



# City of San Leandro

Meeting Date: October 5, 2015

## Ordinance

---

**File Number:** 15-535

**Agenda Section:** CONSENT CALENDAR

**Agenda Number:** 8.E.

**TO:** City Council

**FROM:** Chris Zapata  
City Manager

**BY:** Cynthia Battenberg  
Community Development Director

**FINANCE REVIEW:** Not Applicable

**TITLE:** ORDINANCE Amending the San Leandro Zoning Code Related to Residential, Commercial, and Industrial Uses; Brewpubs; Consignment Stores; Day Care Facilities; Parking; Wireless Telecommunications Facilities; Supportive and Transitional Housing; Warehouse/Storage Facilities; and General Text Updates in Zoning Code Articles 3, 5, 6, 7, 8, 16, and 17, to Streamline, Update, and Bring the City's Zoning Code into State and Federal Compliance

---

**WHEREAS**, the City's relevant governing bodies review and make revisions to the Zoning Code to update it in response to recent changes in State and Federal legislation and to continue the ongoing effort to modernize the code and increase its flexibility; and

**WHEREAS**, the City proposes amendments to the Zoning Code to include new definitions, to revise existing definitions, to modify certain discretionary review processes, to implement the recently adopted Housing Element Update; to implement changes in federal legislation regarding wireless telecommunications facilities and processing timeframes, and other minor amendments, as shown in attached Exhibits A-G containing proposed amendments to Zoning Code Articles 3, 5, 6, 7, 8, 16, and 17, respectively; and

**WHEREAS**, the proposed Zoning Code amendments are exempt from environmental review under Section 15061(b)(3) of the CEQA Guidelines which is the general exemption for projects 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, and thus that the activity is not subject to CEQA. The categorical exemption in Section 15305, Minor Alteration in Land Use Limitations also applies; and

**WHEREAS**, on August 6, 2015, the Board of Zoning Adjustments met, reviewed, and commented on the proposed amendments and provided its comments to the Planning Commission; and

**WHEREAS**, the Planning Commission held a noticed public hearing on the proposed amendments on August 20, 2015, then adopted Resolution No. 2015-03, incorporated herein by reference, recommending that the City Council adopt the amendments; and

**WHEREAS**, a staff report dated September 21, 2015 and incorporated herein by reference, analyzed the proposed CEQA exemption and the proposed Zoning Code amendments for the City Council; and

**WHEREAS**, the City Council held a noticed public hearing on the proposed amendments on September 21, 2015, at which time all interested parties had the opportunity to be heard; and

**WHEREAS**, the City Council considered the staff report, the Planning Commission recommendation, the recommended CEQA exemptions, all oral and written testimony, and the materials in the record before taking action on the proposed amendments; and

**WHEREAS**, the Zoning Code amendments as recommended by the Planning Commission are shown in attached Exhibits A-G, which are incorporated herein by reference.

**NOW, THEREFORE**, the City Council of the City of San Leandro does **ORDAIN** as follows:

**SECTION 1. Recitals.** The above recitals are true and correct and made a part of this ordinance.

**SECTION 2. CEQA.** Approval of the Zoning Code amendments is exempt from further environmental review under the general rule in CEQA Guidelines Section 15061(b)(3) that CEQA only applies to projects that have the potential for causing a significant effect on the environment. As a series of text amendments and additions, it can be seen with certainty that there is no possibility that the ordinance will have a significant effect on the environment. The categorical exemption in Section 15305, Minor Alteration in Land Use Limitations also applies.

**SECTION 3. Findings.** Based on the entirety of the record, the City Council hereby finds that the proposed amendments to the Zoning Code as shown in Exhibits A-G are consistent with the policies of the General Plan, including the recently adopted Housing Element Update. The City Council further finds that consideration of the proposed amendments complied with the notice and hearing provisions of the Zoning Code.

**SECTION 4. Approval.** The City Council hereby approves the Zoning Code amendments as shown in the attached Exhibits A-G, described as follows:

- Exhibit A: Proposed Amended Article 3 Definitions (excerpts only)
- Exhibit B: Proposed Amended Article 5 Residential Districts (excerpts only)
- Exhibit C: Proposed Amended Article 6 Commercial and Professional Districts (excerpts only)
- Exhibit D: Proposed Amended Article 7 Industrial Districts (excerpts only)
- Exhibit E: Proposed Amended Article 8 Open Space District (excerpts only)
- Exhibit F: Proposed Amended Article 16 Development Regulations, Section 4-1656, Supportive and Transitional Housing; and Section 4-1686, Wireless

Telecommunications

- Exhibit G: Proposed Amended Article 17 Off-Street Parking and Loading Requirements (excerpts only)

Attached Exhibits A-G are incorporated herein by reference and available for review in the City Clerk's office during normal business hours.

**SECTION 5. Severability.** If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this ordinance are severable. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

**SECTION 6. Publication and Effective Date.** This Ordinance shall take effect thirty (30) days after adoption. The City Clerk of the City of San Leandro shall cause the Ordinance to be published in accordance with section 36933 of the Government Code of the State of California.

Introduced by Councilmember Prola on this 21st day of September, 2015, and passed to print by the following called vote:

Members of the Council:

AYES:	Councilmembers Cox, Lee, Lopez, Prola, Reed, Thomas; Mayor Cutter	(7)
NOES:	None	(0)
ABSENT:	None	(0)

## Exhibit A: Proposed Amended Article 3 (Excerpts only)

Note: **underline and bolded** text represents new text; ~~strike through~~ text represents text to be eliminated;  
Planning Commission recommendations are referenced by comment boxes for City Council review

## 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.

### *Proposed Amended Article 3*

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

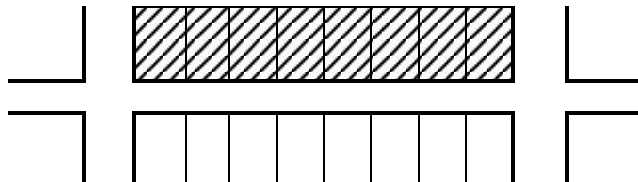
**Bed and Breakfast Inns.** Establishments with no more than six (6) guest rooms, offering lodging on a short-term rental not to exceed thirty (30) days, typically in a converted single-family or multi-family dwelling, with incidental eating and drinking service for lodgers only provided from a single 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 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 4-21-00.

**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~~ **public-house (pub) or restaurant that includes food service attached to a restaurant** ~~or an on-site tasting room and producing a limited amount of beer that is sold for consumption premises at a bona fide eating place, plus a limited~~ **Proposed Amended Article 3**

Comment [MM1]: Per Planning Commission motion August 20, 2015

~~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."

### *Proposed Amended Article 3*

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.

**Consignment. A retail establishment that accepts upscale merchandise and gently-used related items, such as clothing and accessories, or home furnishings and household goods on a consignment basis, paying the owners of the merchandise a percentage when and if the items are sold. Related items means a clothing store that also sells accessories, such as belts and shoes or a home furnishings store that also sells home décor, and does not include donated items, drop-off bins or outdoor storage or sales.**

Comment [MM2]: Per Planning Commission motion August 20, 2015

**Convalescent Facilities.** Establishments providing care on a twenty-four (24) hour basis for persons requiring regular medical attention, including the aged, ambulatory or non-ambulatory 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 be introduced into the human body, but does not include any cessation product specifically

### *Proposed Amended Article 3*



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 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, if applicable, their children. The adult house members are to be within a program that counteracts the impacts of domestic violence and may receive 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.”

### *Proposed Amended Article 3*

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.

**Emergency 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.

**Entertainment Events.** Regulations pertaining to entertainment events, defined as a use classification by this Code, apply to the following events where they occur on a scheduled basis more than six (6) days during a calendar year on the site of any permitted or conditionally permitted use, excluding events 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, cabaret, or comedy act performed by one (1) or more persons, regardless of whether performers are compensated;
- B. A fashion show, except when conducted within an enclosed building used primarily for the manufacture or sale of clothing;
- C. Televised events.

**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.

### *Proposed Amended Article 3*

**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.

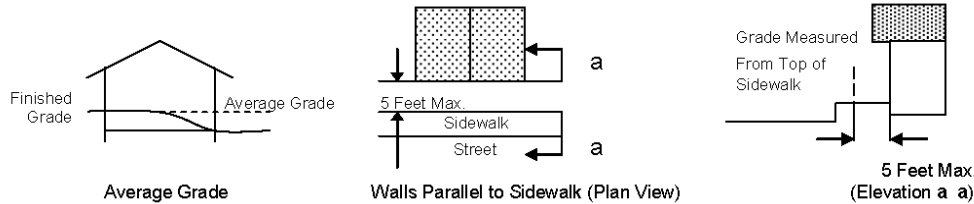
**Family.** A person or a group of persons living together and maintaining a common household. (~~See “Single Housekeeping Unit.”~~)

**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.

### *Proposed Amended Article 3*



**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 persons with disabilities ~~handicapped~~, ~~shelters for the homeless~~, and housing for 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

*Proposed Amended Article 3*

**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,~~ expenses, 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.

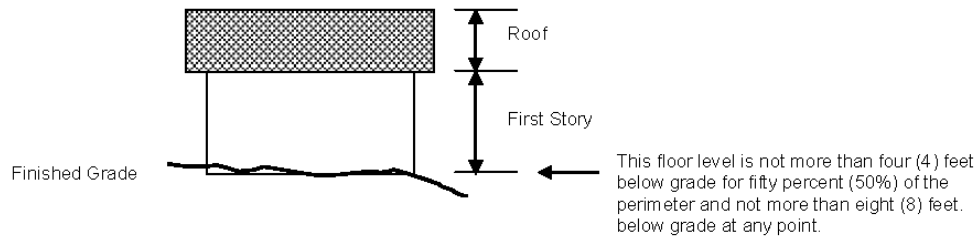
**Social Services Facility.** A use that is operated by an organization that provides a variety of free services or goods to the community on a drop-in basis. Uses usually consist of “walk-in” clientele that utilize the facilities on a limited basis during a 24-hour period.

**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.).

**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

### *Proposed Amended Article 3*

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.

**Supportive Housing. Housing with no limit on length of stay, that is occupied by the target population as defined in subdivision (f) of Section 65582 of the California Government Code and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community (See also “Target Population” definition. Under California Government Code Section 65583(a)(5), “supportive housing shall be considered a residential use of property, and shall be subject only to those restrictions that apply to other**

*Proposed Amended Article 3*

**residential dwelling units of the same type in the same zone.” See development regulations in Article 16 for supportive housing.**

**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.

**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.

**Target Population. As defined in subdivision (g) of Section 65582 of the California Government Code, persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans and homeless people.**

**Tattoo Studios.** 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.

**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 (4) times per year) commercial activity, the period of operation of which does not exceed ninety (90) days at any one (1)

### *Proposed Amended Article 3*

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.

**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.

**Transitional Housing.** **As defined in subdivision (h) of California Government Code Section 65582, buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six (6) months. Under California Government Code Section 65583(a)(5), transitional housing “shall be considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwelling units of the same type in the same zone.” See development regulations in Article 16 for transitional housing.**

**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.)

### *Proposed Amended Article 3*



**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.

**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.)

**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 Telecommunications 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.

### *Proposed Amended Article 3*

**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

*Proposed Amended Article 3*

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

## Exhibit B: Proposed Amended Article 5 (Excerpts only)

Note: **underline and bolded** text represents new text; ~~strike through~~ text represents text to be eliminated;  
Planning Commission recommendations are referenced by comment boxes for City Council review

## Article 5 R Residential Districts

### Sections:

- 2-500 Specific Purposes
- 2-502 Reserved

### Division 1. Use Regulations

- 2-504 RO District—Use Regulations
- 2-506 RS District—Use Regulations
- 2-508 RD District—Use Regulations
- 2-510 RM District—Use Regulations
- 2-512 Additional Use Restrictions: RO, RS, RD, and RM Districts
- 2-514 Home Occupation in R Districts
- 2-516 Large Family Day Care Homes
- 2-518 Residential Congregate Care Facilities
- 2-520 Maximum Dwelling Unit Occupancy
- 2-522 RO District—Animal Husbandry
- 2-524 Reserved

### Division 2. Development Regulations

- 2-526 Property Development Regulations: RO, RS, RD, and RM Districts
- 2-528 Base Density: Minimum Site Area per Unit
- 2-530 Minimum Lot Area
- 2-532 Minimum Lot Width
- 2-534 Minimum Yards
- 2-536 Maximum Height of Structures
- 2-537 Daylight Planes in R Districts
- 2-538 Maximum Lot Coverage
- 2-539 Maximum Floor Area Ratio (FAR)
- 2-540 Additional Property Development Regulations: RO, RS, RD, and RM Districts
- 2-542 R Districts—Adjustments to Minimum Yard Requirements
- 2-544 Swimming Pools, Hot Tubs and Related Equipment
- 2-546 Accessory Structures in RS, RD and RM Districts
- 2-548 RO District—Applicability of Prior Zoning Code
- 2-550 RO District—Additional Setback and Lot Coverage Requirements
- 2-552 RO District—Accessory Structures
- 2-554 RO District—Additional Dwelling Units
- 2-556 RM District—Multi-Family Dwellings, Requirements for Courts Opposite Windows
- 2-558 RM District—Multi-Family Dwellings, Requirements for Open Space
- 2-560 RM District—Multi-Family Dwellings, Requirements for Planting Areas

### *Proposed Amended Article 5*

Note: **underlined and bolded** text represents new text, ~~strike through~~ represents text to be eliminated

- 2-562 RM District—Multi-Family Dwellings, Requirements for Storage Space
- 2-564 RM District—Multi-Family Dwellings, Requirements for Exterior Materials
- 2-566 Reserved
- 2-568 Manufactured Homes in R Districts
- 2-570 Manufactured Home Parks
- 2-572 Reserved

### **Division 3. Discretionary Permits**

- 2-574 Administrative Exceptions
- 2-576 Secondary Dwelling Units
- 2-578 Residential Site Plan Review—Measure of Floor Area and General Requirements
- 2-580 RO, RS and RS-40 Districts—Residential Site Plan Review
- 2-582 RS-VP Sub-District—Residential Site Plan Review and Exceptions to Height Restrictions
- 2-584 RO and RS Districts—Overview of Residential Site Plan Review Requirements

### **2-500 Specific Purposes**

In addition to the general purposes listed in Article 1, the specific purposes of residential districts are to:

- A. Provide appropriately located areas for residential development that are consistent with the General Plan and with standards of public health and safety established by the Municipal Code.
- B. Ensure adequate light, air, privacy, and open space for each dwelling, and protect residents from the harmful effects of excessive noise, population density, traffic congestion, and other adverse environmental effects.
- C. Protect residential areas from fires, explosions, landslides, toxic fumes and substances, and other public safety hazards.
- D. Protect adjoining single-family residential districts from excessive loss of sun, light, quiet, and privacy resulting from proximity to new development.
- E. Achieve a high standard of site and building design and design compatibility with surrounding neighborhoods.
- F. Promote development of housing affordable by low- and moderate-income households by providing a density bonus for projects in which a portion of the units are affordable for such households.
- G. Provide sites for public and semipublic land uses needed to complement residential development or requiring a residential environment.

