)

4-1822 Maintenance

Signs and sign structures shall be maintained at all times in a state of good repair, with all braces, bolts and structural parts and supporting frames and fastenings reasonably free from deterioration, rot, rust, and loosening. No person shall maintain or permit to be maintained on any premises owned or controlled by him or her, any sign or sign structure which is in a sagging, leaning, fallen, decayed, broken, deteriorated or other dilapidated, unsafe condition. (Ord. 2001-015 § 1)

Exhibit J: Proposed Amended Article 21

(Note: underline and bolded text represents new text; ~~strike-through~~ text represents text to be eliminated)

Article 21 Zoning Permits Required; Environmental Review; Fees and Deposits

Sections:

- 5-2100 Purpose and Applicability
- 5-2102 General Application for Zoning Permit
- 5-2104 Authority of Zoning Enforcement Official
- 5-2106 Uses Not Listed
- 5-2108 Effective Date; Lapse of Permit; Appeals
- 5-2110 Development Plans
- 5-2112 Environmental Review
- 5-2114 Fees and Deposits

5-2100 Purpose and Applicability

To ensure that each new or expanded use of a site and each new or expanded structure complies with this ordinance, a zoning permit shall be required prior to issuance of a building permit, grading permit, sign permit, certificate of occupancy, business license, or utility service connection or commencement of a use or activity regulated by this Code. (Ord. 2001-015 § 1)

5-2102 General Application for Zoning Permit

Application for a zoning permit shall be filed with the Zoning Enforcement Official on a form provided and shall include a statement that the applicant is the property owner or authorized agent. The Zoning Enforcement Official may require such information as is reasonably necessary to describe the proposed use, building, or activity, including grading, or other alteration of property. The Zoning Enforcement Official shall adopt administrative procedures for the reasonable processing of zoning permits and other zoning actions. (Ord. 2001-015 § 1)

5-2104 Authority of Zoning Enforcement Official

The Zoning Enforcement Official shall issue approve or conditionally approve a zoning permit upon determining that the use, structure, or activity complies with this Code and that environmental review and documentation, if any, required by the California Environmental Quality Act (CEQA) is complete.

- A. Supplemental Notice. For zoning permits under uses listed as “Administrative Review”, that the Zoning Enforcement Officials determines may have a significant impact on adjacent uses or may generate significant public concerns, notices may be mailed to all owners of real property adjacent to the subject site a minimum of ten (10) days prior to the administrative decision.**
- B. Conditions of Approval. In approving an Administrative Review, the Zoning Enforcement Official may impose reasonable conditions necessary to:**
- 1. Achieve the general purposes of this Chapter and the specific purposes of the zoning district in which the use will be located, or to be consistent with the General Plan;**
 - 2. Protect the public health, safety, and general welfare; or**
 - 3. Ensure operation and maintenance of the use in a manner compatible with existing uses on adjoining properties and in the surrounding area.**
- ~~C.A—Referral to Site Development Sub-Commission~~ **Board of Zoning Adjustments.** For any use requiring “Administrative Review” under the base R, C, or I District’s use regulations, the Zoning Enforcement Official may defer action on the issuance of a zoning permit to the ~~Site Development Sub-Commission~~ **Board of Zoning Adjustments.**
- ~~B. Referral to the Redevelopment Agency.~~ For projects within a designated redevelopment area, the Zoning Enforcement Official shall refer the application to the Redevelopment Agency for review and comment prior to issuance of the zoning permit. The Redevelopment Agency or its designee shall provide written comments on zoning permit applications within ten (10) working days of receipt. No zoning permit shall be issued unless the permitted use, building, or activity is in conformance with any applicable adopted redevelopment plan. (Ord. 2001-015 § 1)

5-2106 Uses Not Listed

- A. Uses Defined in Article 3. Definitions describe one (1) or more uses having similar characteristics, but do not list every use or activity that may appropriately be within the classification. The Zoning Enforcement Official shall determine whether a specific use shall be deemed to be within one (1) or more use classifications or not within any classification in this Code. The Zoning Enforcement Official may determine that a specific use shall not be deemed to be within a classification if its characteristics are substantially incompatible with those typical of uses named within the classification. The Zoning Enforcement Official’s decision may be appealed to the ~~Planning Commission~~ **Board of Zoning Adjustments**, pursuant to Article 28: Appeals.