### *Proposed Amended Article 5*

H. Ensure the provision of public services and facilities needed to accommodate planned population densities.

The additional purposes of each R Residential District are:

RO Residential Outer District. To provide opportunities for additional single- and two-family dwellings on larger lots, subject to appropriate standards and to permit horticulture, animal husbandry, and small-scale truck gardening within limitations consistent with the basic residential character of the district.

RS Residential Single-Family District. To provide opportunities for single-family residential land use in neighborhoods, subject to appropriate standards. There are two sub-districts of the RS District. One, indicated by a “-40” designation, is intended for areas where the minimum front yard setback is forty (40) feet. The other, indicated by a –VP, is intended for “view preservation,” where the maximum height limit is eighteen (18) feet and all new homes and additions are subject to discretionary review to prevent unreasonable blockage of views.

RD Residential Duplex District. To provide opportunities for two-family housing at appropriate locations.

RM Residential Multi-Family District. To provide opportunities for multiple residential uses, including town houses, condominiums, multi-dwelling structures, or cluster housing with landscaped open space for residents’ use, and apartments. Single-family and duplex dwellings are permitted uses in these districts. Four (4) types of multi-family districts are established:

**RM-3000 District**, where the density is 14.5 dwellings per gross acre.

**RM-2500 District**, where the density is 17.5 dwellings per gross acre.

**RM-2000 District**, where the density is 22 dwellings per gross acre.

**RM-1800 District**, where the density is 24 dwellings per gross acre.

(Ord. 2001-015 § 1)

**2-502 Reserved** (Ord. 2001-015 § 1)

### **Division 1. Use Regulations**

## *Proposed Amended Article 5*

## 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.~~
- 3.4. Park and Recreation Facilities, Private Noncommercial.
- ~~4.5.~~ Public Safety Facilities.
- 5.6. Schools, Public or Private.
- 6.7. Telecommunications Antennas and/or Alternative Tower Structures [see Section 4-1686: Wireless Telecommunications Facilities {as per Ordinance No. 98-009}].
- 7.8. Utilities, Major.

## *Proposed Amended Article 5*

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.)

**2. Day Care, General.**

D. 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. 2014-011 § 2; 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.

*Proposed Amended Article 5*



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.~~
- 3.4. Park and Recreation Facilities, Private Noncommercial.
- ~~4.5.~~ Public Safety Facilities.
- 5.6. Schools, Public or Private.
- 6.7. Secondary Dwelling Units. (Subject to the regulations of Section 2-576: Secondary Dwelling Units.)
- 7.8. Swim and Tennis Clubs.
- 8.9. Telecommunications Antennas and/or Alternative Tower Structures [see Section 4-1686: Wireless Telecommunications Facilities (as per Ordinance No. 98-009)].
- 9.10. 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.)
2. Day Care, General.

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. 2014-011 § 2; Ord. 2007-005 § 2; Ord. 2001-015 § 1)

**2-508 RD District—Use Regulations**

A. RD District—Permitted Uses.

*Proposed Amended Article 5*

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.~~
- 3.4. Park and Recreation Facilities, Private Noncommercial.
- ~~4.5.~~ Public Safety Facilities.
- 5.6. Schools, Public or Private.
- ~~6.7.~~ Swim and Tennis Clubs.
- 7.8. Telecommunications Antennas and/or Alternative Tower Structures [see Section 4-1686: Wireless Telecommunications Facilities (as per Ordinance No. 98-009)].
- 8.9. Utilities, Major.

C. RD District—Uses Requiring Administrative Review.

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.)
2. Day Care, General.

*Proposed Amended Article 5*

D. 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. 2014-011 § 2; 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.~~
- 4**5. Group Housing.
- 5**6. Manufactured Home Parks.

*Proposed Amended Article 5*

- ~~6.7.~~ Park and Recreation Facilities, Private Noncommercial.
- ~~7.8.~~ Public Safety Facilities.
- ~~8.9.~~ Schools, Public or Private.
- ~~9.10.~~ Swim and Tennis Clubs.
- ~~10.11.~~ Telecommunication Alternative Tower Structures [see Section 4-1686: Wireless Telecommunications Facilities {as per Ordinance No. 98-009}].
- ~~11.12.~~ 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.

- ~~1.2.~~ Community Gardens. (Subject to the regulations of Section 4-1690: Community Gardens.)
- 2. Day Care, General.**
- ~~3.4.~~ Telecommunications Antennas [see Section 4-1686: Wireless Telecommunications Facilities {as per Ordinance No. 98-009}].

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. 2014-011 § 2; Ord. 2007-005 § 2; Ord. 2004-023 § 1; Ord. 2001-015 § 1)

*Proposed Amended Article 5*

## 2-514 Home Occupation in R Districts

- A. Permit Required. A home occupation in a residential use shall require a home occupation permit, obtained by filing a completed application form with the Zoning Enforcement Official. The Zoning Enforcement Official shall issue the permit upon determining that the proposed home occupation complies with the requirements of this Section.
- B. Contents of Application. An application for a home occupation permit shall contain:
1. The name, address, and telephone number of the applicant;
  2. A complete description of the proposed home occupation, including, but not limited to the number and occupation of persons employed or persons retained as independent contractors, or otherwise engaged or participating in the business, amount of floor space occupied, provisions for storage of materials, and number and type of vehicles or equipment used.
- C. Required Conditions. Home occupations shall comply with the following regulations:
1. No one other than a resident of the dwelling shall be employed on site or report to work at the site in the conduct of a home occupation. This prohibition also applies to independent contractors. ~~In addition, no persons shall come to the applicant's address in conjunction with the home occupation.~~
  2. There shall be no interior or exterior activity related to the home occupation inconsistent with or interfering with residential use of the property or detrimental to property in the vicinity.
  3. A home occupation shall be conducted entirely within a building and shall occupy no more than the lesser of five hundred (500) square feet or twenty-five percent (25%) of the floor area. No outdoor storage of materials or supplies shall be permitted in conjunction with the home occupation.
  4. The existence of a home occupation shall not be apparent beyond the boundaries of the site, and no home occupation shall involve the use of a sign.

Comment [MM1]: Per Planning Commission motion August 20, 2015

### *Proposed Amended Article 5*

## Exhibit C: Proposed Amended Article 6 (Excerpts only)

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 14<sup>th</sup> 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

## *Proposed Amended Article 6*

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.

### *Proposed Amended Article 6*



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 water-front 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 14<sup>th</sup> Street between Davis Street and Castro Street. Ground floor retail is required on parcels fronting on East 14<sup>th</sup> 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 14<sup>th</sup> 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.

### *Proposed Amended Article 6*

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

### *Proposed Amended Article 6*

permitted at appropriate 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 14<sup>th</sup> 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 14<sup>th</sup> 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 14<sup>th</sup> 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 10:00 p.m. and 7:00 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, when in conjunction with a permitted use.
2. Animal Grooming.
3. Animal Sales.
4. Brewpubs.
5. Business Services.
6. Cafés.
7. Catering Services.

### *Proposed Amended Article 6*

8. Day Care, Limited.
9. Financial Institutions, Retail.
10. Maintenance and Repair Services.
11. Medical Supply Stores.
12. Neighborhood/Specialty Food Markets.
13. Nurseries.
14. Offices, Business and Professional.
15. Park and Recreation Facilities.
16. Pharmacies.
17. Restaurants, Full-Service.
18. Retail Sales.
19. Retail Services.
20. 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.~~
- 6.7. Drugstores.
- 7.8. 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.)
- 8.9. Farmers' Market.
- ~~9.10.~~ Furniture, Electronics, and Appliance Sales.
- ~~10.11.~~ Government Offices.
- ~~11.12.~~ Home Improvement and Interior Decoration.
- ~~12.13.~~ Massage Therapy.
- ~~13.14.~~ Mixed-Use Residential.
- ~~14.15.~~ Multi-Family Residential.
- ~~15.16.~~ Public Safety Facilities.
- ~~16.17.~~ Service Stations.

*Proposed Amended Article 6*

- ~~17.18.~~ Supermarkets.
- ~~18.19.~~ Telecommunications, New Monopoles and Towers. (Subject to the regulations of Section 4-1686: Wireless Telecommunications Facilities.)
- ~~19.20.~~ Theaters.
- ~~20.21.~~ Theaters, Small Scale.
- ~~21.22.~~ Two-Family Residential.
- ~~22.23.~~ 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 by the Zoning Enforcement Official, as per the requirements of Article 21.

- 1. Automatic Teller Machines.
- 2. Community Gardens.
- 3. Day Care, General.**
- ~~4.3.~~ Fast Food Establishments, Small Scale.
- ~~5.4.~~ Health and Fitness Centers.
- ~~6.5.~~ Instruction and Improvement Services.
- ~~7.6.~~ Parking Lot.
- ~~8.7.~~ Recycling Facilities, Bulk Reverse Vending Machines. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- ~~9.8.~~ Recycling Facilities, Single-Feed Reverse Vending Machines. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- ~~10.9.~~ Recycling Facilities, Small Collection. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- ~~11.10.~~ Telecommunications, Architecturally-Integrated Antennas and/or Co-Locations on Existing Tower Structures. (Subject to the regulations of Section 4-1686: Wireless Telecommunications Facilities.)

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. 2014-011 § 2; Ord. 2004-004 § 3; Ord. 2001-015 § 1)

*Proposed Amended Article 6*

## 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, 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. Animal Sales.
6. Artists' Studios.
7. Automobile Washing, Attended.
8. Brewpubs.
9. Business Services.
10. Business and Trade Schools.
11. Cafés.
12. Catering Services.
13. Communication Facilities.
14. Drugstores.
15. 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. Financial Institutions, Retail.
17. Furniture, Electronics, and Appliance Sales.
18. Health and Fitness Centers.
19. Home Improvement and Interior Decoration.
20. Instruction and Improvement Services.
21. Maintenance and Repair Services.
22. Medical Supply Stores.
23. Neighborhood/Specialty Food Markets.
24. Nurseries.
25. Offices, Business and Professional.
26. Pharmacies.
27. Restaurants, Full-Service.
28. Retail Sales.
29. Retail Services.

### *Proposed Amended Article 6*

30. Telecommunications, Architecturally-Integrated Antennas and/or Co-Locations on Existing Tower Structures. (Subject to the regulations of Section 4-1686: Wireless Telecommunications Facilities.)
31. Theaters, Small Scale.
32. Travel Services.
33. 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. Billiard Parlors.
9. Bingo Parlors.
10. Building Materials and Services.
11. Coin-Operated Laundry Businesses.
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.

*Proposed Amended Article 6*

16. Dance Clubs.
- ~~17.~~ ~~Day Care, General.~~
- ~~17.~~**18.** Department Stores.
- ~~18.~~**19.** Drive-Up Facilities.
- ~~19.~~**20.** Emergency Health Care.
- ~~20.~~**21.** 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.)
- ~~21.~~**22.** Farmers' Market.
- ~~22.~~**23.** Fast Food Establishments, Large Scale.
- ~~23.~~**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.)
- ~~24.~~**25.** Fortune-Telling Establishments.
- ~~25.~~**26.** Game Centers.
- ~~26.~~**27.** Government Offices.
- ~~27.~~**28.** Gun or Weapon Shop.
- ~~28.~~**29.** Hospitals.
- ~~29.~~**30.** Hotels, Motels, and Time-Share Facilities.
- ~~30.~~**31.** 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.)
- ~~31.~~**32.** Massage Therapy.
- ~~32.~~**33.** Medical Marijuana Dispensary. (A medical marijuana dispensary shall not be located within one thousand (1,000) feet of a public or private school, public library, youth center [serving youth ages eighteen (18) and under], parks and recreation facilities, facilities for religious worship and incidental religious education, or another dispensary; and shall not be located within five hundred (500) feet from a residential zone. A dispensary may be open only between the hours of 9:00 a.m. to 7:00 p.m., Monday through Sunday and are further subject to performance standards in the San Leandro Municipal Code.)
- ~~33.~~**34.** Mixed-Use Residential.
- ~~34.~~**35.** Multi-Family Residential.

### *Proposed Amended Article 6*



- ~~35.36.~~ Park and Recreation Facilities.
- ~~36.37.~~ Pawn Shop.
- ~~37.38.~~ Public Safety Facilities.
- ~~38.39.~~ Retail Sales, Big Box.
- ~~39.40.~~ Secondhand Sales.
- ~~40.41.~~ Service Stations.
- ~~41.42.~~ Supermarkets.
- ~~42.43.~~ Telecommunications, New Monopoles and Towers. (Subject to the regulations of Section 4-1686: Wireless Telecommunications Facilities.)
- ~~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.~~ Two-Family Residential.
- ~~46.47.~~ Utilities, Major.
- ~~47.48.~~ Vehicle/Equipment Repair, Limited.
- ~~48.49.~~ Vehicle/Equipment Repair, General.
- ~~49.50.~~ Vehicle/Heavy Equipment Dealers, New.
- ~~50.51.~~ Vehicle/Heavy Equipment Dealers, Used.
- ~~51.52.~~ 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 by the Zoning Enforcement Official, as per the requirements of Article 21.

1. Automatic Teller Machines.
2. Automobile Parts Sales.
3. Community Gardens.
- 4. Day Care, General.**
- ~~5.4.~~ 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.)
- ~~6.5.~~ Mobile Food Vending. (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.)
- ~~7.6.~~ Parking Lot.

*Proposed Amended Article 6*

- ~~8.7.~~ Recycling Facilities, Bulk Reverse Vending Machine. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- ~~9.8.~~ Recycling Facilities, Single-Feed Reverse Vending Machine. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- ~~10.9.~~ Recycling Facilities, Small Collection. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- ~~11.10.~~ Recycling Facilities, Large Collection. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- ~~12.11.~~ 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. 2014-011 § 2; Ord. 2014-003 § 3; 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, when in conjunction with a permitted use.
2. Animal Boarding.
3. Animal Grooming.
4. Animal Hospitals.
5. Automobile Washing, Attended.
6. Brewpubs.

*Proposed Amended Article 6*

7. Building Materials and Services.
8. Business Services.
9. Business and Trade Schools.
10. Cafés.
11. Equipment Sales.
12. Fast Food Establishments, Small Scale.
13. Furniture, Electronics, and Appliance Sales.
14. Health and Fitness Centers.
15. Home Improvement and Interior Decoration.
16. Instruction and Improvement Services.
17. Maintenance and Repair Services.
18. Medical Supply Stores.
19. Restaurants, Full-Service.
20. Retail Sales, Big Box.
21. Telecommunications, Architecturally-Integrated Antennas and/or Co-Locations on Existing Tower Structures. (Subject to the regulations of Section 4-1686: Wireless Telecommunications Facilities.)
22. Utilities, Minor.
23. 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, 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. Service Stations.
14. Telecommunications, New Monopoles and Towers. (Subject to the regulations of Section 4-1686: Wireless Telecommunications Facilities.)

*Proposed Amended Article 6*

15. Utilities, Major.
16. Vehicle/Equipment Repair, General.
17. Vehicle/Heavy Equipment Dealers, New.
18. Vehicle/Heavy Equipment Dealers, Used.
19. Vehicle/Heavy Equipment Rentals.
20. Vehicle Storage.
21. Warehouse—Storage and Shipping Facilities.
22. 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 by the Zoning Enforcement Official, as per the requirements of Article 21.

1. 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.)
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.)
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. 2014-011 § 2; Ord. 2007-020 § 2; Ord. 2004-004 § 3; Ord. 2001-015 § 1)

*Proposed Amended Article 6*

## 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, when in conjunction with a permitted use.
2. Brewpubs.
3. Cafés.
4. Commercial Recreation. (Arcades and game centers prohibited.)
5. Fast Food Establishments, Small Scale.
6. Health and Fitness Centers.
7. Instruction and Improvement Services.
8. Marine Sales and Service.
9. Neighborhood/Specialty Food Markets.
10. Park and Recreation Facilities.
11. Restaurants, Full-Service.
12. Retail Sales.
13. Telecommunications, Architecturally-Integrated Antennas and/or Co-Locations on Existing Tower Structures. (Subject to the regulations of Section 4-1686: Wireless Telecommunications Facilities.)
14. Theaters, Small Scale.
15. Travel Services.
16. 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.~~
- 6.7. 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.)
- ~~7.8.~~ Farmers' Market.

### *Proposed Amended Article 6*

- ~~8.9.~~ Fast Food Establishments, Large Scale.
- ~~9.10.~~ Hotels, Motels, and Time-Share Facilities.
- ~~10.11.~~ Marinas.
- ~~11.12.~~ Massage Therapy.
- ~~12.13.~~ Public Safety Facilities.
- ~~13.14.~~ Restaurants, Fast Food.
- ~~14.15.~~ Stadia and Sports Arenas.
- ~~15.16.~~ Telecommunications, New Monopoles and Towers. (Subject to the regulations of Section 4-1686: Wireless Telecommunications Facilities.)
- ~~16.17.~~ Theaters.
- ~~17.18.~~ Theaters, Outdoor.
- ~~18.19.~~ 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 by the Zoning Enforcement Official, as per the requirements of Article 21.

- 1. Automatic Teller Machines.
- 2. Community Gardens.
- 3. Day Care, General.**
- ~~4.3.~~ 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.)
- ~~5.4.~~ Parking Lot.
- ~~6.5.~~ Recycling Facilities, Single-Feed Reverse Vending Machine. (Subject to the regulations of Section 4-1646: Recycling Facilities.)

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. 2014-011 § 2; Ord. 2004-004 § 3; Ord. 2003-006 § 3; Ord. 2001-015 § 1)

**2-616 C-RM District—Use Regulations**

- A. 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

*Proposed Amended Article 6*

uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses, other than entertainment events, when in conjunction with a permitted use.
2. Animal Grooming.
3. Artist's Studios.
4. 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. Business Services.
7. Cafés.
8. Commercial Parking Facility.
9. Commercial Recreation.
10. Day Care, General.
11. Department Stores.
12. Drugstores.
13. Fast Food Establishments, Small Scale.
14. Financial Institutions, Retail.
15. Furniture, Electronics, and Appliance Sales.
16. Government Offices.
17. Health and Fitness Centers.
18. Home Improvement and Interior Decoration.
19. Instruction and Improvement Services.
20. Medical Supply Stores.
21. 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. Neighborhood/Specialty Food Markets.
23. Offices, Business and Professional.
24. Pharmacies.
25. Restaurants, Full-Service.
26. Retail Sales.
27. Retail Services.
28. Supermarkets.
29. Telecommunications, Architecturally-Integrated Antennas and/or Co-Locations on Existing Tower Structures. (Subject to the regulations of Section 4-1686: Wireless Telecommunications Facilities.)
30. Theaters, Small Scale.
31. Travel Services.
32. Utilities, Minor.
33. Vehicle/Equipment Repair, Limited.

### *Proposed Amended Article 6*

B. 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. Business and Trade Schools.
6. Commercial Recreation.
7. Communications Facilities.
8. Cultural Institutions.
9. 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. Farmers' Market.
13. Fast Food Establishments, Large Scale.
14. Hotels, Motels, and Time-Share Facilities.
15. Liquor Stores.
16. Maintenance and Repair Services.
17. Massage Therapy.
18. Mixed Use Residential.
19. Multi-Family Residential.
20. Retail Sales, Big Box.
21. Telecommunications, New Monopoles and Towers. (Subject to the regulations of Section 4-1686: Wireless Telecommunications Facilities.)
22. Theaters.
23. Two-Family Residential.
24. Utilities, Major.
25. Vehicle/Heavy Equipment Rentals.

C. 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 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.

*Proposed Amended Article 6*



5. Community Gardens.
6. Game Centers.
7. Nurseries.
8. Parking Lot.
9. Recycling Facilities, Single-Feed Reverse Vending Machine. (Subject to the regulations of Section 4-1646: Recycling Facilities.)

D. 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. 2014-011 § 2; 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, when in conjunction with a permitted use.
2. Brewpubs.
3. Business Services.
4. Cafés.
5. Financial Institutions, Retail.
6. Medical Supply Stores.
7. Neighborhood/Specialty Food Markets.
8. Offices, Business and Professional.
9. Pharmacies.
10. Restaurants, Full-Service.
11. Retail Services.
12. Travel Services.
13. Utilities, Minor.

*Proposed Amended Article 6*

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.~~
- 6.7. Emergency Health Care.
- ~~7.8.~~ Farmers' Market.
- ~~8.9.~~ Group Housing.
- ~~9.10.~~ Health and Fitness Centers.
- ~~10.11.~~ Hospitals.
- ~~11.12.~~ Laboratories.
- ~~12.13.~~ Massage Therapy.
- ~~13.14.~~ Mortuaries.
- ~~14.15.~~ Public Safety Facilities.
- ~~15.16.~~ Schools, Public or Private.
- ~~16.17.~~ Telecommunications, New Monopoles and Towers. (Subject to the regulations of Section 4-1686: Wireless Telecommunications Facilities.)
- ~~17.18.~~ 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 by the Zoning Enforcement Official, as per the requirements of Article 21.

1. Automatic Teller Machines.
2. **Day Care, General.**
- ~~3.2.~~ Parking Lot.
- ~~4.3.~~ Recycling Facilities, Single-Feed Reverse Vending Machine (subject to the regulations of Section 4-1646: Recycling Facilities).
- ~~5.4.~~ Telecommunications, Architecturally-Integrated Antennas and/or Co-Locations on Existing Tower Structures. (Subject to the regulations of Section 4-1686: Wireless Telecommunications Facilities.)

*Proposed Amended Article 6*

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. 2014-011 § 2; 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, when in conjunction with a permitted use.
2. Brewpubs.
3. Business Services.
4. Cafés.
5. Financial Institutions, Retail.
6. Medical Supply Stores.
7. Neighborhood/Specialty Food Markets.
8. Offices, Business and Professional.
9. Pharmacies.
10. Restaurants, Full-Service.
11. Retail Services.
12. Travel Services.
13. 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.

*Proposed Amended Article 6*

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. (Subject to the regulations of Section 4-1686: Wireless Telecommunications Facilities.)
14. Two-Family Residential.
15. Utilities, Major.

C. PHD District—Uses Requiring Administrative Review.

The following uses are allowed in the PHD District, subject to the approval of an Administrative Review 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 Co-Locations on Existing Tower Structures. (Subject to the regulations of Section 4-1686: Wireless Telecommunications Facilities.)

D. PHD District—Temporary Uses Requiring Administrative Review.

The following temporary uses are allowed in the PHD 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. 2014-011 § 2; 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.)

*Proposed Amended Article 6*

1. Accessory uses, other than entertainment events, when in conjunction with a permitted use.
2. Brewpubs.
3. Business Services.
4. Cafés.
5. Financial Institutions, Retail.
6. Furniture, Electronics, and Appliance Sales.
7. Health and Fitness Centers.
8. Instruction and Improvement Services.
9. Maintenance and Repair Services.
10. Medical Supply Stores.
11. Neighborhood/Specialty Food Markets.
12. Offices, Business and Professional.
13. Pharmacies.
14. Restaurants, Full-Service.
15. Retail Sales.
16. Retail Services.
17. Travel Services.
18. 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. (Entertainment events, 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. (Subject to the regulations of Section 4-1686: Wireless Telecommunications Facilities.)
12. Theaters.
13. Theaters, Small Scale.
14. Two-Family Residential.
15. Utilities, Major.

*Proposed Amended Article 6*

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 by the Zoning Enforcement Official, as per the requirements of Article 21.

1. Automatic Teller Machines.
2. Community Gardens.
3. 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.)
4. Parking Lot.
5. Recycling Facilities, Bulk Reverse Vending Machine. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
6. Recycling Facilities, Single-Feed Reverse Vending Machine. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
7. Telecommunications, Architecturally-Integrated Antennas and/or Co-Locations on Existing Tower Structures. (Subject to the regulations of Section 4-1686: Wireless Telecommunications Facilities.)

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. 2014-011 § 2; 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, when in conjunction with a permitted use.

*Proposed Amended Article 6*

2. Artist's Studios.
3. Brewpubs.
4. Business Services.
5. Cafés.
6. Financial Institutions, Retail.
7. Furniture, Electronics and Appliance Sales.
8. Health and Fitness Centers.
9. Instruction and Improvement Services.
10. Maintenance and Repair Services.
11. Medical Supply Stores.
12. Neighborhood/Specialty Food Markets.
13. Offices, Business and Professional.
14. Pharmacies.
15. Restaurants, Full-Service.
16. Retail Sales.
17. Retail Services.
18. Travel Services.
19. Two-Family Residential.
20. 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. (Entertainment events, 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. (Subject to the regulations of Section 4-1686: Wireless Telecommunications Facilities.)
13. Theaters.
14. Theaters, Small Scale.
15. Utilities, Major.

*Proposed Amended Article 6*

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 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. 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. Parking Lot.
6. Recycling Facilities, Bulk Reverse Vending Machine. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
7. Recycling Facilities, Single-Feed Reverse Vending Machine. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
8. Telecommunications, Architecturally-Integrated Antennas and/or Co-Locations on Existing Tower Structures. (Subject to the regulations of Section 4-1686: Wireless Telecommunications Facilities.)

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. 2014-011 § 2; 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 14<sup>th</sup> Street South Area Development Strategy.

The South Area 1, 2, and 3 zoning districts have been created to implement the East 14<sup>th</sup> Street Development Strategy (Development Strategy). The Development Strategy identifies five (5) activity areas. The zoning for these activity areas are as follows:

*Proposed Amended Article 6*



<b>Development Strategy District Name</b>	<b>Corresponding Zoning District</b>
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, when in conjunction with a permitted use.
2. Animal Sales.
3. Artists' Studios.
4. Brewpubs.
5. Business and Trade Schools.
6. Business Services.
7. Cafés.
8. Communications Facilities.
9. Financial Institutions, Retail.
10. Government Offices.
11. Health and Fitness Centers.
12. Instruction and Improvement Services.
13. Medical Supply Stores.
14. Neighborhood/Specialty Food Markets.
15. Offices, Business and Professional.
16. Pharmacies.
17. Restaurants, Full-Service.
18. Retail Sales.
19. Retail Services.
20. Travel Services.
21. Utilities, Minor.

## *Proposed Amended Article 6*

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, 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.
- ~~13. Day Care, General.~~
- 13.14.** Department Store.
- ~~14.15.~~ Drive-Up Facility.
- ~~15.16.~~ Emergency Health Care.
- ~~16.17.~~ 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.)
- ~~17.18.~~ Farmers' Market.
- ~~18.19.~~ Fast Food Establishments, Large Scale.
- ~~19.20.~~ 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,

*Proposed Amended Article 6*

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.)