- B. Any new use, or any use that cannot be clearly determined to be in an existing use classification, may be incorporated into the zoning regulations by a zoning code text amendment, as provided in Article 27. (Ord. 2001-015 § 1)

5-2108 Effective Date; Lapse of Permit; Appeals

A zoning permit shall become effective on issuance and shall continue in effect unless and until the activity for which the permit is granted is conducted or maintained in violation of this Code or of conditions placed on the permit or this Code is amended so as to render the zoning permit ineffective. **An Applicants or interested party** may appeal the Zoning Enforcement Official's ~~or Site Development Sub-Commission's~~ denial of a Zoning Permit to the Board of Zoning Adjustments, pursuant to the requirements of Article 28. (Ord. 2001-015 § 1)

5-2110 Development Plans

Any changes to development plans following issuance of a zoning permit, but prior to issuance of a building permit, shall require a new zoning permit if the changes substantially affect compliance with this ordinance. The Zoning Enforcement Official may waive the requirement for a new zoning permit if the changes to approved plans are minor, do not involve substantial alterations or additions to the plans, and are consistent with the intent of the original approval and the purposes of the Zoning Code. (Ord. 2001-015 § 1)

5-2112 Environmental Review

- A. A project regulated by this Code that is not ministerial or categorically exempt from the California Environmental Quality Act (CEQA) and is the subject of an application for a discretionary approval, including, but not limited to, a zoning map amendment, use permit, variance, PD Plan, Neighborhood Conservation Plan, or Landmark Conservation District Plan, shall be subject to environmental review and shall be the subject of an Initial Study and a Negative Declaration or an Environmental Impact Report (EIR).
- B. Duties of Responsible Agencies. Individuals and bodies other than the lead agency shall have the powers and responsibilities assigned to responsible agencies by CEQA and CEQA Guidelines. (Ord. 2001-015 § 1)

5-2114 Fees and Deposits

All persons submitting applications for zoning permits of any type or zoning map amendments, as required by this Code, or filing appeals shall pay all fees and/or deposits as provided by City Council resolution or resolutions establishing applicable fees and charges. Said resolution or resolutions are hereby incorporated by reference as though fully set forth herein. (Ord. 2001-015 § 1)

Exhibit J: Proposed Amended Article 21

Exhibit K: Proposed Amended Article 22

Note: underline and bolded text represents new text; ~~strike-through~~ text represents text to be eliminated

Article 22 Use Permits, Variances, and Parking Exceptions

Sections:

- 5-2200 Purposes
- 5-2202 Authority of Board of Zoning Adjustments
- 5-2204 Applicability to Existing and New Uses
- 5-2206 Initiation
- 5-2208 Notice and Public Hearing
- 5-2210 Duties of Board of Zoning Adjustments
- 5-2212 Required Findings
- 5-2214 Conditions of Approval
- 5-2216 Effective Date; Appeals
- 5-2218 Lapse of Approval; Transferability; Discontinuance; Revocation
- 5-2220 Changed Plans; New Applications
- 5-2222 Temporary Use Permits

5-2200 Purposes

- A. This Article provides the flexibility in application of land-use and development regulations necessary to achieve the purposes of this Code by establishing procedures for approval, conditional approval, or disapproval of applications for use permits and variances.
- B. Use permits are required for use classifications typically ~~having~~ **resulting in** unusual site development features or operating characteristics requiring special consideration, so that they may be designed, located, and operated compatibly with uses on adjoining properties and in the surrounding area, **provided the use will not be detrimental to the public health, safety, and welfare and will not impair the integrity and character of the zoned district.**
- C. Variances are intended to resolve practical difficulties or unnecessary physical hardships that may result from the size, shape, or dimensions of a site or the location of existing structures thereon; from geographic, topographic, or other physical conditions on the site or in the immediate vicinity; or from street locations or traffic conditions in the immediate vicinity of the site.
- D. Variances may be granted only with respect to landscaping, screening, lot area, lot dimensions, yards, height of structures, distances between structures, open space, off-street parking and off-street loading, and performance standards.