- ~~20.21.~~ Fortunetelling Establishments.
- ~~21.22.~~ Furniture, Electronic and Appliance Sales.
- ~~22.23.~~ Game Centers.
- ~~23.24.~~ Group Housing.
- ~~24.25.~~ Home Improvement and Interior Decoration.
- ~~25.26.~~ Hospitals.
- ~~26.27.~~ Hotels, Motels, and Time-Share Facilities.
- ~~27.28.~~ Laboratories.
- ~~28.29.~~ Maintenance and Repair Services.
- ~~29.30.~~ Multi-Family Residential. (For sites twenty-five thousand (25,000) square feet or larger, and on ground floor next to East 14<sup>th</sup> Street.)
- ~~30.31.~~ Massage Therapy.
- ~~31.32.~~ Park and Recreation Facilities.
- ~~32.33.~~ Parking Lot.
- ~~33.34.~~ Public Safety Facilities.
- ~~34.35.~~ Residential Hotels.
- ~~35.36.~~ Schools, Public or Private.
- ~~36.37.~~ Secondhand Sales.
- ~~37.38.~~ Social Service Facilities.
- ~~38.39.~~ Telecommunications, New Monopoles and Towers. (Subject to the regulations of Section 4-1686: Wireless Telecommunications Facilities.)
- ~~39.40.~~ Theaters.
- ~~40.41.~~ 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.)
- ~~41.42.~~ Utilities, Major.
- ~~42.43.~~ 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 by the Zoning Enforcement Official, as per the requirements of Article 21.

1. Automatic Teller Machine.

*Proposed Amended Article 6*

2. Catering Services.
3. Community Gardens.
- 4. Day Care, General.**
- ~~5.4.~~ Drugstores.
- ~~6.5.~~ Fast Food Establishment, Small Scale.
- ~~7.6.~~ Live-Work.
- ~~8.7.~~ Mixed-Use Residential.
- ~~9.8.~~ Multi-Family Residential (for sites twenty-five thousand (25,000) square feet or less).
- ~~10.9.~~ Recycling Facilities, Bulk Reverse Vending Machine. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- ~~11.10.~~ Recycling Facilities, Single-Feed Reverse Vending Machine. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- ~~12.11.~~ Recycling Facilities, Small Collection. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- ~~13.12.~~ Recycling Facilities, Large Collection. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- ~~14.13.~~ Supermarkets.
- ~~15.14.~~ Telecommunications, Architecturally-Integrated Antennas and/or Co-Locations on Existing Tower Structures. (Subject to the regulations of Section 4-1686: Wireless Telecommunications Facilities.)
- ~~16.15.~~ Theaters, Small Scale.
- ~~17.16.~~ 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. 2014-011 § 2; 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.)

*Proposed Amended Article 6*

1. Accessory uses, other than entertainment events, when in conjunction with a permitted use.
2. Live-Work.
3. Mixed-Use Residential.
4. 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, 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.~~
- 9.11.** Drugstore. (Single tenants, ten thousand (10,000) square feet in size or less, only.)
- 10.12.** 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.)
- 11.13.** Fast Food Establishment, Small Scale.
- 12.14.** Financial Institution, Retail.

*Proposed Amended Article 6*

- ~~13.15.~~ Fortunetelling Establishments.
- ~~14.16.~~ Furniture, Electronic and Appliance Sales. (Single tenants ten thousand (10,000) square feet in size or less, only.)
- ~~15.17.~~ Group Housing.
- ~~16.18.~~ Home Improvement and Interior Decoration. (Single tenants ten thousand (10,000) square feet in size or less, only.)
- ~~17.19.~~ Library.
- ~~18.20.~~ Maintenance and Repair Services.
- ~~19.21.~~ Massage Therapy.
- ~~20.22.~~ Medical Supply Stores.
- ~~21.23.~~ Park and Recreation Facilities.
- ~~22.24.~~ Pharmacies. (Single tenants ten thousand (10,000) square feet in size or less, only.)
- ~~23.25.~~ Public Safety Facilities.
- ~~24.26.~~ 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.)
- ~~25.27.~~ Retail Services.
- ~~26.28.~~ Schools, Public or Private.
- ~~27.29.~~ Social Service Facilities.
- ~~28.30.~~ Theaters, Small Scale.

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 by the Zoning Enforcement Official, as per the requirements of Article 21.

- 1. Artists' Studios.
- 2. Automatic Teller Machine.
- 3. Brewpubs.
- 4. Business Services.
- 5. 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. Day Care, General.**
- 8. Day Care, Limited.**
- ~~9.7.~~ Government Offices.
- ~~10.8.~~ Health and Fitness Centers.
- ~~11.9.~~ Instruction and Improvement Services.
- ~~12.10.~~ Neighborhood/Specialty Food Markets.
- ~~13.11.~~ Offices, Business and Professional.

*Proposed Amended Article 6*

- ~~14.12.~~ Recycling Facilities, Bulk Reverse Vending Machine. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- ~~15.13.~~ Recycling Facilities, Single-Feed Reverse Vending Machines. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- ~~16.14.~~ Recycling Facilities, Small Collection. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- ~~17.15.~~ Recycling Facilities, Large Collection. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- ~~18.16.~~ Restaurants, Full-Service.
- ~~19.17.~~ Retail Sales. (Single tenants over ten thousand (10,000) square feet in size require approval of a conditional use permit.)
- ~~20.18.~~ Supermarkets.
- ~~21.19.~~ Telecommunications, Architecturally-Integrated Antennas and/or Co-Locations on Existing Tower Structures. (Subject to the regulations of Section 4-1686: Wireless Telecommunications Facilities.)
- ~~22.20.~~ Travel Services.
- ~~23.21.~~ 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. 2014-011 § 2; 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, when in conjunction with a permitted use.

*Proposed Amended Article 6*

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. Animal Sales.
5. Artists' Studios.
6. Brewpubs.
7. Business and Trade Schools.
8. Business Services.
9. Cafés.
10. Catering Services.
11. Communications Facilities.
12. 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. Financial Institutions, Retail.
14. Furniture, Electronic and Appliance Sales.
15. Government Offices.
16. Health and Fitness Centers.
17. Home Improvement and Interior Decoration.
18. Instruction and Improvement Services.
19. Medical Supply Stores.
20. Neighborhood/Specialty Food Markets.
21. Offices, Business and Professional.
22. Pharmacies.
23. Restaurants, Full Service.
24. Retail Sales.
25. Retail Services.
26. Supermarkets.
27. Travel Services.
28. 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.

*Proposed Amended Article 6*



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, 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.
17. Department Store.
18. Drive-Up Facility.
19. Emergency Health Care.
20. 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.)

*Proposed Amended Article 6*

21. Farmers' Market.
22. Fast Food Establishments, Large Scale.
23. 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. Fortunetelling Establishments.
25. Game Centers.
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. Telecommunications, New Monopoles and Towers. (Subject to the regulations of Section 4-1686: Wireless Telecommunications Facilities.)
43. Theaters.
44. 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

### *Proposed Amended Article 6*

approval of a conditional use permit, with a finding that the extended hours would not have an adverse effect on neighboring uses.)

45. Utilities, Major.
46. Vehicle/Equipment Repair, Limited.
47. Vehicle/Heavy Equipment Dealers, New.
48. Vehicle/Heavy Equipment Dealers, Used.
49. Vehicle/Heavy Equipment Rental.

C. SA-3 District—Uses Requiring Administrative Review.

The following uses are allowed in the SA-3 District, subject to the approval of an Administrative Review by the Zoning Enforcement Official, as per the requirements of Article 21.

1. Automatic Teller Machine.
2. Community Gardens.
3. Drugstores.
4. Laboratories.
5. Parking Lot.
6. Recycling Facilities, Bulk Reverse Vending Machine. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
7. Recycling Facilities, Single-Feed Reverse Vending Machine. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
8. 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 Co-Locations on Existing Tower Structures. (Subject to the regulations of Section 4-1686: Wireless Telecommunications Facilities.)
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-3 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. 2014-011 § 2; Ord. 2004-009 § 1; Ord. 2004-007 § 3)

*Proposed Amended Article 6*

**2-634 DA Districts—Application of DA Zoning Districts to the Downtown Area**

A. Relationship to the Downtown San Leandro Transit-Oriented Development Strategy.

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:

<b>TOD Development Strategy District Areas</b>	<b>Corresponding Zoning District</b>
Retail Mixed-Use (East 14 <sup>th</sup> 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, when in conjunction with a permitted use.
2. Animal Grooming. (Indoor only)
3. Animal Sales.
4. Artists’ Studios.
5. Brewpubs.
6. Business Services.
7. Cafés.
8. Catering Services.
9. Communication Facilities.
10. Department Stores. (Single tenants 10,000 s.f. in size or less only.)
11. Drugstores. (Single tenants 10,000 s.f. in size or less only.)
12. Financial Institutions, Retail.
13. Furniture, Electronic, and Appliance Sales. (Single tenants 10,000 s.f. in size or less only.)
14. Government Offices.
15. Health and Fitness Centers.

*Proposed Amended Article 6*

16. Home Improvement and Interior Decoration. (Single tenants 10,000 s.f. in size or less only.)
17. Instruction and Improvement Services.
18. Medical Supply Stores.
19. Mixed-Use Residential. (With residential on upper floors only.)
  - a. Retail uses required on ground floor on parcels fronting on East 14<sup>th</sup> 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. Neighborhood/Specialty Food Markets. (Single tenants 10,000 s.f. in size or less only.)
21. Offices, Business and Professional.
22. Pharmacies. (Single tenants 10,000 s.f. in size or less only.)
23. Pre-Existing Residential Uses. (These residential uses shall be allowed to remain and shall not be considered nonconforming.)
24. Residential Uses Without Mixed Use Component allowed on Parcels Not Fronting on East 14<sup>th</sup> Street or Washington Avenue Corridors.
25. Restaurants, Full-Service.
26. Retail Sales. (Single tenants, 10,000 s.f. in size or less only.)
27. Retail Services.
28. Theaters, Small Scale.
29. Travel Services.
30. 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. Coin-Operated Laundry Businesses.

*Proposed Amended Article 6*

6. Commercial Parking Facility.
7. Commercial Recreation.
8. Cultural Institutions.
9. Dance Clubs.
- ~~10. Day Care, General.~~
- 10.11.** Department Stores. (Single tenants greater than 10,000 s.f. in size.)
- 11.12.** Drive-Up Facilities.
- 12.13.** Drugstores. (Single tenants greater than 10,000 s.f. in size.)
- 13.14.** Emergency Health Care.
- 14.15.** 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.)
- 15.16.** Farmer's Market.
- 16.17.** Fast Food Establishments, Large Scale. (Fast food establishments are not permitted on parcels fronting East 14<sup>th</sup> Street.)
- 17.18.** Furniture, Electronic, and Appliance Sales. (Single tenants greater than 10,000 s.f. in size.)
- 18.19.** Game Centers.
- 19.20.** Home Improvement and Interior Decoration. (Single tenants greater than 10,000 s.f. in size.)
- 20.21.** Hotels, Motels and Time-Share Facilities.
- 21.22.** Massage Therapy.
- 22.23.** 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.)
- 23.24.** Neighborhood Specialty Food Markets. (Single tenants greater than 10,000 s.f. in size.)
- 24.25.** Pharmacies. (Single tenants greater than 10,000 s.f. in size.)
- 25.26.** Public Safety Facilities.
- 26.27.** Retail Sales. (Single tenants greater than 10,000 s.f. in size.)
- 27.28.** Secondhand Sales.
- 28.29.** Service Stations.
- 29.30.** Supermarkets. (Single tenants greater than 10,000 s.f. in size.)
- 30.31.** Telecommunications, New Monopoles and Towers. (Subject to Section 4-1686: Wireless Telecommunications Facilities.)
- 31.32.** 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 by the Zoning Enforcement Official, as per the requirements of Article 21.

1. Automatic Teller Machines.

*Proposed Amended Article 6*

2. Business and Trade Schools.
3. Community Gardens.
- 4. Day Care, General.**
- ~~5.4.~~ Fast Food Establishments, Small Scale.
- ~~6.5.~~ Maintenance and Repair Services.
- ~~7.6.~~ Parking Lot.
- ~~8.7.~~ Recycling Facilities, Single-Feed Reverse Vending Machine. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- ~~9.8.~~ Supermarkets. (Single tenants 10,000 s.f. in size or less only.)
- ~~10.9.~~ Telecommunications, Architecturally-Integrated Antennas and/or Co-Locations on Existing Tower Structures. (Subject to the regulations of 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. 2014-011 § 2; 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, when in conjunction with a permitted use.
2. Animal Grooming (Indoor only.)
3. Artists' Studios.
4. Brewpubs.
5. Business Services.
6. Cafés.
7. Day Care, Large Family. (Subject to the regulations of Section 2-516: Large Family Day Care Homes, for pre-existing residential uses only.)
8. Financial Institutions, Retail.
9. Furniture, Electronics, and Appliance Stores.

*Proposed Amended Article 6*

10. Health and Fitness Centers.
11. Instruction and Improvement Services.
12. Medical Supply Stores.
13. 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. 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. Neighborhood/Specialty Food Markets.
16. Offices, Business and Professional.
17. Pharmacies. (Single tenants 10,000 s.f. in size or less only.)
18. Pre-Existing Residential Uses. (These residential uses shall be allowed to remain and shall not be considered nonconforming.)
19. Residential Congregate Care Facilities. (Subject to the regulations of Section 2-518: Residential Congregate Care Facilities.)
20. Residential Congregate Care Facilities, Limited.
21. Restaurants, Full-Service.
22. Retail Sales. (Single tenants 10,000 s.f. in size or less only.)
23. Retail Services.
24. Travel Services.
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.~~
- 10.11.** Drugstores.

*Proposed Amended Article 6*



- ~~11.12.~~ Emergency Health Care.
- ~~12.13.~~ 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.)
- ~~13.14.~~ Farmers' Market.
- ~~14.15.~~ Group Housing.
- ~~15.16.~~ Health and Fitness Centers.
- ~~16.17.~~ Home Improvement and Interior Decoration.
- ~~17.18.~~ Hospitals.
- 18. Industry, Custom.**
- 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. (Subject to the regulations of Section 4-1686: Wireless Telecommunications Facilities.)
- 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 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. Day Care, General.**
- ~~5.4.~~ Fast Food Establishments, Small Scale.
- ~~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.~~ Telecommunications, Architecturally-Integrated Antennas and/or Co-Locations on Existing Tower Structures. (Subject to the regulations of Section 4-1686: Wireless Telecommunications Facilities.)