- E. Authorization to grant variances does not extend to use regulations, because sufficient flexibility is provided by the use permit process for specified uses and by the authority of the Board of Zoning Adjustments to determine whether a specific use belongs within one (1) or more of the use classifications listed in Article 3: Definitions. Further, Article 27 provides procedures for amendments to the zoning map or zoning regulations. These will ensure that any changes are consistent with the General Plan and the land use objectives of this Code.
- F. Parking exceptions are intended for the review of parking requirements in which particular difficulties or undue hardship would occur without the granting of such exception. It is the purpose of this Article to set forth findings that relate to specific parking circumstances. (Ord. 2001-015 § 1)

5-2202 Authority of Board of Zoning Adjustments

- A. The Board of Zoning Adjustments shall approve, conditionally approve, or disapprove applications for use permits, variances, or parking exceptions upon finding that the proposed use permit, variance, or parking exception is consistent with the General Plan, the general purposes of this Article, the specific purposes of the base or overlay zoning district in which a development site is located, and all applicable requirements of the Municipal Code.
- B. Projects on City-Owned Land in the CR and OS Districts. The Zoning Enforcement Official shall submit all applications for use permits, variances, or parking exceptions to the City Council for approval, and no action by the Board of Zoning Adjustments shall be required. After a duly noticed public hearing, the City Council may approve or conditionally approve such application if it meets the findings required by Section 5-2212. (Ord. 2001-015 § 1)

5-2204 Applicability to Existing and New Uses

Use permits shall be required for any new or expanded use located in a district where the land use regulations require such a permit for that use classification. In addition, preexisting uses shall be presumed to be subject to a use permit, even though a use permit was not required at the time the use was originally established, if a requirement for a use permit for the use is subsequently enacted in the Zoning Code. Therefore, any subsequent modifications or expansions to the “presumed conditional use,” shall be subject to all of the requirements of this Article. (Ord. 2001-015 § 1)

5-2206 Initiation

Applications for use permits, variances, and parking exceptions shall be initiated by submitting the following materials to the Zoning Enforcement Official:

- A. A completed application form, signed by the property owner or authorized agent, accompanied by the required fee, copies of deeds, any required powers of attorney, plans and mapping documentation, or other information required on the application or deemed necessary by the Zoning Enforcement Official to assume the completion of the application, in the form prescribed by the Zoning Enforcement Official;
- B. A vicinity map showing the location and street address of the development site. (Ord. 2001-015 § 1)

5-2208 Notice and Public Hearing

- A. Public Hearing Required. The Board of Zoning Adjustments shall hold a public hearing on an application for a use permit, variance, or parking exception.
- B. Notice. Notice of the hearing shall be given in the following manner:
 - 1. Mailed or Delivered Notice. At least ten (10) days prior to the hearing, notice shall be: (1) mailed to the owner of the subject real property or the owner's duly authorized agent, and the project applicant; (2) all owners of property within three hundred (300) feet of the boundaries of the site, as shown on the last equalized property tax assessment roll or the records of the County Assessor or Tax Collector; and (3) any agency as required by Government Code Section 65091.
 - 2. Notice to Adjacent Property Owners. Normally, notice shall be mailed to all owners of real property as shown on the latest equalized assessment roll within three hundred (300) feet of the property that is the subject of the hearing. In lieu of utilizing the assessment roll, applicants may submit and the City may use records of the County Assessor or Tax Collector, which contain more recent information than the assessment roll.
 - 3. Posted Notice. For hearings directly relating to an identifiable property, notice shall also be given by posting at least three (3) public notices, thereof, at least ten (10) days prior to such hearing, including at least one such notice on or within three hundred (300) feet of the subject property.
 - 4. Published Notice. Notice shall be published once in a newspaper of general circulation in San Leandro at least ten (10) days prior to the hearing.
 - 5. No proceeding in connection with the hearing shall be invalidated by failure to send notice where the address of the owner is not a matter of public record or to post public notices or by failure to receive any notice.
 - 6. Supplemental On-Site Notice. For projects that the Community Development Director determines may have a significant impact on adjacent uses or may generate significant public concerns, the Director may require that the applicant and/or

property owner erect an on-site public notice sign, minimum three (3) feet by five (5) feet in size and six (6) feet in height that provides a description of the proposed project, the date, time, and place of scheduled public hearing(s), the name of the project proponent, and other information as required to clarify the project proposal.

Such sign shall be subject to review and approval of the Community Development Director and shall be installed at a prominent location on the site a minimum of ten (10) days prior to the scheduled public hearing.

C. Contents of Notice. The notice of public hearing shall contain:

1. A description of the location of the development site and the purpose of the application;
2. A statement of the time, place, and purpose of the public hearing;
3. A reference to application materials on file for detailed information; and
4. A statement that any interested person or an authorized agent may appear and be heard.

D. Multiple Applications. When applications for multiple use permits, variances, or parking exceptions on a single site are filed at the same time, the Zoning Enforcement Official may schedule a combined public hearing. (Ord. 2001-015 § 1)

5-2210 Duties of Board of Zoning Adjustments

A. Public Hearing. The Board of Zoning Adjustments shall conduct the public hearing and hear testimony for and against the application. A public hearing may be continued to a definite date and time without additional public notice.

B. Decision and Notice. After the close of the public hearing, the Board shall approve, conditionally approve, or deny the application. Notice of the decision shall be mailed to the applicant and any other party requesting such notice within seven (7) days of the date of the action ratifying the decision.

C. Limits on Conditions of Approval. No conditions of approval of a use permit shall include use, height, bulk, density, open space, parking, loading, or sign requirements that are less restrictive than those prescribed by applicable district regulations. (Ord. 2001-015 § 1)

5-2212 Required Findings

An application for a use permit or variance as it was applied for or in modified form as required by the Board, shall be approved if, on the basis of the application, plans, materials, and testimony submitted, the Board finds:

A. For All Use Permits.

1. That the proposed location of the use is in accord with the objectives of this Code and the purposes of the district in which the site is located;
2. That the proposed location of the use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety or welfare of persons residing, or working in, or adjacent to, the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity, or to the general welfare of the City;
3. That the proposed use will comply with the provisions of this Code, including any specific condition required for the proposed use in the district in which it would be located; and
4. That the proposed use will not create adverse impacts on traffic or create demands exceeding the capacity of public services and facilities, which cannot be mitigated.

B. For Variances.

1. That because of special circumstances or conditions applicable to the subject property, including narrowness and shallowness or shape, exceptional topography, or the extraordinary or exceptional situations or conditions, strict application of the requirements of this Article would result in peculiar and exceptional difficulties to, or exceptional and/or undue hardships upon, the owner of the property;
2. That the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources, and without significant detriment or injury to property or improvements in the vicinity of the development site or to the public health, safety or general welfare; and
3. That granting the application is consistent with the purposes of this Code and will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district.
4. OS District Only. That granting the application is consistent with the requirements of Section 65911 of the Government Code and will not conflict with General Plan policy governing orderly growth and development and the preservation and conservation of open-space land.

C. For Parking Exceptions.

1. The strict application of the provisions of this Chapter would cause particular difficulty or undue hardship in connection with the use and enjoyment of said property; and
2. That the establishment, maintenance and/or conducting of the off-street parking facilities as proposed are as nearly in compliance with the requirements set forth in this Chapter as are reasonably possible.
3. That the provision of additional parking measures for projects shall be allowed to include car share features, transit passes for tenants in residential, commercial, or mixed-use developments, and within one-quarter mile proximity to a transit corridor or other transit facility including a bus stop or BART station.
4. Parking exceptions may be granted to affordable housing and senior housing facilities, or mixed-use developments with shared parking.