D. DA-2 District—Temporary Uses Requiring Administrative Review.

The following temporary uses are allowed in the DA-2 District, subject to the regulations of Section 5-2222: Temporary Use Permits.

*Proposed Amended Article 6*

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. 2014-011 § 2; 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. Cafés.
4. Day Care, Large Family. (Subject to the regulations of Section 2-516: Large Family Day Care Homes, for pre-existing residential uses only.)
5. Day Care, Limited. (For pre-existing residential uses only.)
6. 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. 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. Park and Recreation Facilities, Public.
9. Pre-Existing Residential Uses. (These 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 Subsections B.17 and B.21 below.)
10. Residential Congregate Care Facilities. (Subject to the regulations of Section 2-518: Residential Congregate Care Facilities.)
11. Residential Congregate Care Facilities, Limited.
12. Utilities, Minor.

## *Proposed Amended Article 6*

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. Assembly Uses.
3. Bed and Breakfast Inns.
4. Brewpubs.
5. Cultural Institutions.
- ~~6.~~ ~~Day Care, General.~~
- ~~6.~~~~7.~~ **Fast Food Establishments, Small Scale.**
- ~~7.~~~~8.~~ Group Housing.
- 8. Home Improvement and Interior Decoration.**
- 9. Industry, Custom.**
- ~~10.~~~~9.~~ Manufactured Home Parks.
- ~~11.~~~~10.~~ 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.)
- ~~12.~~~~11.~~ Neighborhood/Specialty Food Markets. (Single tenants 10,000 square feet in size or less only.)
- ~~13.~~~~12.~~ Park and Recreation Facilities, Private Noncommercial.
- ~~14.~~~~13.~~ Public Safety Facilities.
- ~~15.~~~~14.~~ Restaurants, Full-Service.
- ~~16.~~~~15.~~ Retail Sales.
- ~~17.~~~~16.~~ Retail Services.
- ~~18.~~~~17.~~ Single-Family Residential.
- ~~19.~~~~18.~~ Schools, Public or Private.
- ~~20.~~~~19.~~ Telecommunications, Co-Locations on Existing Tower Structures. (Subject to the regulations of Section 4-1686: Wireless Telecommunications Facilities.)
- ~~21.~~~~20.~~ Travel Services.
- ~~22.~~~~21.~~ Two-Family Residential.
- ~~23.~~~~22.~~ 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 by the Zoning Enforcement Official, as per the requirements of Article 21.

*Proposed Amended Article 6*

1. Artist's Studios.
2. Business and Trade Schools.
3. Community Gardens.
- 4. Day Care, General.**
- ~~5~~.4. Health and Fitness Centers.
- ~~6~~.5. Instruction and Improvement Services.
- ~~7~~.6. Offices, Business and Professional.
- ~~8~~.7. Telecommunications, Architecturally-Integrated Antennas. (Subject to the regulations of Section 4-1686: Wireless Telecommunications Facilities.)

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. 2014-011 § 2; 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.

*Proposed Amended Article 6*

8. Pre-Existing Residential Uses. (These 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 Subsections B.18 and B.21 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. Assembly Uses.
3. 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.)~~
- ~~6.7.~~ **Fast Food Establishments, Small Scale.**
- ~~7.8.~~ **Group Housing.**
- ~~8.~~ **Home Improvement and Interior Decoration.**
- ~~9.~~ **Industry, Custom.**
- ~~10.9.~~ 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.)
- ~~11.10.~~ 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. Conditional use permits for additional density may be approved for projects having additional open space or other amenities.)
- ~~12.11.~~ Neighborhood/Specialty Food Markets. (Single tenants 10,000 s.f. in size or less only.)
- ~~13.12.~~ Park and Recreation Facilities, Private Noncommercial.
- ~~14.13.~~ Public Safety Facilities.
- ~~15.14.~~ Restaurants, Full-Service.
- ~~16.15.~~ Retail Sales.
- ~~17.16.~~ Retail Services.
- ~~18.17.~~ Schools, Public or Private.

*Proposed Amended Article 6*

- ~~19.18.~~ Single-Family Residential.
- ~~20.19.~~ Telecommunications, Co-Locations on Existing Tower Structures. (Subject to the regulations of Section 4-1686: Wireless Telecommunications Facilities.)
- ~~21.20.~~ Travel Services.
- ~~22.21.~~ Two-Family Residential.
- ~~23.22.~~ 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 an Administrative Review 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. Day Care, General. (For pre-existing residential uses only.)**
- ~~5.4.~~ Health and Fitness Centers.
- ~~6.5.~~ Instruction and Improvement Services.
- ~~7.6.~~ Offices, Business and Professional.
- ~~8.7.~~ Telecommunications, Architecturally-Integrated Antennas. (Subject to the regulations of Section 4-1686: Wireless Telecommunications Facilities.)

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. 2014-011 § 2; 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 10:00 p.m. and 7:00 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, when in conjunction with a permitted use.
- 2. Artists’ Studios.

*Proposed Amended Article 6*

3. Brewpubs.
4. Cafés.
5. Catering Services.
6. Health and Fitness Centers.
7. Instruction and Improvement Services.
8. 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. 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. 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. Offices, Business and Professional.
12. Park and Recreation Facilities.
13. 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. Retail Sales when in conjunction with mixed-use residential on the upper floors.
15. Retail Services.
16. 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.~~
- 3.4. Drugstores.

*Proposed Amended Article 6*

~~4.5.~~ 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.)

~~5.6.~~ Fast Food Establishments, Small Scale.

~~6.7.~~ Government Offices.

**7. Home Improvement and Interior Decoration.**

8. Hotels, Motels, and Time-Share Facilities.

**9. Industry, Custom.**

~~10.9.~~ Neighborhood/Specialty Food Markets. (Single tenants greater than 10,000 s.f. in size.)

~~11.10.~~ Supermarkets.

~~12.11.~~ 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 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. Day Care, General.**

~~5.4.~~ Telecommunications, Architecturally-Integrated Antennas and/or Co-Locations on Existing Tower Structures. (Subject to the regulations of Section 4-1686: Wireless Telecommunications Facilities.)

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. 2014-011 § 2; 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.

*Proposed Amended Article 6*



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, when in conjunction with a permitted use.
2. Artists' Studios.
3. Brewpubs.
4. Business Services.
5. Business and Trade Schools.
6. Cafés.
7. Financial Institutions, Retail.
8. Health and Fitness Centers.
9. Instruction and Improvement Services.
10. 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. 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. Offices, Business and Professional. (Minimum two stories of office use fronting on Davis Street.)
13. Park and Recreation Facilities.
14. Pre-Existing Residential Uses. (These pre-existing residential uses shall be allowed to remain and shall not be considered nonconforming.)
15. Pharmacies.
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.)
17. Retail Sales when in conjunction with mixed-use residential.
18. Retail Services. (Minimum two stories of service retail fronting on Davis Street.)
19. Travel Services.
20. 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.)

*Proposed Amended Article 6*

1. Accessory Uses in conjunction with a conditionally permitted use.
2. Catering Services.
3. Communication Facilities.
4. Cultural Institutions.
- ~~5. Day Care, General.~~
- 5.6. Drugstores.
- ~~6.7.~~ Fast Food Establishments, Large Scale.
- ~~7.8.~~ Government Offices.
- 8. Home Improvement and Interior Decoration.**
9. Hotels, Motels, and Time-Share Facilities.
- 10. Industry, Custom.**
- ~~11.40.~~ Neighborhood/Specialty Food Markets.
- ~~12.41.~~ Schools, Public or Private.
- ~~13.42.~~ Service Stations.
- ~~14.43.~~ Supermarkets.
- ~~15.44.~~ Theaters.
- ~~16.45.~~ Utilities, Major.
- ~~17.46.~~ 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 by the Zoning Enforcement Official, as per the requirements of Article 21.

1. Automatic Teller Machines.
2. Community Gardens.
- 3. Day Care, General.**
- ~~4.3.~~ Fast Food Establishments, Small Scale.
- ~~5.4.~~ Game Centers.
- ~~6.5.~~ Parking Lot.
- ~~7.6.~~ Telecommunications, Architecturally-Integrated Antennas and/or Co-Locations on Existing Tower Structures. (Subject to the regulations of Section 4-1686: Wireless Telecommunications Facilities.)

*Proposed Amended Article 6*

## 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

## *Proposed Amended Article 6*

## Exhibit D: Proposed Amended Article 7 (Excerpts only)

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.

## *Proposed Amended Article 7*

- 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.

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. 2014-011 § 2; 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.

#### *Proposed Amended Article 7*

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 events, 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. Animal Hospitals.
6. Artists' Studios.
7. Building Materials and Services.
8. Business Services.
9. Business and Trade Schools.
10. Catering Services.
11. Communications Facilities.
- ~~12.18.~~ **Emergency** Homeless-Shelters.
- ~~13.42.~~ Equipment Sales.
- ~~14.43.~~ Financial Institutions, Retail.
- ~~15.44.~~ Food Processing, Limited.
- ~~16.45.~~ Government Offices.
- ~~17.46.~~ Health and Fitness Centers.
- ~~18.47.~~ Home Improvement and Interior Decoration.
19. Industry, Custom.
20. Industry, Limited.
21. Industry, Research, and Development.
22. Laboratories.
23. Maintenance and Repair Services.
24. Marine Sales and Services.
25. Medical Supply Stores.
26. Nurseries.
27. 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. 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.10 below.)

### *Proposed Amended Article 7*

29. Pre-Existing Residential Uses. (These residential uses shall be allowed to remain and shall not be considered nonconforming.)
30. Telecommunications, Architecturally-Integrated Antennas and/or Co-Locations on Existing Tower Structures. (Subject to the regulations of Section 4-1686: Wireless Telecommunications Facilities.)
31. Utilities, Minor.
32. Vehicle/Heavy Equipment Dealers, New.
33. 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 **or more** to accommodate this use, **or if a new building of any size is proposed to accommodate this use,** a conditional use permit is required, per Subsection B. ~~30~~<sup>32</sup> below.)
34. Warehouse—Wholesale/Retail Distribution Facilities. **(Permitted if the proposed use is utilizing an existing building or continuing an existing use. If an existing building will be expanded ten thousand (10,000) square feet or more to accommodate this use, or if a new building of any size is proposed to accommodate this use, a conditional use permit is required, per Subsection B.30 below).**

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 (with outdoor use).
3. Automobile Parts Sales.
4. Bars.
5. Corporation Yards.
6. Cultural Institutions.
7. Dance Clubs.
- ~~8. Day Care, General.~~
- ~~8.9.~~ Drive-Up Facilities.
- ~~9.40.~~ Drugstores.
- ~~10.41.~~ Emergency Health Care.
- ~~11.42.~~ Farmers' Market.
- ~~12.43.~~ Fast Food Establishments, Large Scale.
- ~~13.44.~~ Food Processing, General.
- ~~14.45.~~ Furniture, Electronics and Appliance Sales.
- ~~15.46.~~ Game Centers.
- ~~16.47.~~ 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.)

*Proposed Amended Article 7*



- ~~17.18.~~ Massage Therapy.
- ~~18.19.~~ Public Safety Facilities.
- ~~19.20.~~ Public Storage.
- ~~20.21.~~ Retail Sales, Big Box.
- ~~21.22.~~ Service Stations.
- ~~22.23.~~ Small Scale Transfer and Storage Facilities for Hazardous Waste. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- ~~23.24.~~ Utilities, Major.
- ~~24.25.~~ Vehicle/Equipment Repair, General.
- ~~25.26.~~ Vehicle Equipment Repair, Limited.
- ~~26.27.~~ Vehicle/Heavy Equipment Dealers, Used.
- ~~27.28.~~ Vehicle/Heavy Equipment Rentals.
- ~~28.29.~~ Vehicle Storage.
- ~~29.30.~~ Warehouse—Storage Facilities. (A conditional use permit is required if the proposed use will occupy a building constructed after August 15, 2001, or an **expand an** existing building will be expanded ten thousand (10,000) square feet **or more** to accommodate this use.) **or if a new building of any size is proposed to accommodate this use.**
- 30. Warehouse—Wholesale/Retail Distribution Facilities. (A conditional use permit is required if the proposed use will expand an existing building ten thousand (10,000) square feet or more to accommodate this use, or if a new building of any size is proposed 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 an Administrative Review by the Zoning Enforcement Official, as per the requirements of Article 21.

- 1. Animal Boarding (indoor, only).
- 2. Animal Grooming (indoor, only).
- 3. Automatic Teller Machines.
- 4. Brewpub.
- 5. Cafés.
- 6. Community Gardens.
- 7. Day Care, General.**
- ~~8.7.~~ Fast Food Establishments, Small Scale.
- ~~9.8.~~ Instruction and Improvement Services.
- 10.9.** 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.)
- 11.10.** Parcel Processing and Shipping Centers. (Administrative Review is required to occupy thirty thousand (30,000) square feet or more, in a

*Proposed Amended Article 7*

building constructed after August 15, 2001. Standards for review are specified in Section 2-726.G.)