D. Mandatory Denial. Failure to make all the required findings under Subsections A, B, or C shall require denial of the application for a use permit, variance, or parking exception. (Ord. 2004-007 § 8; Ord. 2001-015 § 1)

5-2214 Conditions of Approval

In approving a use permit, variance, or parking exception, reasonable conditions may be imposed as necessary to:

- A. Achieve the general purposes of this Code or the specific purposes of the zoning district in which the site is located or to make it consistent with the General Plan;
- B. Protect the public health, safety, and general welfare;
- C. Ensure operation and maintenance of the use in a manner compatible with existing and potential uses on adjoining properties or in the surrounding area; or
- D. Prevent or mitigate potential adverse effects on the environment. (Ord. 2001-015 § 1)

5-2216 Effective Date; Appeals

A use permit, variance, or parking exception shall become effective fifteen (15) days after action by the Board, unless appealed to the City Council in accord with Article 28. (Ord. 2001-015 § 1)

5-2218 Lapse of Approval; Transferability; Discontinuance; Revocation

- A. Lapse of Approval. A use permit, variance, or parking exception shall lapse **after** one year, or at an alternative time specified as a condition of approval, after its date of approval unless:
1. A building permit has been issued, coupled with diligent progress evidencing a good faith intent to commence the intended use; or
 2. A certificate of occupancy has been issued; or
 3. The use is established; or
 4. The use permit or variance is renewed.

A use permit also shall lapse upon discontinuance of work on a project or expiration of a building permit.

- B. Transferability. The validity of a use permit, variance, or a parking exception shall not be affected by changes in ownership or proprietorship provided that the new owner or proprietor applies to the City for a business license and zoning approval.
- C. Discontinuance. A use permit, variance, or parking exception shall lapse if the exercise of rights granted by it is discontinued for one hundred eighty (180) consecutive days.
- D. Revocation. A use permit, variance, or parking exception that is exercised in violation of a condition of approval or a provision of this Code may be revoked, as provided in Section 5-2906.
- E. Renewal. Upon written request, a use permit, variance, height exception, or parking exception may be renewed by the Zoning Enforcement Official for **one year, with one additional one-year renewal allowed for a total** a period not to exceed ~~one (1) year~~ **two (2) years** without notice or public hearing if the findings required by Section 5-2212 remain valid. (Ord. 2001-015 § 1)

5-2220 Changed Plans; New Applications

- A. Changed Plans. A request for changes in conditions of approval of a use permit, variance, or parking exception, or a change to development plans that would have a substantial effect on conditions of approval shall be treated as a new application. The Zoning Enforcement Official may approve changes that are minor in nature.
- B. New Application. If an application for a use permit, variance, or parking exception is disapproved, no new application for the same or substantially the same, use permit or variance shall be filed within one (1) year of the date of denial of the initial application, unless the denial is made without prejudice. (Ord. 2001-015 § 1)

5-2222 Temporary Use Permits

A temporary use permit authorizing certain temporary use classifications as listed in various residential, commercial, and industrial districts under the heading “**Temporary Uses Subject to Administrative Review...**” shall be subject to the provisions of this Section. Temporary uses shall include: Christmas Tree and Pumpkin Sales, Limited Commercial Filming, Temporary Religious Assembly, Street and Neighborhood Fairs, Temporary Real Estate Offices, Outdoor Retail Sales, Temporary Storage Containers, Circuses and Carnivals, Trade Fairs, Non-Recurring Swap Meets, and Animal Shows. The definitions for these temporary uses are found in Article 3. In the event that a temporary use other than those listed above is proposed, the Zoning Enforcement Official shall review the proposed use and shall determine if it should be treated as a temporary use.

- A. Application and Fee. A completed application form and the required fee shall be submitted to the Zoning Enforcement Official. The Zoning Enforcement Official may request any other plans and materials necessary to assess the potential impacts of the proposed temporary use.
- B. Duties of the Zoning Enforcement Official. The Zoning Enforcement Official shall approve, approve with conditions, or deny a complete application within a reasonable time. No notice or public hearing shall be required.
- C. Required Findings. The application shall be approved as submitted, or in modified form, if the Zoning Enforcement Official finds:
 1. That the proposed temporary use will be located, operated, and maintained in a manner consistent with the policies of the General Plan and the provisions of this Chapter; and
 2. That approval of the application will not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare.
- D. Conditions of Approval. In approving a temporary use permit, the Zoning Enforcement Official may impose reasonable conditions necessary to:
 1. Achieve the general purposes of this Chapter and the specific purposes of the zoning district in which the temporary use will be located, or to be consistent with the General Plan;
 2. Protect the public health, safety, and general welfare; or
 3. Ensure operation and maintenance of the temporary use in a manner compatible with existing uses on adjoining properties and in the surrounding area.

- E. Effective Date; Duration; Appeals. An approved temporary use permit shall be effective on the date of its approval; a disapproved permit may be appealed by the applicant, as provided in Article 28. The permit shall be valid for a specified time period not to exceed ninety (90) days as specified by the Zoning Enforcement Official's approval action. The temporary use permit shall specify the time within which the temporary use shall be commenced, which shall be not more than ninety (90) days from approval by the Zoning Enforcement Official, and the use shall be continued only for the duration set forth in the zoning approval. A temporary use permit shall lapse if not used within the dates approved and may be revoked by the Zoning Enforcement Official effective immediately upon verbal or written notice for violation of the terms of the permit. Verbal notice shall be confirmed by written notice mailed to the permit holder within a reasonable time. The Zoning Enforcement Official may approve changes in a temporary use permit. (Ord. 2001-015 § 1)

Exhibit L: Proposed Amended Article 27

Note: underline and bolded text represents new text; ~~strike-through~~ text represents text to be eliminated

Article 27 Amendments

Sections:

- 5-2700 **Applicability**
- 5-2702 **Initiation of Amendments**
- 5-2704 **Required Application Materials for Amendments Initiated by Property Owners**
- 5-2706 **Public Hearing Scope and Notice**
- 5-2708 **Duties of Planning Commission**
- 5-2710 **Result of Planning Commission Denial**
- 5-2712 **Duties of City Council**
- 5-2714 **Revisions of Proposed Amendments**
- 5-2716 **Resubmittal of Application**

5-2700 **Applicability**

This Code may be amended by changing the zoning map or the zoning regulations. (Ord. 2001-015 § 1)

5-2702 **Initiation of Amendments**

- A. Zoning Regulations. Amendments to the zoning regulations shall be initiated by resolution of intent of the City Council or the Planning Commission, **or by the Community Development Director**, or may be initiated upon request by the owner or authorized agent of property within the City.
- B. Zoning Map. Amendments to the zoning map shall be initiated by resolution of intent of the City Council or Planning Commission, **or by the Community Development Director**, or by application of the owner or authorized agent of property for which the change is sought. If property that is the subject of an application is in more than one (1) ownership, all the owners or their authorized agents shall join in filing the application. (Ord. 2001-015 § 1)

5-2704 **Required Application Materials for Amendments Initiated by Property Owners**

A property owner shall initiate a request for a zoning map amendment or code amendment by filing the following with the Zoning Enforcement Official:

- A. A completed application form;

- B. A completed Initial Study form (Appendix E, Part I, City of San Leandro CEQA Guidelines);
- C. The Zoning Enforcement Official may require:
 - 1. A map showing the location and street address of the property that is the subject of the amendment and of all lots of record within three hundred (300) feet of the boundaries of the property;
 - 2. A list, drawn from the last equalized property tax assessment roll or the records of the County Assessor or Tax Collector, showing the names and addresses of the owner(s) of record of each lot within three hundred (300) feet of the boundaries of the property. This list shall be keyed to the map required by Subsection C above and shall be accompanied by mailing labels.
- D. The required fee. (Ord. 2001-015 § 1)