- ~~12.11.~~ Parking Lot.
- ~~13.12.~~ Recycling Facilities, Bulk Reverse Vending Machines. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- ~~14.13.~~ Recycling Facilities, Single-Feed Reverse Vending Machines. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- ~~15.14.~~ Recycling Facilities, Large Collection. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- ~~16.15.~~ Recycling Facilities, Light Processing. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- ~~17.16.~~ Restaurants, Full Service.
- ~~18.17.~~ Retail Sales.
- ~~19.18.~~ Retail Services.
- ~~20.19.~~ Telecommunications, New Monopoles and Towers. (Subject to the regulations of Section 4-1686: Wireless Telecommunications Facilities.)
- ~~21.20.~~ 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. 2014-011 § 2; 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 events, 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

*Proposed Amended Article 7*

- 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. Artists' Studios.
  6. Automobile Parts Sales.
  7. Building Materials and Services.
  8. Business Services.
  9. Business and Trade Schools.
  10. Catering Services.
  11. Communications Facilities.
  12. Emergency Health Care.
  13. Equipment Sales.
  14. Financial Institutions, Retail.
  15. Food Processing, General.
  16. Food Processing, Limited.
  17. Government Offices.
  18. Health and Fitness Centers.
  19. Home Improvement and Interior Decoration.
  20. Industry, Custom.
  21. Industry, General.
  22. Industry, Limited.
  23. Industry, Research and Development.
  24. Laboratories.
  25. Maintenance and Repair Services.
  26. Marine Sales and Services.
  27. Medical Supply Stores.
  28. Nurseries.
  29. Offices, Business and Professional.
  30. 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.11 below.)
  31. Pre-Existing Residential Uses. (These residential uses shall be allowed to remain and shall not be considered nonconforming.)
  32. Retail Sales, Big Box.
  33. Telecommunications, Architecturally-Integrated Antennas and/or Co-Locations on Existing Tower Structures. (Subject to the regulations of Section 4-1686: Wireless Telecommunications Facilities.)
  34. Utilities, Minor.
  35. Vehicle/Heavy Equipment Dealers, New.
  36. Warehouse—Storage Facilities. (~~If the proposed use will occupy a building constructed after August 15, 2001, or an existing building will be expanded ten~~)

### *Proposed Amended Article 7*

thousand (10,000) square feet **or more** to accommodate this use, **or if a new building of any size is proposed to accommodate this use,** a conditional use permit is required, per Subsection B.33 below.)

37. Warehouse—Wholesale/Retail Distribution Facilities. **(Permitted if the proposed use is utilizing an existing building or continuing an existing use. If an existing building will be expanded ten thousand (10,000) square feet or more to accommodate this use, or if a new building of any size is proposed to accommodate this use, a conditional use permit is required, per Subsection B.33 below).**

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 (with outside use).
3. Bars.
4. Corporation Yards.
5. Cultural Institutions.
6. Dance Clubs.
- ~~7.~~ ~~Day Care, General.~~
- ~~7.8.~~ Drive-Up Facilities.
- ~~8.9.~~ Drugstores.
- ~~9.10.~~ Farmers' Market.
- ~~10.11.~~ Fast Food Establishments, Large Scale.
- ~~11.12.~~ Furniture, Electronics and Appliance Sales.
- ~~12.13.~~ Game Centers.
- ~~13.14.~~ Industrial Transfer/Storage/Treatment Facilities for Hazardous Waste.
- ~~14.15.~~ 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.)
- ~~15.16.~~ Massage Therapy.
- ~~16.17.~~ Medical Marijuana Dispensary. (A medical marijuana dispensary shall not be located within one thousand (1,000) feet of a public or private school, public library, youth center [serving youth ages eighteen (18) and under], parks and recreation facilities, facilities for religious worship and incidental religious education, or another dispensary; and shall not be located within five hundred (500) feet from a residential zone. A dispensary may be open only between the hours of 9:00 a.m. to 7:00 p.m., Monday through Sunday and are further subject to performance standards in the San Leandro Municipal Code.)
- ~~17.18.~~ Public Safety Facilities.

*Proposed Amended Article 7*

- ~~18.19.~~ Public Storage.
- ~~19.20.~~ Recycling Facilities, Heavy Processing. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- ~~20.21.~~ Residuals Repositories for Hazardous Waste.
- ~~21.22.~~ Service Stations.
- ~~22.23.~~ Small-Scale Transfer and Storage Facilities for Hazardous Waste. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- ~~23.24.~~ Supermarkets.
- ~~24.25.~~ Transfer Stations.
- ~~25.26.~~ Trucking Terminals.
- ~~26.27.~~ Utilities, Major.
- ~~27.28.~~ Vehicle/Equipment Repair, General.
- ~~28.29.~~ Vehicle/Equipment Repair, Limited.
- ~~29.30.~~ Vehicle/Heavy Equipment Dealers, Used.
- ~~30.31.~~ Vehicle/Heavy Equipment Rentals.
- ~~31.32.~~ Vehicle Storage.
- ~~32.33.~~ Warehouse—Storage Facilities. (A conditional use permit is required if the proposed use will occupy a building constructed after August 15, 2001, or an **expand an** existing building ~~will be expanded~~ ten thousand (10,000) square feet **or more** to accommodate this use.) **or if a new building of any size is proposed to accommodate this use.)**
- 33. Warehouse—Wholesale/Retail Distribution Facilities. (A conditional use permit is required if the proposed use will expand an existing building ten thousand (10,000) square feet or more to accommodate this use, or if a new building of any size is proposed to accommodate this use.)**

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. Automatic Teller Machines.
- 5. Brewpub.
- 6. Cafés.
- 7. Community Gardens.
- 8. Day Care, General.**
- ~~9.8.~~ Fast Food Establishments, Small Scale.
- ~~10.9.~~ Instruction and Improvement Services.
- ~~11.10.~~ 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.)
- ~~12.11.~~ Parcel Processing and Shipping Centers. (Administrative Review is required to occupy thirty thousand (30,000) square feet or more, in a

*Proposed Amended Article 7*

building constructed after August 15, 2001. Standards for review are specified in Section 2-726.G.)

- ~~13.42.~~ Parking Lot.
- ~~14.43.~~ Recycling Facilities, Bulk Reverse Vending Machines. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- ~~15.44.~~ Recycling Facilities, Single-Feed Reverse Vending Machines. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- ~~16.45.~~ Recycling Facilities, Large Collection. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- ~~17.46.~~ Recycling Facilities, Light Processing. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- ~~18.47.~~ Restaurants, Full Service.
- ~~19.48.~~ Retail Sales.
- ~~20.49.~~ Retail Services.
- ~~21.20.~~ Telecommunications, New Monopoles and Towers. (Subject to the regulations of Section 4-1686: Wireless Telecommunications Facilities.)
- ~~22.24.~~ 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. 2014-011 § 2; Ord. 2014-003 § 3; 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 events, 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

*Proposed Amended Article 7*

- 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. Building Materials and Services. (Permitted if the proposed use is within an enclosed structure.)
  7. Business Services.
  8. Business and Trade Schools.
  9. Catering Services.
  10. Communication Facilities.
  11. Equipment Sales.
  12. Food Processing, Limited.
  13. Financial Institutions, Retail.
  14. Health and Fitness Centers.
  15. Home Improvement and Interior Decoration.
  16. Industry, Custom.
  17. Industry, Limited.
  18. Industry, Research and Development.
  19. Laboratories.
  20. Maintenance and Repair Services.
  21. Medical Supply Stores.
  22. 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. 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.11 below.)
  24. Park and Recreational Facilities.
  25. Pre-Existing Residential Uses. (These residential uses shall be allowed to remain and shall not be considered nonconforming uses.)
  26. Retail Sales, Big Box.
  27. Retail Services. (As a secondary use in a building.)
  28. Telecommunications, Architecturally-Integrated Antennas and/or Co-Locations on Existing Tower Structures. (Subject to the regulations of Section 4-1686: Wireless Telecommunications Facilities.)
  29. Utilities, Minor.
  30. Vehicle/Heavy Equipment Dealers, New.
  31. 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~~ **or more** to accommodate this use, **or if a new**

### *Proposed Amended Article 7*

**building of any size is proposed to accommodate this use**, a conditional use permit is required, per Subsection B.22 below.)

32. Warehouse—Wholesale/Retail Distribution Facilities. (Permitted if the proposed use is within an enclosed structure-), **is utilizing an existing building or continuing an existing use. If an existing building will be expanded ten thousand (10,000) square feet or more to accommodate this use, or if a new building of any size is proposed to accommodate this use, a conditional use permit is required, per Subsection B.22 below).**

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 (with outdoor use).
3. Automobile Parts Sales.
4. Bars.
5. Cultural Institutions.
6. Dance Clubs.
- ~~7. Day Care, General.~~
- ~~7.8.~~ Drive-Up Facilities.
- ~~8.9.~~ Emergency Health Care.
- ~~9.10.~~ Farmers' Market.
- ~~10.11.~~ Fast Food Establishments, Large Scale.
- ~~11.12.~~ Food Processing, General.
- ~~12.13.~~ Furniture, Electronics, and Appliance Sales.
- ~~13.14.~~ Industry, General.
- ~~14.15.~~ 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.)
- ~~15.16.~~ Massage Therapy.
- ~~16.17.~~ Medical Marijuana Dispensary. (A medical marijuana dispensary shall not be located within one thousand (1,000) feet of a public or private school, public library, youth center [serving youth ages eighteen (18) and under], parks and recreation facilities, facilities for religious worship and incidental religious education, or another dispensary; and shall not be located within five hundred (500) feet from a residential zone. A dispensary may be open only between the hours of 9:00 a.m. to 7:00 p.m., Monday through Sunday and are further subject to performance standards in the San Leandro Municipal Code.)
- ~~17.18.~~ Public Safety Facilities.

*Proposed Amended Article 7*



- ~~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~~ **expand an** existing building ~~will be expanded~~ ten thousand (10,000) square feet **or more** to accommodate this use.) **or if a new building of any size is proposed to accommodate this use.**)
- 22. Warehouse—Wholesale/Retail Distribution Facilities. (A conditional use permit is required if the proposed use will expand an existing building ten thousand (10,000) square feet or more to accommodate this use, or if a new building of any size is proposed 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 an Administrative Review 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. Day Care, General.**
- ~~9.8.~~ Fast Food Establishments, Small Scale.
- ~~10.9.~~ Instruction and Improvement Services.
- ~~11.40.~~ 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.)
- ~~12.41.~~ 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.)
- ~~13.42.~~ Parking Lot.
- ~~14.43.~~ Recycling Facilities, Bulk Reverse Vending Machines. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- ~~15.44.~~ Recycling Facilities, Single-Feed Reverse Vending Machines. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- ~~16.45.~~ Recycling Facilities, Large Collection. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- ~~17.46.~~ Restaurants, Full Service.

*Proposed Amended Article 7*

- 18.17.** Retail Sales.
- 19.18.** Telecommunications, New Monopoles and Towers. (Subject to the regulations of Section 4-1686: Wireless Telecommunications Facilities.)
- 20.19.** 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. 2014-011 § 2; Ord. 2014-003 § 3; 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.

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 events, 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. Animal Hospitals.
- 6. Artists’ Studios.
- 7. Building Materials and Services.
- 8. Business Services.
- 9. Business and Trade Schools.
- 10. Catering Services.
- 11. Communications Facilities.

*Proposed Amended Article 7*

- ~~12.18.~~ **Emergency Homeless Shelters.**
- ~~13.12.~~ Equipment Sales.
- ~~14.13.~~ Financial Institutions, Retail.
- ~~15.14.~~ Food Processing, Limited.
- ~~16.15.~~ Government Offices.
- ~~17.16.~~ Health and Fitness Centers.
- ~~18.17.~~ Home Improvement and Interior Decoration.
- ~~19.19.~~ Industry, Custom.
- ~~20.20.~~ Industry, Limited.
- ~~21.21.~~ Industry, Research, and Development.
- ~~22.22.~~ Laboratories.
- ~~23.23.~~ Maintenance and Repair Services.
- ~~24.24.~~ Marine Sales and Services.
- ~~25.25.~~ Medical Supply Stores.
- ~~26.26.~~ Nurseries.
- ~~27.27.~~ 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)
- ~~28.28.~~ 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.)
- ~~29.29.~~ Pre-Existing Residential Uses. (These residential uses shall be allowed to remain and shall not be considered non-conforming.)
- ~~30.30.~~ Telecommunications, Architecturally-Integrated Antennas and/or Co-Locations on Existing Tower Structures. (Subject to the regulations of Section 4-1686: Wireless Telecommunications Facilities.)
- ~~31.31.~~ Utilities, Minor.
- ~~32.32.~~ Vehicle/Heavy Equipment Dealers, New.
- ~~33.33.~~ 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~~ **or more** to accommodate this use, **or if a new building of any size is proposed to accommodate this use**, a conditional use permit is required, per Subsection B.33 below.)
- ~~34.34.~~ Warehouse—Wholesale/Retail Distribution Facilities. (**Permitted if the proposed use is utilizing an existing building or continuing an existing use. If an existing building will be expanded ten thousand (10,000) square feet or more to accommodate this use, or if a new building of any size is proposed to accommodate this use, a conditional use permit is required, per Subsection B.33 below.**)

*Proposed Amended Article 7*

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).
3. Assembly Uses.
4. Automobile Parts Sales.
5. Bars.
6. Commercial Recreation.
7. Corporation Yards.
8. Cultural Institutions.
9. Dance Clubs.
- ~~10. Day Care, General.~~
- 10.11. Drive-Up Facilities.
- ~~11.12.~~ Drugstores.
- 12.13. Emergency Health Care.
- 13.14. 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.)
- ~~14.15.~~ Farmers' Market.
- 15.16. Fast Food Establishments, Large Scale.
- ~~16.17.~~ Food Processing, General.
- 17.18. Furniture, Electronics and Appliance Sales.
- ~~18.19.~~ Game Centers.
- 19.20. 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.)
- ~~20.21.~~ Massage Therapy.
- 21.22. Public Safety Facilities.
- ~~22.23.~~ Public Storage.
- 23.24. Retail Sales, Big Box.
- 24.25. Service Stations.
- 25.26. Small Scale Transfer and Storage Facilities for Hazardous Waste. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- ~~26.27.~~ Utilities, Major.
- ~~27.28.~~ Vehicle/Equipment Repair, General.
- ~~28.29.~~ Vehicle Equipment Repair, Limited.
- ~~29.30.~~ Vehicle/Heavy Equipment Dealers, Used.
- ~~30.31.~~ Vehicle/Heavy Equipment Rentals.
- ~~31.32.~~ Vehicle Storage.
- 32.33. Warehouse—Storage Facilities. (A conditional use permit is required if the proposed use will occupy a building constructed after August 15, 2001, or an

*Proposed Amended Article 7*

expand an existing building will be expanded ten thousand (10,000) square feet or more to accommodate this use.) or if a new building of any size is proposed to accommodate this use.)

**33. Warehouse—Wholesale/Retail Distribution Facilities. (A conditional use permit is required if the proposed use will expand an existing building ten thousand (10,000) square feet or more to accommodate this use, or if a new building of any size is proposed 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 an Administrative Review by the Zoning Enforcement Official, as per the requirements of Article 21.

1. Animal Boarding (indoor, only).
2. Animal Grooming (indoor, only).
3. Automatic Teller Machines.
4. Brewpubs.
5. Cafés.
6. Community Gardens.
- 7. Day Care, General.**
- ~~8.7.~~ Fast Food Establishments, Small Scale.
- ~~9.8.~~ Instruction and Improvement Services.
- ~~10.9.~~ 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.)
- ~~11.10.~~ 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.)
- ~~12.11.~~ Parking Lot.
- ~~13.12.~~ Recycling Facilities, Bulk Reverse Vending Machines. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- ~~14.13.~~ Recycling Facilities, Single-Feed Reverse Vending Machines. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- ~~15.14.~~ Recycling Facilities, Large Collection. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- ~~16.15.~~ Recycling Facilities, Light Processing. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- ~~17.16.~~ Restaurants, Full Service.
- ~~18.17.~~ Retail Sales.
- ~~19.18.~~ Retail Services.
- ~~20.19.~~ Telecommunications, New Monopoles and Towers. (Subject to the regulations of Section 4-1686: Wireless Telecommunications Facilities.)

*Proposed Amended Article 7*

**21.20.** 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. 2014-011 § 2; 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 events, 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. Artists’ Studios.
6. Automobile Parts Sales.
7. Building Materials and Services.
8. Business Services.
9. Business and Trade Schools.
10. Catering Services.
11. Communications Facilities.
12. Emergency Health Care.
13. Equipment Sales.
14. Financial Institutions, Retail.

*Proposed Amended Article 7*

15. Food Processing, General.
16. Food Processing, Limited.
17. Government Offices.
18. Health and Fitness Centers.
19. Home Improvement and Interior Decoration.
20. Industry, Custom.
21. Industry, General.
22. Industry, Limited.
23. Industry, Research and Development.
24. Laboratories.
25. Maintenance and Repair Services.
26. Marine Sales and Services.
27. Medical Supply Stores.
28. Nurseries.
29. Offices, Business and Professional.
30. 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.11 below.)
31. 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.)
32. Retail Sales, Big Box.
33. Telecommunications, Architecturally-Integrated Antennas and/or Co-Locations on Existing Tower Structures. (Subject to the regulations of Section 4-1686: Wireless Telecommunications Facilities.)
34. Utilities, Minor.
35. Vehicle/Heavy Equipment Dealers, New.
36. 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~~ **or more** to accommodate this use, **or if a new building of any size is proposed to accommodate this use,** a conditional use permit is required, per Subsection B.36 below.)
37. Warehouse—Wholesale/Retail Distribution Facilities. (**Permitted if the proposed use is utilizing an existing building or continuing an existing use. If an existing building will be expanded ten thousand (10,000) square feet or more to accommodate this use, or if a new building of any size is proposed to accommodate this use, a conditional use permit is required, per Subsection B.36 below).**

### *Proposed Amended Article 7*

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).
3. Assembly Uses.
4. Bars.
5. Commercial Recreation.
6. Corporation Yards.
7. Cultural Institutions.
8. Dance Clubs.
- ~~9. Day Care, General.~~
- 9.10. Drive-Up Facilities.
- 10.11. Drugstores.
- 11.12. 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.)
- ~~12.13.~~ Farmers' Market.
- 13.14. Fast Food Establishments, Large Scale.
- 14.15. Furniture, Electronics and Appliance Sales.
- 15.16. Game Centers.
- 16.17. Industrial Transfer/Storage/Treatment Facilities for Hazardous Waste.
- 17.18. 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.)
- ~~18.19.~~ Massage Therapy.
- 19.20. Medical Marijuana Dispensary. (A medical marijuana dispensary shall not be located within one thousand (1,000) feet of a public or private school, public library, youth center [serving youth ages eighteen (18) and under], parks and recreation facilities, facilities for religious worship and incidental religious education, or another dispensary; and shall not be located within five hundred (500) feet from a residential zone. A dispensary may be open only between the hours of 9:00 a.m. to 7:00 p.m., Monday through Sunday and are further subject to performance standards in the San Leandro Municipal Code.)
- 20.21. Public Safety Facilities.
- 21.22. Public Storage.
- 22.23. Recycling Facilities, Heavy Processing. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- 23.24. Residuals Repositories for Hazardous Waste.
- 24.25. Service Stations.

*Proposed Amended Article 7*



- ~~25.26.~~ Small-Scale Transfer and Storage Facilities for Hazardous Waste. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- ~~26.27.~~ 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 **expand an** existing building ~~will be expanded~~ ten thousand (10,000) square feet **or more** to accommodate this use.) **or if a new building of any size is proposed to accommodate this use.**
- 36. Warehouse—Wholesale/Retail Distribution Facilities. (A conditional use permit is required if the proposed use will expand an existing building ten thousand (10,000) square feet or more to accommodate this use, or if a new building of any size is proposed to accommodate this use.)**

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. Automatic Teller Machines.
- 5. Brewpubs.
- 6. Cafés.
- 7. Community Gardens.
- 8. Day Care, General.**
- ~~9.8.~~ Fast Food Establishments, Small Scale.
- ~~10.9.~~ Instruction and Improvement Services.
- ~~11.40.~~ 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.)
- ~~12.44.~~ 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.)

*Proposed Amended Article 7*

- ~~13.12.~~ Parking Lot.
- ~~14.13.~~ Recycling Facilities, Bulk Reverse Vending Machines. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- ~~15.14.~~ Recycling Facilities, Single-Feed Reverse Vending Machines. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- ~~16.15.~~ Recycling Facilities, Large Collection. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- ~~17.16.~~ Recycling Facilities, Light Processing. (Subject to the regulations of Section 4-1646: Recycling Facilities.)
- ~~18.17.~~ Restaurants, Full Service.
- ~~19.18.~~ Retail Sales.
- ~~20.19.~~ Retail Services.
- ~~21.20.~~ Telecommunications, New Monopoles and Towers. (Subject to the regulations of Section 4-1686: Wireless Telecommunications Facilities.)
- ~~22.21.~~ 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. 2014-011 § 2; Ord. 2014-003 § 3; 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 events, 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

*Proposed Amended Article 7*

- 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. Building Materials and Services. (Permitted if the proposed use is within an enclosed structure.)
  7. Business Services.
  8. Business and Trade Schools.
  9. Catering Services.
  10. Communication Facilities.
  11. Equipment Sales.
  12. Food Processing, Limited.
  13. Financial Institutions, Retail.
  14. Health and Fitness Centers.
  15. Home Improvement and Interior Decoration.
  16. Industry, Custom.
  17. Industry, Limited.
  18. Industry, Research and Development.
  19. Laboratories.
  20. Maintenance and Repair Services.
  21. Medical Supply Stores.
  22. 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. 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.11 below.)
  24. Park and Recreational Facilities.
  25. 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.)
  26. Retail Sales, Big Box.
  27. Retail Services. (As a secondary use in a building.)
  28. Telecommunications, Architecturally-Integrated Antennas and/or Co-Locations on Existing Tower Structures. (Subject to the regulations of Section 4-1686: Wireless Telecommunications Facilities.)
  29. Utilities, Minor.
  30. Vehicle/Heavy Equipment Dealers, New.
  31. 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~~ **or more** to accommodate this use, **or if a new**

### *Proposed Amended Article 7*

**building of any size is proposed to accommodate this use**, a conditional use permit is required, per Subsection B.24 below.)

32. Warehouse—Wholesale/Retail Distribution Facilities. (Permitted if the proposed use is within an enclosed structure.) **is utilizing an existing building or continuing an existing use. If an existing building will be expanded ten thousand (10,000) square feet or more to accommodate this use, or if a new building of any size is proposed to accommodate this use, a conditional use permit is required, per Subsection B.24 below).**

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).
3. Assembly Uses.
4. Automobile Parts Sales.
5. Bars.
6. Cultural Institutions.
7. Dance Clubs.
8. Commercial Recreation.
9. ~~Day Care, General.~~
- ~~9.40.~~ Drive-Up Facilities.
- ~~10.41.~~ Emergency Health Care.
- ~~11.42.~~ 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.)
- ~~12.43.~~ Farmers' Market.
- ~~13.44.~~ Fast Food Establishments, Large Scale.
- ~~14.45.~~ Food Processing, General.
- ~~15.46.~~ Furniture, Electronics, and Appliance Sales.
- ~~16.47.~~ Industry, General.
- ~~17.48.~~ 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.)
- ~~18.49.~~ Massage Therapy.
- ~~19.20.~~ Public Safety Facilities.
- ~~20.21.~~ Service Stations.
- ~~21.22.~~ Utilities, Major.
- ~~22.23.~~ Vehicle/Heavy Equipment Dealers, Used.

*Proposed Amended Article 7*

~~23.24.~~ Warehouse—Storage Facilities. (A conditional use permit is required if the proposed use will occupy a building constructed after August 15, 2001, or an **expand an** existing building ~~will be expanded~~ ten thousand (10,000) square feet **or more** to accommodate this use.) **or if a new building of any size is proposed to accommodate this use.)**

~~24.~~ **Warehouse—Wholesale/Retail Distribution Facilities. (A conditional use permit is required if the proposed use will expand an existing building ten thousand (10,000) square feet or more to accommodate this use, or if a new building of any size is proposed 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 an Administrative Review 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. Brewpubs.
6. Cafés.
7. Community Gardens.

**8. Day Care, General.**

~~9.8.~~ Fast Food Establishments, Small Scale.

~~10.9.~~ Instruction and Improvement Services.

~~11.10.~~ 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.)

~~12.11.~~ 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.)

~~13.12.~~ Parking Lot.

~~14.13.~~ Recycling Facilities, Bulk Reverse Vending Machines. (Subject to the regulations of Section 4-1646: Recycling Facilities.)

~~15.14.~~ Recycling Facilities, Single-Feed Reverse Vending Machines. (Subject to the regulations of Section 4-1646: Recycling Facilities.)

~~16.15.~~ Recycling Facilities, Large Collection. (Subject to the regulations of Section 4-1646: Recycling Facilities.)

~~17.16.~~ Restaurants, Full Service.

~~18.17.~~ Retail Sales.

~~19.18.~~ Telecommunications, New Monopoles and Towers. (Subject to the regulations of Section 4-1686: Wireless Telecommunications Facilities.)

~~20.19.~~ Vehicle/Heavy Equipment Dealers Limited, Used.

*Proposed Amended Article 7*

## Exhibit E: Proposed Amended Article 8 (Excerpts only)

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)

## *Proposed Amended Article 8*

## **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.~~ (Subject to the regulations of Section 4-1686: Wireless Telecommunications Facilities.) (Ord. 2014-011 § 2; 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)

## *Proposed Amended Article 8*



**Exhibit F: Proposed Amended Article 16** Development Regulations, Sec 4-1656, Supportive & Transitional Housing; and Sec 4-1686, Wireless Telecommunications

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~~ Supportive and Transitional Housing  
4-1658 Exceptions to Height Limits  
4-1660 Reserved

## *Proposed Amended Article 16*

- 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
- 4-1690 Community Gardens

**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 freestanding 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.

*Proposed Amended Article 16*

**4-1656 Reserved** (Ord. 2001-015 § 1) **Supportive and Transitional Housing.**

**Pursuant to SB 2 (Chapter 633, Statutes 2007) and California Government Code Section 65583(a)(5), supportive and transitional housing must be considered a residential use of property, subject only to restrictions that apply to other residential dwellings of the same type in the applicable zoning districts in the Code. See Article 3 (“Definitions”) for definitions of supportive housing, transitional housing, and target population. Applicable parking standards for supportive and transitional housing can be found in Article 17 (“Off-Street Parking and Loading Regulations.”)**

**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, 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

*Proposed Amended Article 16*

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. 2014-011 § 2; 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. 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 **stealth facilities like** 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 communications equipment that transmits and receives radio-frequency signals used in the provision of all types of wireless telecommunications 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 (**i.e., stealth**). 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

#### *Proposed Amended Article 16*

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. “Base Station” shall mean the equipment and non-tower supporting structure or enclosure at a fixed location that enables licensed or authorized wireless telecommunications between user equipment and a communications network, including but not limited to an antenna, transceiver, coaxial cable, power supply and other associated equipment.**

**5.4. “Co-location” shall mean the location of two (2) 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. Co-locations that do not substantially change the physical dimensions of the existing support structure as defined herein and by Section 6409(a) of the Middle Class Tax Relief and Jobs Creation Act of 2012 may be processed through an Eligible Facilities Request to the Community Development Department.**

**6. “Eligible Facilities Request” shall mean any request for the modification of an existing wireless tower or base station that involves a) co-location of new transmission equipment, b) removal of transmission equipment, or c) replacement of transmission equipment pursuant to Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012. Such a request to the Community Development Department shall show the baseline height and width of the existing facility in relation to the proposed changes to demonstrate that the proposed changes do not result in a substantial modification to the physical dimensions of the existing support structure (i.e. a maximum increase of 10% surface area in antennas and related equipment).**

**7.5. “FAA” shall mean the Federal Aviation Administration.**

**8.6. “FCC” shall mean the Federal Communications Commission.**

**9.7. “Governing authority” shall mean the City Council of the City of San Leandro.**

**10.8. “Ground-mounted facility” shall mean a wireless telecommunications facility consisting of one (1) 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.**

## *Proposed Amended Article 16*

11.9. “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.

12. **“Maintenance” shall mean the following: a) scheduled preventive inspections and activities per manufacturer’s instructions or regulatory requirements; b) corrective maintenance including modification to existing equipment to repair physical damage or correct internal faults; c) minor repositioning or changes in internal components to improve performance or energy efficiency or increase power output; and d) other changes to the existing equipment that does not substantially change its physical appearance.**

13.40. “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 (**i.e. a maximum increase of 10% surface area in antennas and related equipment**) and does not constitute a substantial modification, as defined herein (see Subsection B.16\_43). Minor modifications are those modifications to conforming wireless telecommunications facilities that meet the performance standards set forth in these regulations.

14.44. “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.

15.42. “Pre-existing wireless telecommunications facility” shall mean 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.”