5-2706 Public Hearing Scope and Notice

- A. Scope. The Zoning Enforcement Official shall set a date, time, and place for the public hearing and prepare a report to the Planning Commission on an application of a property owner for a zoning map or code amendment or a resolution for a zoning regulation amendment, describing the area to be considered for change and, if warranted, proposing alternative amendments. ~~The hearing shall be held within forty-five (45) days of acceptance of a complete application.~~
- B. Notice of Hearing.
 - 1. Normal Procedure. Notice shall be given in accord with Section 5-2208.B.
 - 2. Zoning Map Amendments: 1,000 or More Lots. If a proposed zoning map amendment includes one thousand (1,000) or more lots, notice may be given in accord with Government Code Section 65091(a)(3).
- C. Contents of Notice. Notices required by this Section shall contain:
 - 1. A description of the amendment;
 - 2. A statement of the date, time, and place of the hearing;
 - 3. Reference to the City Council or Planning Commission resolution or the application and other materials on file with the Zoning Enforcement Officials for detailed information; and

4. A statement that any interested party or agent may appear and be heard. (Ord. 2001-015 § 1)

5-2708 Duties of Planning Commission

- A. Public Hearing. At the time and place set for the public hearing, the Planning Commission shall consider a report of the Zoning Enforcement Official and shall hear evidence for and against the proposed amendment. The Planning Commission may continue a public hearing to a definite date and time without additional notice.
- B. Recommendation to City Council. Following the public hearing, the Commissions will make specific findings as to whether the proposed zoning regulation or zoning map amendment is consistent with the policies of the General Plan and the purposes of this Code, and shall recommend approval, conditional approval, or denial of the proposal as submitted or in modified form. (Ord. 2001-015 § 1)

5-2710 Result of Planning Commission Denial

A Planning Commission recommendation of denial of an application for a zoning map amendment or zoning regulation amendment submitted by petition shall terminate proceedings, unless appealed. Notice of such action shall be mailed to the applicant within seven (7) days of the Planning Commission's decision. (Ord. 2001-015 § 1)

5-2712 Duties of City Council

- A. Hearing Date and Notice. Upon receipt of a Planning Commission recommendation for approval or conditional approval of an amendment to the zoning regulations or map, or receipt of an appeal of a Planning Commission recommendation for denial, the City Clerk shall set a date and time for a public hearing on the proposed amendment. The hearing shall be held within ~~forty-five (45)~~ **sixty (60)** days of the date of filing of the Planning Commission recommendation. The City Clerk shall give notice of such hearing in the manner prescribed as required by Section 5-2706.
- B. Public Hearing. At the time and place set for the public hearing, the City Council shall hear evidence for and against the proposed amendment. The City Council may continue a public hearing to a definite date and time without additional notice.
- C. City Council Decision. Within twenty-one (21) days after the public hearing, the City Council shall approve, modify, or reject the Planning Commission recommendation, provided that a substantial modification not previously considered by the Planning Commission shall be referred to the Planning Commission for a report prior to adoption of an ordinance amending the zoning regulations or map. Failure of the Planning Commission to report within forty (40) days after referral or such longer period as may be designated by the City Council shall be deemed approval of the proposed modifi-

cation. Prior to adoption of an ordinance, the City Council shall make findings that the proposed change to the zoning regulation or zoning map is consistent with the policies of the General Plan and the notice and hearing provisions of this Article. (Ord. 2001-015 § 1)

5-2714 Revisions of Proposed Amendments

- A. Revisions. At or after a public hearing, the Planning Commission or the City Council may determine that the public interest would be served by:
1. Revising the boundaries of an area proposed for a zoning map amendment;
 2. Considering zoning map designations not originally presented in a motion, application, or Planning Commission recommendation; or
 3. Considering zoning regulation amendments not originally presented in a motion, petition, or Planning Commission recommendation.
- B. Supplemental Notice. Notice shall be given prior to a hearing on a revised amendment, unless the Planning Commission or City Council finds that the revised amendment will not have impacts greater than those that would result from the amendment in its original form. (Ord. 2001-015 § 1)

5-2716 Resubmittal of Application

Following denial of an application or petition for an amendment to the zoning regulations or the zoning map by the Planning Commission or City Council, no new application or petition for the same, or substantially the same, amendment shall be accepted within one (1) year of the date of denial, unless denial is made without prejudice. (Ord. 2001-015 § 1)