16.43. “Substantial modification” shall mean **substantially** changing **the physical dimensions of a tower or base station on** an existing wireless telecommunications facility, such that it **meets one or more of the following criteria**:

**Height:**

(i) increases the existing vertical height by more than ten percent (10%) **for towers other than towers in the public right-of-way** 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

*Proposed Amended Article 16*

the proposed antenna may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas;

**For other, eligible support structures, it increases the height of the structure by more than ten percent (10%) or more than ten (10) feet, whichever is greater.**

**Width:**

(ii) involves adding an appurtenance to the silhouette of a tower **for towers other than towers in the public right-of-way** that would protrude horizontally from the edge of the tower more than twenty (20) feet, or more than the width of the tower structure **at the level of the appurtenance, whichever is greater,** 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;

**For other, eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six (6) feet.**

**Equipment Cabinets:**

(iii) involves the installation of more than the standard number of new equipment cabinets necessary for the technology involved, not to exceed four **cabinets** ~~or more than one new equipment shelter, unless specified in the Conditional Use Permit.;~~ **or**

**For towers and base stations in the public right-of-way, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten percent (10%) larger in height or overall volume than any other ground cabinets associated with the structure.**

**Excavation /Deployment Beyond Site:**

**(iv) involves any excavation or deployment outside the current site, defined as the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site; and**



**For other, eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.**

**17.14.**“**Tower**” shall mean any structure that is designed and constructed primarily for the purpose of supporting one or more wireless telecommunications facilities, including self-supporting lattice towers, guy towers, utility poles, treepoles, monopoles, alternative tower structures, or architecturally-integrated facilities. The term includes, but is not limited to, radio and television transmission towers, microwave towers, and **certain** co-locations **not otherwise governed by Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012.**

**18.15.**“**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, **co-locations,** 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 and are not included in this definition.

C. **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 that exceed and 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.
2. **Public Property.** Wireless telecommunications facilities located on property owned, leased or otherwise controlled by the City **or by any other government-operated public safety network** shall be exempt from the requirements of this Section, provided a license or lease authorizing such facility 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.

*Proposed Amended Article 16*

4. Pre-Existing Wireless Telecommunications Facility. Any wireless telecommunications facility 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. Any such facilities shall be referred to in this Section as “pre-existing wireless telecommunications facilities.” **Any nonconforming facilities may continue to be operated, repaired, and maintained but shall not be enlarged, expanded, relocated, or modified in any material manner, as determined within the reasonable discretion of the Community Development Department.**
  5. Satellite Antenna. This Section shall not apply to any satellite antenna placed in residential zones that is one meter or less in diameter nor to any other satellite antenna located in any other zone that is two meters or less in diameter.
  6. **Exempted by State and/or Federal Regulations. The Community Development Department may grant an exception to any requirement of Section 4-1686 upon making findings that a) strict compliance precludes the reasonable accommodation of the communication needs of the operator as set forth in State and/or Federal rules and regulations; b) there are no other feasible alternatives; and c) either State or Federal rules and regulations requires the Department to issue the exception or that the exception will serve the public interest despite conflict with the mandatory standards herein.**
- 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. 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. Principal or Accessory Use. Wireless telecommunications facilities 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 on such lot. For purposes of determining whether the installation of a wireless telecommunications facility complies with zoning district development regulations, including, but not limited to, set-back

### *Proposed Amended Article 16*

requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the wireless telecommunications facility may be located on leased parcels within such lots.

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 **State and/or Federal rules and regulations**. ~~guidelines.~~

F. Specific Design Criteria. The following design standards shall govern the siting, design and location of all wireless telecommunications facilities; 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 be painted a neutral color, as determined by the City, so as to reduce visual impacts 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. Alternative tower structures, such as treepoles shall incorporate enough architectural branches (including density, needle count and vertical height), three (3) 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.

## *Proposed Amended Article 16*

- e. Freestanding towers and ground-mounted facility sites shall incorporate ancillary buildings and equipment, such as equipment shelters that, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the facilities to the natural setting and built environment.
- f. 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 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. 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

### *Proposed Amended Article 16*

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 façade, 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 (10) foot high antenna requires a ten (10) foot setback from façade; a six (6) foot high cabinet requires a six (6) 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 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 **associated with the base station**, 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

### *Proposed Amended Article 16*

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. Federal and State Requirements. All wireless telecommunications facilities 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. If such standards and regulations are changed, then the owners of the wireless telecommunications facilities governed by this Section shall bring such wireless telecommunications facilities into compliance with such revised standards and regulations within six (6) months of the effective date of such

### *Proposed Amended Article 16*

standards and regulations, unless a more stringent compliance schedule is mandated by the controlling Federal or State agency. Failure to bring wireless telecommunications facilities into compliance with such revised standards and regulations shall constitute grounds for the removal of the wireless telecommunications facilities at the owner's expense.

**Table 1. Table Summarizing the Review Process for a Wireless Telecommunications Facility based on the Zoning District**

Zoning Districts	New Monopoles and Towers	Architecturally-Integrated Antennas	*Co-Locations & Modifications to Existing Tower Structures
RS Residential Single-Family	NP	<u>CUPAR</u>	<u>CUPAR</u>
RO Residential Outer	NP	<u>CUPAR</u>	<u>CUPAR</u>
RD Residential Duplex	NP	<u>CUPAR</u>	<u>CUPAR</u>
RM Residential Multi-Family	NP	AR	AR
CN Community Neighborhood	CUP	AR	AR
CC Community <del>Community</del> <b>Commercial</b>	CUP	P	P
CS Community Services	CUP	P	P
CR Community Recreation	CUP	P	P
C-RM Community Regional Mall	CUP	P	P
P Professional	CUP	AR	AR
PHD Professional High Density	CUP	AR	AR
NA-1 North Area 1	CUP	AR	AR
NA-2 North Area 2	CUP	AR	AR
SA-1 South Area 1	CUP	AR	AR
SA-2 South Area 2	NP	AR	AR
SA-3 South Area 3	CUP	AR	AR
DA-1 Downtown Area 1	CUP	AR	AR
DA-2 Downtown Area 2	CUP	AR	AR
DA-3 Downtown Area 3	NP	AR	<u>CUPAR</u>
DA-4 Downtown Area 4	NP	AR	<u>CUPAR</u>
DA-5 Downtown Area 5	NP	AR	AR
DA-6 Downtown Area 6	NP	AR	AR
IL Industrial Limited	AR	P	P
IG Industrial General	AR	P	P
IP Industrial Park	AR	P	P
IL(AU) District	AR	P	P
IG(AU) District	AR	P	P
IP(AU) District	AR	P	P
OS Open Space	CUP	<u>CUPAR</u>	<u>CUPAR</u>

*Proposed Amended Article 16*

Zoning Districts	New Monopoles and Towers	Architecturally-Integrated Antennas	*Co-Locations & Modifications to Existing Tower Structures
PS Public & Semipublic	CUP	AR	AR

Table abbreviations: P-Permitted, AR-Administrative Review, NP-Not Permitted, CUP-Conditional Use Permit. **\*Co-locations that meet the standards set forth by Section 6409(a) of the Middle Class Tax Relief and Job Creation Act may submit an Eligible Facilities Request to Community Development.**

G. **Permitted Uses.** The wireless telecommunications facilities listed as “P” in Table 1 are deemed to be permitted uses in certain 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 **or other support structure.** Permitted uses shall not require discretionary review unless the applicant seeks a modification of the basic development standards set forth herein. Permitted uses shall comply with the general requirements of Subsection F, “Specific Design Criteria” as well as building permit requirements.

H. **Administrative Review Applications.** 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 **RO, RS, RD,** 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, **OS** and PS Districts, ~~and Co-locations~~ **not otherwise governed by Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012** ~~on existing tower structures~~ are allowed in the **RO, RS, RD,** RM, CN, P, PHD, NA-1, NA-2, SA-2, SA-2, SA-3, DA-1, DA-2, **DA-3, DA-4,** DA-5, DA-6, **OS** and PS Districts. Administrative Review applications shall be reviewed and approved by the Zoning Enforcement Official, **unless the Zoning Enforcement Official defers action to the Board of Zoning Adjustments.** Administrative Review approvals shall comply with the general requirements of Subsection F, “Specific Design Criteria” as well as building permit requirements.

1. The Planning Division shall respond to each Administrative Review application within thirty (30) days after deeming the application complete by either approving or denying the application. If the Planning Division fails to **notify the applicant in writing** ~~respond to the applicant~~ within thirty (30) days **of application submittal,** then the application shall be deemed to be approved.
2. If an Administrative Review application is denied **by the Zoning Enforcement Official,** the applicant may appeal said denial to the Board of Zoning Adjustments.

*Proposed Amended Article 16*



**3. A decision by the Board of Zoning Adjustments may be appealed to the City Council pursuant to the requirements of Article 28 of the Zoning Code.**

- I. Conditional Use Permit 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.
1. The Planning Division shall respond to each Conditional Use Permit application **in writing** 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.
  2. If a Conditional Use Permit application is denied by the Board of Zoning Adjustments, it may be appealed to the City Council.
- J. Application Requirements. Each applicant requesting an Administrative Review under this Ordinance shall submit the following:
1. A scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, tower dimensions of antennas, ancillary equipment and antenna support structures, setbacks, ingress and egress, 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.

*Proposed Amended Article 16*

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 **current** 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 (5) year master plan, drawn to a reasonable scale, for all of the applicant's existing, planned or reasonably anticipated wireless telecommunications facility 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 and including specific information about the location, height, and design of each facility.
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;

### *Proposed Amended Article 16*

- 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. Factors Considered in Evaluating Applications. The City shall consider the following factors in determining whether to approve an application although the City may waive or reduce the burden on the applicant of one or more of these criteria if the City concludes that the goals of this Ordinance are better served thereby, **or if the submittal is eligible under Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012.**
1. Height of the proposed wireless telecommunications facility.
  2. Proximity of the facility to residential structures, residential property lines, residential district boundaries, and elementary schools.
  3. Visual and other potential impacts to surrounding land uses.
  4. Surrounding topography.
  5. Surrounding tree coverage and foliage.
  6. Design of the facility with particular reference to design characteristics that have the effect of reducing or eliminating visual impacts.
  7. Existing and proposed parking, as well as site ingress and egress.

*Proposed Amended Article 16*

8. Availability of suitable existing towers, buildings and structures that would provide site sharing and co-location opportunities in the project vicinity.

L. Availability of Suitable Co-Locations. No new monopole or tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the City 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 shall include, but not be limited to, the following:

1. 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.
2. Existing wireless telecommunications facilities are not of sufficient height to meet applicant's coverage objectives.
3. Existing wireless telecommunications facilities 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. The applicant's proposed wireless telecommunications facility would cause radio-frequency interference with an existing facility, or the existing facility would cause interference with the applicant's proposed wireless telecommunications facility.
5. The applicant demonstrates that there are other limiting factors that render existing wireless telecommunications facilities unsuitable.

M. Discontinued Facilities and Removal of Abandoned Antennas and Towers. Any wireless telecommunications facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such 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 facility. If such facility is not removed within said ninety (90) days, the Community Development Director may remove such facility at the owner's expense. If there are two (2) or more users of a single facility, then this provision shall not become effective until all users cease using the facility.

### *Proposed Amended Article 16*

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. (Ord. 2014-011 § 2; Ord. 2001-015 § 1)

### *Proposed Amended Article 16*

## Exhibit G: Proposed Amended Article 17 (Excerpts only)

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)

- 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. 2014-011 § 2; 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.

#### *Proposed Amended Article 17*



**OFF-STREET PARKING AND LOADING SPACES REQUIRED**

Use Classification	Off-Street Parking Spaces	Off-Street Loading Spaces Per Group Classification (See Table A)
<b><i>Residential, General</i></b>		
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
<b><u>Supportive Housing</u></b>	<b><u>Subject to parking standards for the applicable residential type in the applicable residential zone.</u></b>	
<b><u>Transitional Housing</u></b>	<b><u>Subject to parking standards for the applicable residential type in the applicable residential zone.</u></b>	
<b><i>Residential, Single-Family</i></b>		
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.	
<b><i>Residential, Two-Family</i></b>		
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	
<b><i>Residential, Mixed Use &amp; Multi-Family (3 or more units)</i></b>		
Studio or one-bedroom unit	1.5 per unit, including 1 covered; <b><u>1.25 covered space, plus 0.25 guest spaces per unit</u></b>	
Two-bedroom unit	2.25 per unit, including 2 covered, <b><u>2.00 covered space, plus 0.25 guest spaces per unit</u></b>	
Three-bedroom or larger unit	2.5 per unit, including 2 covered, <b><u>2.25 covered space, plus 0.25 guest spaces per unit</u></b>	
<b><i>SA Only</i></b>		
Two-bedroom unit (SA only)	1 covered space, plus 0.75 guest spaces, per unit (tandem may be considered)	
Two-Family Dwelling (SA only)	2, including 1 covered, per unit (tandem allowed)	
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)	
Senior Citizen (SA only)	0.6 per unit, plus 1.0 space per employee. All resident spaces to be covered.	
Guest Parking (SA only)	<del>See requirements above</del>	
<b><i>DA Only</i></b>		
DA Districts Adjacent ( <b><u>w/in ¼ mile</u></b> ) 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).	
DA Districts <b><u>NOT</u></b> Only Except Adjacent ( <b><u>more than ¼ mile</u></b> ) to BART	1.5 spaces per unit; (0.25 to 0.50 spaces/unit may be unbundled flex parking);	
Senior Citizen (DA Districts Adjacent ( <b><u>w/in ¼ mile</u></b> ) to BART)	0.4 per unit, plus 1.0 space per employee. All resident spaces to be covered.	
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	
<b><u>Guest Parking</u></b>	<b><u>See requirements above; not required for buildings with 3 or less units</u></b>	

***Proposed Amended Article 17***

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

<u>Use Classification</u>	<u>Off-Street Parking Spaces</u>	Off-Street Loading Spaces Per Group Classification (See Table A)
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
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 <del>400</del> 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	
<b>Industrial</b>		
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	

**Proposed Amended Article 17**

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.; or
- D. Shared parking that serves more than one use or site shall be encouraged in Mixed-Use zoning districts.**

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**

### *Proposed Amended Article 17*