Exhibit M: Proposed Amended Article 28

(Note: underline and bolded text represents new text; ~~strike-through~~ text represents text to be eliminated)

Article 28 Appeals

Sections:

- 5-2800 Purpose and Authorization for Appeals**
- 5-2802 Rights of Appeal**
- 5-2804 Time Limits for Appeals**
- 5-2806 Initiation of Appeals**
- 5-2808 Procedures for Appeals**
- 5-2810 Effective Date**
- 5-2812 New Appeal**

5-2800 Purpose and Authorization for Appeals

To avoid results inconsistent with the purposes of this Code, decisions of the Zoning Enforcement Official may be appealed to the Board of Zoning Adjustments or the Planning Commission, whichever is most appropriate, and decisions of the Site Development Sub-Commission, the Planning Commission, and Board of Zoning Adjustments may be appealed to the City Council. (Ord. 2001-015 § 1)

5-2802 Rights of Appeal

Rights of appeal are prescribed in the individual articles of this Code authorizing each decision that is subject to appeal. (Ord. 2001-015 § 1)

5-2804 Time Limits for Appeals

- A. Appeals by Applicants and Interested Parties. Appeals shall be initiated within fifteen (15) days of the date of the decision.
- B. Time Limits. When the appeal period ends on a weekend or holiday, the time limits shall be extended to the next working day. (Ord. 2001-015 § 1)

5-2806 Initiation of Appeals

- A. Filing of Appeals. An appeal shall be filed with the City Clerk on a form provided and shall state specifically the reason for the appeal.
- B. Effect on Decisions. Decisions that are appealed shall not become effective until the appeal is resolved. (Ord. 2001-015 § 1)

5-2808 Procedures for Appeals

- A. Appeal Hearing Date. An appeal shall be scheduled for a hearing before the appellate body within ~~forty-five (45)~~ **sixty (60)** days of the City's receipt of an appeal, unless both applicant and appellant consent to a later date.
- B. Notice and Public Hearing. An appeal hearing shall be a public hearing ~~if the decision being appealed or reviewed required a public hearing~~. Notice of public hearings shall be given in the manner required for the decision being appealed.
- C. Plans and Materials. At an appeal or review hearing, the appellate body shall consider only the same application, plans, and related project materials that were the subject of the original decision and only the issue(s) raised by the appeal or the call for review. However, applicants may modify plans to respond to issues raised, and such modification shall be considered at the hearing. Compliance with this provision shall be verified prior to, or during, the hearing by the Zoning Enforcement Official.
- D. Hearing. ~~At the~~ **During the public** hearing, the appellate body shall review the record of the decision and hear testimony of the appellant, the applicant, and any other interested party.
- E. Decision and Notice. After the **close of the public** hearing, the appellate body shall affirm, modify, or reverse the original decision. When a decision is modified or reversed, the appellate body shall state the specific reasons for modification or reversal. ~~Decisions on appeals shall be rendered within twenty one (21) days of the close of the hearing.~~ The Zoning Enforcement Official shall mail notice of a **Board of Zoning Adjustments or** Planning Commission decision and the City Clerk shall mail notice of a City Council decision. Such notice shall be mailed within five (5) working days after the date of the decision to the applicant, the appellant, and any other party **upon** requesting such notice.
- F. Failure to Act. Failure of the body receiving the appeal to act within the time limits prescribed in Subsections A ~~and E~~ above shall be deemed affirmation of the original decision. (Ord. 2001-015 § 1)

5-2810 Effective Date

A decision by the City Council regarding an appeal shall become final on the date of the decision. A decision by the Planning Commission regarding an appeal shall become final on the date of the decision, unless appealed to the City Council. (Ord. 2001-015 § 1)

5-2812 New Appeal

Following denial of an appeal, any matter that is the same, or substantially the same, shall not be considered by the same body within two (2) years, unless the denial is made without prejudice. (Ord. 2001-015 § 1)